

PATRICIA DÑA VDA. DE ALINDOGAN, COMPLAINANT, VS. ATTY. FERNANDO P. GERONA, RESPONDENT.

Administrative Case No. 221. May 21, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

After investigating this administrative complaint for malpractice against respondent attorney, the Solicitor-General filed his report recommending disciplinary action.

It appears that in Civil Case No. 381 of the court of first instance of Sorsogon entitled "Temistocles de Mesa v. Patricia Dna Vda. de Alindogan" the latter engaged the services of Atty. Fernando Gerona. De Mesa sought to recover a parcel of land sold to him under pacto de retro. The case ended in a compromise whereby Mrs. Alindogan would pay P350.00 to repurchase the lot. Accordingly, Mrs. Alindogan handed the said amount to this attorney in two instalments, the first on July 11, 1951 and the second in February 1952.

Not having received the money, De Mesa demanded it in March 1952 from Mrs. Alindogan. The latter told him the money was in the possession of Atty. Gerona. She then proceeded to Magallanes, Sorsogon where the latter resided, to urge the repurchase. Atty. Gerona promised that the money would be turned over to De Mesa. Subsequently, however, De Mesa made another demand. It turned out that respondent had spent the money when he became seriously ill and had a major operation.

He says that when Mrs. Alindogan visited him during this illness, he informed her he had been "forced to borrow her money to save my life"; that she agreed, and asked him just to sign a promissory note for the amount; and that he consequently signed the promissory note for P350.00 attached to the complaint and payable at the end of December 1954.

On March 7, 1955, Mrs. Alindogan demanded payment of the note. Respondent failed to pay. So on May 5, 1955, after having made repeated demands, she wrote to this Court the letter which gave rise to this administrative investigation.

When the Solicitor-General filed his report on February 14, 1957, the amount had not yet been duly accounted for.

In his answer to said report (April 2, 1957) respondent attorney informed this Court that the amount of P350.00 had already been delivered to Temistocles de Mesa, whose affidavit is now of record as Annex A to the answer. In this affidavit, De Mesa admits having received P350.00, and adds "hence, I have already lost my right over the land subject of Civil Case No. 331."

Required to comment on the aforesaid pleading, complainant kept her peace. Respondent's statements may, therefore, be accepted concerning payment and redemption of the land. The result is that, except for the delay, the purpose for which the client had handed the money to her lawyer has at last been accomplished.

Hence, we find no need for disciplinary action. Nevertheless, respondent is admonished to be scrupulously careful in the handling of money entrusted to him in his professional capacity. The integrity of the members of the Bar should be kept high.

Paras, C.J., Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ., concur.

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