

**PEDRO C. RELATIVO, PETITIONER, VS. MARIANO DE LEON,
REGINALDO MASALONGA, LUIS B. UVERO AND PEDRO S. TANDOC,
RESPONDENTS.**

Administrative Case No. 540. September 15, 1967

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

City Attorney Luis B. Uvero of Naga and Special Pro-secutor Pedro S. Tandoc filed in the Court of First Instance of Camarines Sur on June 27, 1962, Criminal Case No. 7749, for falsification of public and/or official documents, against Atty. Pedro C. Relativo and Alberto Bue-la, a personnel in Relativo's law office. Said documents, consisting of a purported Spanish possessory information title and a deed of sale dated 1923, were among those seized on July 21, 1960 by virtue of a search warrant during a raid by National Bureau of Investigation agents on the law office of Atty. Relativo. NBI regional director Mariano de Leon and agent Reynaldo Masalonga conducted said raid and seizure operations.

Relativo, alleging that the documents seized are genuine and that, consequently, the seizure and prosecution for falsification of said documents are a breach of legal ethics, filed in this Court on September 10, 1962 a petition for disbarment against City Attorney Luis B. Uvero, Special Prosecutor Pedro S. Tandoc, NBI regional director Mariano de Leon and NBI agent Reynaldo Masalonga.

Subsequently, on October 11 and 15, 1962, respondents answered the petition for disbarment, alleging that they acted in performance of their duties and that the documents in question were fake and connected with the land title racket unearthed by the NBI.

Petitioner, on the other hand, on October 13 and 14, 1962, caused to be published in the newspapers "Bicol Star" and the "Bicol Mail" statements regarding the filing and pendency of said disbarment proceedings in the Supreme Court against herein respondents, including the assertion that in fact said documents were not falsified and that, on the contrary, the criminal case against him was fabricated (See clippings, Annexes "A" and "B" to respondent Uvero's petition for contempt).

For this act of publication, respondents Tandoc and Uvero filed separate petitions for contempt against Relativo. That of Tandoc was dismissed. That of Uvero, however, was given due course, the same not being barred by the dismissal of the other petition, since the movants are different persons. After Relativo answered it, We referred the incident to this Court's Legal-Officer-Investigator, for investigation.

The Investigator, after hearing the parties thereon, submitted his report finding that the act of publication charged in the petition for contempt, was in fact done by Relativo, as was admitted by him during the investigation, and recommending that Relativo be found guilty of contempt for violating Section 10 of Rule 128 (now Rule 139), Rules of Court, and that he be ordered to pay two hundred (P200.00) pesos to be turned over to the office of the Clerk of this Court within thirty (30) days from receipt of this Court's order to pay.

Since the resolution of the issue in the petition for disbarment hinged on whether the documents seized were in fact genuine or falsified, We ordered on October 17, 1962 that the main case be stayed until the decision is rendered by the Court of First Instance in Criminal Case 7749, requiring the parties to inform the Court of said decision.

Petitioner Relativo, on August 15, 1967, pursuant to the afore-stated order, informed this Court that Criminal Case No. 7749 was dismissed on July 19, 1965, not on the merits but without trial, for failure of the prosecution to present witnesses; but that the same Court of First Instance, in a related case, Criminal Case No. 8071, *People vs. Antonio Añonuevo*, involving the same documents, rendered a decision finding that said documents were indeed falsified, although acquitting the accused therein, for lack of participation in the offense, declining to comment on the question of whether the law office of Atty. Relativo and its personnel had a hand therein, since they were not defendants therein. Said decision lauded the action of the National Bureau of Investigation, finding the raid on Atty. Relativo's office to have been prompted by "highly reasonable suspicion" and commending the NBI's "praiseworthy zeal and devotion to duty" in the circumstances.

Such being the case, it clearly follows that the seizure of the documents, now found to be falsified documents, from the law office of Atty. Relativo, and the prosecution of Relativo and Buela for falsification thereof, cannot be deemed unethical; it was an act of performance of duty, unattended by bad faith, and, instead, properly commendable. The main petition should now therefore be dismissed.

As to the petition for contempt, Atty. Relativo having admittedly caused premature disclosure by publication of the filing and pendency of the disbarment proceedings therein, in clear violation of Section 10, Rule 128 (now 139), Ruled of Court, stating that:

"SEC. 10. Confidential. - Proceedings against attorneys shall be private and confidential except that the final order of the court shall be made public as in other cases coming before the court."

said Atty. Relativo is found guilty of contempt of this Court, and ordered to pay a fine of P50.00, within thirty (30) days from notice of this decision.

WHEREFORE, the petition for disbarment is hereby dismissed. Petitioner Relativo is hereby found guilty of contempt of Court, on the motion of respondent Uvero, and ordered to pay to this Court, thru its Clerk, the sum of fifty (P50.00) pesos, within thirty (30) days from notice hereof.

SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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