

PABLITO IBAÑEZ, CRISTETA SISCAR, AND ANGELINA DE LARA BELLEZA, COMPLAINANTS, VS. ATTY. GUILLERMO R. VIÑA, RESPONDENT.*Adm. Case No. 1648. September 26, 1981*

Ponente: FERNANDO, C. J.

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An appeal to the "highest form of ethics"[1] by complainants Pablito Ibañez, Cristeta Siscar and Angelina de Lara Belleza is the basis for this administrative charge against respondent Guillermo R. Viña. He is accused of betrayal of trust, malpractice, and conduct unbecoming of a lawyer. In the language thereof: "Since the time that Atty. Viña became our counsel way back in 1968 up to the present, he has not provided us copies of pleadings filed in the lower court and in the appellate court. We had to acquire the said pleadings directly from the trial court and the appellate court, and on September 1, 1974 said counsel asked for and received from us the amount of P600.00 * * * although our agreement is he would bear all expenses of our litigation. We could sense a betrayal of trust on the part of our counsel when on the night of March 31, 1976, we went to his house at 139 F. Manalo St., San Juan, Rizal, in order to ask from him the status of the case in the Court of Appeals and to provide us with copies of the pleadings but to our surprise, he started saying bad words against us and treated us like dogs in his residence and told us to get out of his house as if he were not our counsel and therefore a trustee of the litigation that we have against the respondent. By his actuations in the past of not providing us pleadings in the aforesaid cases, not explaining to us the status of the cases which culminated in his saying bad words to us on the night of March 31, 1976, we can no longer trust Atty. Viña. We are of the belief that his acts as a lawyer cannot keep up with the standard required by the law in the exercise of his profession and that he has violated the rules of legal ethics by the acts as aforementioned that he did against his own client amounting to a betrayal of trust, rendering his integrity as a person and a lawyer and that he should be investigated as a member of the profession of law and the proper penalty meted out to him should he be found guilty of the charges (betrayal of trust, malpractice, conduct unbecoming of a lawyer) that we place against him."[2]

The answer of respondent characterized the complaint as without basis and with being "filed maliciously," the allegations "devoid of truth, unmeritorious and full of distorted facts and presumptions with the aim and purpose of [misleading] this Honorable Court and Tribunal."[3] He admitted being the retained counsel of complainants in an intestate estate proceeding of Jacinta Siscar Vda. de Valmores, both in the Court of First Instance of Rizal and in the Court of Appeals. He asserted that even before the time required for doing so, he filed his brief for his client "after a legal, learned and mature judicial thinking and meditation" and after researching in the library of this Court "and likewise only after reading all the legal and judicious legal and constitutional authorities herein and abroad, * * *."[4] While admitting that the information about the status of the case was sought from him especially by complainant Cristeta Siscar, he denied any allegation of rudeness on his part. His version of the incident was quite different. He admitted that on one occasion, complainant Siscar, accompanied by her daughter, Angelina de Lara Belleza, paid a visit to him to find out about the status of the case in the Court of Appeals. He

informed them it would act in due time but that not all pleadings had as yet been submitted to it. Then came this statement: "Angelina de Lara Belleza started uttering in a hostile manner, insulting words and statements against me, even in the presence of my in-laws and maids - which utterances were delivered in an angry and sarcastic moods and manners (sic) towards my professional and legal integrity as their retained counsel. Hence, as a human being - I was hurt and feel (sic) offended by said derogatory and slanderous remarks - so your honor, I told them to go home, as the night was late already and I was feeling tired and I wanted to rest and have a nice, good and quiet sleep." [5]

He ascribed the filing of the complaint of Cristeta Siscar to the fact that when she wanted him to defend another son of her, then under indictment of the crime of theft before the Municipal Court of San Juan, Rizal, he refused to do so. He was then quite "busy in [his] legal affairs in [his] law office and advised them to retain another counsel." [6] As to the amount of six hundred pesos (P600.00), he admitted receipt thereof but he pointed out that it was intended "to cover the expenses of the preparation and printing of their Briefs which [he had] already filed in the Court of Appeals, on June 18, 1976." [7] Complainants agreed "that they should shoulder the Transcript of Stenographic notes and the Briefs to be filed in Court - but as regard to [his] legal appearance in the lower court [he] was not charging them and in fact in this regard and connection - when one of the oppositors-appellees by the name of Claudia Siscar gave [him] - one time the amount of Ten (P10.00) Pesos - for [his] coffee and taxi fare - [he] politely refused to accept said money." [8] Lastly, as to the furnishing copies of pleadings, he stated in his answer that he had "done it already" and in fact [he] gave a copy of [his] Brief for oppositors-appellees to the husband of Socorro Siscar Rivera by the name of Fortunato Rivera, with an instruction to said couple to pass it around to the other oppositors-appellees including the herein Cristeta Siscar and families." [9]

This Court, on August 28, 1976, issued the following resolution: "Considering the answer of respondent himself to the letter-complaint, filed in compliance with the resolution of July 21, 1976, the Court Resolved to [refer] this case to the Solicitor General for investigation, report and recommendation." [10] After an investigation duly conducted, a Report signed by Solicitor General Estelito P. Mendoza [11] was submitted to this Court wherein it was recommended that "the complaint to disbar respondent Guillermo Viña be dismissed for lack of merit." [12] Based on the hearing conducted by the Office of the Solicitor General, the Report contained the following recital: "The testimonies of complainants Cristeta Siscar, Pablito Ibañez and Angelina de Lara Belleza were all centered on the alleged incident that transpired on March 31, 1976, at about 9:00 o'clock in the evening, in the house of respondent herein. They all declared that when they inquired about the status of their intestate case then pending with the Court of Appeals, respondent got mad and drove them out of the house. * * * In effect, they seek to establish that respondent would not want them to know anything about their case and was treating them badly for some unknown reason. During cross-examination, however, complainant Cristeta Siscar admitted that respondent required her to see him at least once a month to be informed of the progress of the case * * *; and that it was respondent who relayed to her the good news that they won the case in the trial court although it was appealed by the adverse parties to the Court of Appeals * * *. After complainants had testified, they filed a 'Manifestation to Withdraw Complaint', dated December 7, 1977. * * * It was signed by complainants themselves and their counsel from the Citizens Legal Assistance Office, Ministry of Justice * * *. Therein, complainants state, among others, that they filed the present complaint because they resented respondent's irritating and annoying conduct on March 31, 1976 when they inquired about the status of their appealed case, particularly the extent of, or how far respondent had gone in the preparation of their appellees' brief * * *; that they later came to know the justification of respondent's conduct, after the customary confrontation and conciliation meeting called upon and presided by a religious minister of the Iglesia ni Kristo where they all belong * * *; and that they learned that there was a mere misunderstanding or miscommunication, as respondent was irri-tated by the remark 'Baka kung ano na ang nangyayari diyan?', hurled by complainant Angelina Belleza, which respondent took as an affront to his honesty

and integrity, although what Belleza allegedly said was 'Baka kung ano ang mangyari diyan?', which was uttered after respondent explained the reasons on the delay in the preparation and filing of their appellees' brief. * * * In his defense, respondent presented as witness complainant Cristeta Siscar who declared under oath the veracity and truthfulness of the allegations contained in the aforementioned 'Manifestation to Withdraw Complaint' * * *. Respondent then presented himself as a witness and testified, among others, that he had won for the complainants their intestate case in the Court of Appeals per decision promulgated November 9, 1979 under CA-G.R. No. 5554142-R * * *, that on the night of March 31, 1976, he explained to complainants that he could not yet file their appellees' brief because the record of the case forwarded to the Court of Appeals was not yet complete and that he showed complainants several motions he filed in the appellate court in connection therewith and advised them not to worry, but to his surprise, complainant Belleza angrily uttered in the presence of other persons 'Baka ano na ang nangyayari diyan?', 'baka may kawalanghiyaan na', which hurt and annoyed him and so, he told them to go home * * *." [13] The Report then concluded: "In the light of the foregoing, it is respectfully submitted that complainants failed to substantiate their complaint. The fact that respondent successfully handled complainants' case in the lower court and the Court of Appeals * * * negates the charge of 'betrayal of trust and malpractice.' As to Um charge of conduct unbecoming of a lawyer, no sufficient evidence had been adduced in support thereof. On the contrary, complainants themselves admitted that respondent was justified in being annoyed by the uncalled for remark of complainant Belleza." [14]

The dismissal of the complaint is, therefore, warranted. It would appear that respondent was more sinned against than sinning. The incident, which was the basis for the disciplinary action filed arose from a misunderstanding between him and the daughter of his client, complainant Belleza. His reaction to her words which could be interpreted as a reflection on his honesty based solely on the delay in the decision of a case is quite understandable. It has been said and correctly so that a lawyer's good name in the last analysis is his most important possession. Any slur, whether expressed or implied, or as a result of the ambiguity of the words used, can cause resentment. Moreover, it was not only the words employed but the accusatory tone of complainant Belleza that wounded his sensibilities. That was all that happened in this case. Respondent Viña's conduct, therefore, cannot be said to be blameworthy.

WHEREFORE, the complaint against respondent Guillermo R. Viña is dismissed.

Barredo, Aquino, Abad Santos, and De Castro, JJ., concur.

Concepcion, Jr., J., is on sick leave.

[1] Complaint, 2.

[2] Ibid, 1.

[3] Answer, 1.

[4] Ibid, 2.

[5] Ibid, 5.

[6] Ibid.

[7] Ibid, 6.

[8] Ibid.

[9] Ibid, 6.

[10] Resolution of this Court dated August 28, 1976.

[11] He was assisted by Assistant Solicitor General Ramon A. Barcelona and Solicitor Dennis M. Taningco.

[12] Ibid, 11.

[13] Ibid, 7-11.

[14] Ibid, 11.

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