

IN RE DISBARMENT OF RODOLFO PAJO.

Administrative Case No. 2410. October 23, 1982

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

In an information dated August 10, 1976, respondents Rodolfo Pajo and Clodualdo Origenes were charged before the City Court of Davao City with falsification of public document under Article 172, Paragraph 1 of the Revised Penal Code.

After trial, the two accused were found guilty by the city court in a decision dated April 14, 1980. Clodualdo Origenes was sentenced as principal to an indeterminate penalty of four (4) months and one (1) day to three (3) years, six (6) months and twenty-one (21) days imprisonment and to pay a fine of P1,000.00 with subsidiary imprisonment in case of insolvency and costs.

Respondent Rodolfo Pajo was found guilty as an accomplice and sentenced to a prison term of four (4) months and one (1) day, to pay a fine of P500.00 with subsidiary imprisonment in case of insolvency and costs.

On appeal to the Court of Appeals, the judgment of conviction of Clodualdo Origenes was affirmed with no modification. Rodolfo Pajo was, however, found guilty as a principal and his sentence was raised to imprisonment from four (4) months and one (1) day to three (3) years, six (6) months, and twenty-one (21) days, and to pay a fine of P1,000.00 with subsidiary imprisonment in case of insolvency at the rate of P8.00 per day not exceeding 1/3 of the principal penalty and in no case to exceed one year and costs.

The decision of the Court of Appeals was promulgated on February 22, 1982. An examination of the Court of Appeals rollo in CA-G.R. No. 23933-CR indicates that Atty. Pajo received a copy of the appellate decision on March 10, 1982 (CA rollo, p. 43) and a copy of the resolution denying his motion for reconsideration on April 15, 1982. (CA rollo, p. 91).

On June 7, 1982, Atty. Rodolfo Pajo filed a petition for review on certiorari of the appellate decision finding him guilty as co-principal through conspiracy of the crime of falsification of public document.

The petition was denied by the First Division of this Court on June 14, 1982 on two grounds - First, the petition had no statement of material dates to determine the timeliness of its filing; Second, even if the material dates were given, the petition would nevertheless be denied because it had no merit. The case was also referred to the Court en banc for disbarment of Atty. Rodolfo Pajo.

On June 29, 1982, a motion for reconsideration of the June 14, 1982 resolution was received. The motion stated that the docket, legal research, and allied fees in G.R. No. 60654, the petition for review on certiorari, were all paid on June 7, 1982. There is nothing in the motion to show that the petition was filed and these fees paid before the period to appeal the decision of the Court of Appeals had lapsed except a bare statement that the fees were paid within the reglementary period. Parenthetically, the examination of the records of the Court of Appeals shows that the petition which was filed with the Supreme Court on June 7, 1982 was filed fifty-three (53) days

after the petitioner received on April 15, 1982 the resolution denying his motion for reconsideration. On the falsification charge, Atty. Pajo merely reiterated the exhibits filed during trial and passed upon by the Court of Appeals to show that he was innocent.

On the same date, June 29, 1982, the disbarment proceedings were docketed as Administrative Case No. 2410. Atty. Pajo was required to show cause why he should not be disbarred by reason of final judgment. In the meantime, he was suspended from the practice of law.

Atty. Pajo has shown no cause why he should not be disbarred by reason of final judgment.

Section 27, Rule 138 provides:

"Sec. 27. Attorneys removed or suspended by Supreme Court on what grounds. - A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice."

Rodolfo Pajo and his co-accused Clodualdo Origenes were found guilty of having conspired in the execution of a deed of sale of a parcel of land by a vendor who had been deceased for almost eight (8) years. Nestoria Origenes who was supposed to have executed the deed of sale in favor of her nephew Clodualdo Origenes died July 6, 1968. The deed was executed on February 16, 1976. Atty. Pajo prepared and notarized the falsified deed of sale.

The trial court and the Court of Appeals found on the basis of clear and convincing evidence that Atty. Rodolfo Pajo had not only grown up from birth in the vicinity of Nestoria Origenes' residence and he, therefore, knew that the supposed affiant was an impostor but he was also aware when he prepared the falsified deed that Nestoria had been dead many years and had, in fact, attended the wake and burial of the supposed vendor. These are factual findings amply supported by the records which we should not disturb. As earlier stated, the First Division of this Court denied the petition to review on certiorari the decision of the Court of Appeals.

In the respondent's Manifestation - Explanation received by this Court on September 15, 1982, the arguments given in answer to the "show cause" order on why Atty. Pajo should not be disbarred by reason of final judgment are:

- (1) The respondent is an orphan and nephew of former Executive Secretary Juan C. Pajo. He worked his way through college - both for his A.B. and LL.B. degrees- as a security guard because he was obsessed with an ambition to become a lawyer and to serve his fellow citizens. He was a student leader at the Far Eastern University.
- (2) In twelve (12) years of active law practice, he handled many cases some of which he listed in the manifestation. With such a good practice, it is impossible and improbable that the respondent would cause his own destruction. He is a victim of circumstances.
- (3) The respondent reiterated his defenses in the Court of First Instance and the Court of Appeals on why he is innocent of the charge of falsification.

In this disbarment case, we are no longer called upon to review the judgment of conviction which has now become final. The review of the conviction no longer rests upon this Court. (In re Jaranillo, 101 Phil. 323.) The crime of falsification of public document is clearly contrary to justice, honesty, and good morals and, therefore, involves moral turpitude. (De Jesus-Paras v. Vailoces, 111 Phil. 569.) The respondent's acts of taking advantage

of his office as attorney to prepare a deed of sale purportedly by one who had been eight years dead amounted to deceit, malpractice, and misconduct in office as a lawyer. (Cf. *In re Avanceña*, 21 SCRA 1012). The case comes clearly under the grounds given in Section 27 of Rule 138. Disbarment follows as a consequence of the conviction for the crime.

WHEREFORE, respondent Rodolfo Pajo is hereby disbarred from the practice of law and his name is ordered stricken off the roll of attorneys.

SO ORDERED.

Teehankee, Makasiar, Aquino, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, and Relova, JJ., concur.

Fernando, C.J., and Vasquez, J., no part.

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