

CIRILO AND CLARITA BALIGASA, COMPLAINANTS, VS. ATTY. HIMINIANO D. SILVA, RESPONDENT.

Adm. Case No. 961. June 28, 1973

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ccddf3a10103/>

MAKASIAR, J.:

This Court received on September 15, 1970 a letter dated May 18, 1970 purportedly signed and sworn to by spouses Cirilo Baligasa and Clarita Baligasa of Banilad, Dumaguete City, charging the respondent Atty. Himiniano D. Silva with deceiving them into signing a deed of sale of their two parcels of land in favor of Alejandra Baligasa, on the misrepresentation that they were merely signing as witnesses.

Respondent filed on November 11, 1970 his answer denying the allegations of the letter-complaint, after which the case was referred to the Solicitor General for investigation, report and recommendation.

On March 6, 1972, complainant Cirilo Baligasa died at the age of 87 (Annex A).

In a letter dated November 4, 1972, complainant Clarita F. Vda. de Baligasa requested the Solicitor investigator that the administrative case against respondent be dismissed because she and her late husband never filed any administrative complaint against respondent nor had they authorized any person to do so in their behalf, expressing the suspicion that the said administrative case was filed by one Atty. Elpidio Unte, former lawyer of her late husband, and an alleged enemy of the respondent, and that they were utilized as a tool by Atty. Unte.

In a letter dated December 8, 1972 and received on December 13, 1972 by the Office of the Solicitor General, complainant Clarita F. Baligasa reiterated her request to drop this administrative charge on the ground that she is no longer interested in testifying in this case for the reason stated in her first letter and attaching thereto her affidavit stating:

"That I am one of the alleged complainant(s) against Atty. Himiniano D. Silva in Administrative Case No. 961 which was filed by Atty. Elpidio Unte against said Atty. Silva;

"That the complaint is alleged to be made by me and my late husband, Cirilo Baligasa, but to the best of my knowledge and recollection, we have not filed nor caused to be filed any complaint against Atty. Himiniano D. Silva and the signature, if any, on said complaint has been secured fraudulently from us as we do not even know about the said alleged complaint;

"That my husband, Cirilo Baligasa is now dead and in respect to his memory and injustice to Atty. Silva, we hereby inform the Honorable Investigator that we have no(t) made said complaint and whatever complaint may have been filed in our names we are withdrawing the same as we have no cause against Atty. Silva and request that this administrative case be dismissed."

Accordingly, the Solicitor General in his report, recommended the dismissal of this disbarment case.

Pursuant to Our resolution, the City Fiscal of Dumaguete City certified that complainant Clarita F. Baligasa acknowledged the truth of the contents of her aforesaid letter and affidavit requesting that this case be dropped as

well as the genuineness of her signature thereto.

FINDING THE RECOMMENDATION MERITORIOUS, THIS DISBARMENT CASE AGAINST RESPONDENT ATTY. HIMINIANO D. SILVA IS HEREBY DISMISSED.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.