

ANGEL ALBANO, COMPLAINANT, VS. ATTY. PERPETUA COLOMA, RESPONDENT.*Adm Case No. 528. October 11, 1967*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dd543d03d8cd/>**FERNANDO, J.:**

This proceeding for disbarment was filed by complainant Angel Albano against respondent Perpetua Coloma, a member of the Philippine Bar. In a letter dated June 20, 1962 addressed to this Court, complainant alleged that during the Japanese occupation his mother, Delfina Aquino, and he retained the services of respondent as counsel for them as plaintiffs in Civil Case No. 4147 of the Court of First Instance of Ilocos Norte. After which came the accusation that after liberation and long after the courts had been reorganized, respondent failed to expedite the hearing and termination of the case, as a result of which they had themselves represented by another lawyer. This notwithstanding, it was claimed that respondent intervened in the case to collect her attorney's fees. It was then alleged that during the hearing they were surprised when respondent presented in exhibit a document showing that they as well as their co-plaintiffs in the case promised to pay her a contingent fee of 33-1/3% of whatever could be recovered whether in land or damages. A copy of such document was attached to the letter. The more serious charge was that the signature therein appearing, purportedly that of the complainant, and the writing after the name of his mother were not made by them. It was further stated that the Honorable Delfin B. Flores, then Judge of the Court of First Instance of Ilocos Norte, submitted the document in question to the National Bureau of Investigation (hereinafter referred to as NBI) together with samples of his genuine signature. A copy of the finding of the NBI was attached, the conclusion being that the questioned signature "is NOT in the hand of the person whose sample signatures were received."

Complainant stated that being a poor man, he could hardly pay for the services of a lawyer to assist him in the disbarment proceedings. He added the information that respondent Coloma "is a very influential woman in the province of Ilocos Norte" as she was then a member of the provincial board. The prayer was for the "kind and generous help regarding this matter in order that Atty. Perpetua Coloma may be made to stand before the bar of justice and disbarred from the practice of her profession as a lawyer."

In a resolution dated July 20, 1962, this Court required respondent Perpetua Coloma to answer the complaint. The answer came on September 4, 1962. There was a specific denial of the allegation that the complainant, was "a victim of injustice," respondent alleging that the same was "untrue, unfounded and imaginary." While admitting that her services were contracted by complainant and his mother and their co-plaintiffs in Civil Case No. 4147, she stated that there was a contingent fee of one-third (1/3) of whatever land and damages could be obtained for the plaintiffs. She denied that she did nothing to expedite the hearing and termination of such civil case as the record would show that she filed "more than twenty (20) papers and pleadings, went to trial for several days and with the assistance of her sister, Atty. Oliva D. Coloma, obtained a favorable judgment in the Court of First Instance for the petitioner and his co-plaintiffs and filed with the Honorable Court of Appeals a thirty-five (35) page brief, finished after careful, conscientious and exhaustive study and preparation." She attached a copy of the

favorable decision rendered by Judge Simeon Ramos of November 10, 1948;[1] the decision of the Court of Appeals promulgated on October 13, 1950, confirming the above favorable decision, which was penned by the then Justice Gutierrez David;[2] and the dismissal of a petition for certiorari to review such decision in the resolution of this Court of January 10, 1951.[3] Then came a reference to a decision by the Court of Appeals in CA-G. R. No. 10563-R, the complainant as one of the plaintiffs having appealed from an order of the lower court, sustaining her lien upon the judgment as well as "her share of one-third (1/3) of the lands adjudicated" which according to the lower court however would require that the proper action be filed. In the opinion of the Court of Appeals penned by Justice Sanchez, now a member of this Court, an evaluation of her services was made thus: "Appellee served as plaintiffs' counsel for a period of about seven years. The record shows that she was diligent in her work. That she had rendered valuable services cannot be doubted. In fact, the final decision favorable to plaintiffs is almost wholly the result of her efforts. Literally, she gambled on the success or failure of the litigation. She was a member of the Bar since 1940. Gauged by the familiar rule that an attorney shall be entitled to have reasonable compensation for his services, with a view to the importance of the subject matter of the controversy, the extent of the services rendered, and the, professional standing of the attorney, * * *, we feel, as did the trial court, that appellee is entitled to one-third of all the lands and damages recoverable by plaintiffs under the judgment of the Court below."

She likewise denied that she could have been removed for her failure to comply with her obligations as counsel as she served "faithfully, efficiently, continuously and to the best of her knowledge and capacity." Her dismissal then, according to her, "was made without cause and without, the consent of herein respondent and only on June 18, 1951, when the undersigned had already won the case for them in the Court of First Instance and in the Court of Appeals." In view of the failure of the new lawyers retained to be at times avail-able in the Court of First Instance of Ilocos Norte and as pleadings by opposing counsel mere still sent to her and out of loyalty to her former clients she continued "to render professional legal services to complainant and his mother." Then came the allegation "that after the case was won in the trial court and in the Court of Appeals, complainant and his co-plaintiffs stopped seeing the undersigned and even dis-owned their contract with her in the trial of [her] petition to record attorney's lien which was granted by the trial court and affirmed by the Court of Appeals." Copies of the decisions of the trial court and the Court of Appeals were submitted together with the answer.[4] She characterized as "false and unjust" the averment of complainant "that the latter and his mother did not sign Annex 'A' because they really signed the instrument in the presence of attesting witnesses who testified to and confirmed the signing of the same, which fact (of signing) was found and confirmed by the trial court after and affirmed by the Court of Appeals, * * *."

Then came the denial of the allegation of complainant that due to the seriousness of the charge, Judge Delfin B. Flores submitted the alleged falsified document to the NBI for examination, the truth being that it was complainant who did so. She likewise "specifically denies the authenticity and veracity of the alleged findings of the National Bureau of Investigation on Annex 'A' because the signatures therein are genuine and have been found to be so by the trial and appellate courts after hearing the testimony of the instrumental witnesses and comparing the signatures in Annex 'A' with signatures admitted to be genuine by the complainant as well as upon the affirmation of complainant's sister and as co-plaintiff in Civil Case No. 4147." She then referred to a rule which she considered well-settled in this jurisdiction that a question of whether or not a given document is genuine falls within the general knowledge and competence of a judge who may inquire into its authenticity, the testimony of instrumental witnesses sufficing, without the court being bound even by real experts. Nor could she agree that the complainant was a poor man and could hardly afford the services of a lawyer because thru her efforts, he and his co-plaintiffs were richer "by about P100,000.00 (P85,000.00 in realty and P15,000.00 in cash as damages) by winning Civil Case No. 4147 for them notwithstanding, which ingratitude had been her reward. Respondent also

denied the insinuation that she was using her influence as a board member. She stated that from 1944 to 1951, when she rendered her services for complainant, she was in private life, not having been elected to the provincial board until 1959.

She concluded by saying that "during her practice of law for more than twenty (20) years /she/ has strictly adhered to the ethics of the profession and has always been guided by the principles of justice, fairness and respect for individual rights and that as a public official, /she/ has never used her influence to corrupt public servants or ordinary citizens, and all the people of Ilocos Norte well-know that complainant has no sense of justice, no integrity to preserve, no honor to treasure and no future to build. On the other hand, the people of said province have faithfully supported /her/ in her aspirations, first as councilor and then as board member with overwhelming majorities. Said support speaks of vindication and means full faith and credit to /her/ integrity, ability and honesty." She further submitted as affirmative defenses, the cause of action being barred by (1) prior judgment and (2) by the statute of limitations. She prayed for the dismissal of the complaint against her.

The matter was referred to the Solicitor General for investigation, report and recommendation in a resolution of this Court dated September 7, 1962. On September 12, 1967, the report and recommendation of the Solicitor General was sub-mitted. He asked "that this case be dismissed." We grant such a plea.

In his report, the Solicitor General noted that in the investigation conducted on his behalf by the provincial fiscal of Ilocos Norte, "only the complainant appeared." [5] No evidence was introduced by him other than the NBI report on the alleged falsified signatures. He manifested that all his evidence could be found in the records of Civil Case No. 414, of the Court of First Instance of Ilocos Norte. [6] Respondent, on her part, according to the Solicitor General, "merely file a manifestation to the effect that the contract for attorney fees in question had already been declared genuine and authentic by the Court of First Instance of Ilocos Norte, the Court, of Appeals, and this Honorable Court, in their respective decisions, copies of which were attached to her answer; that said contract was signed by petitioner and the instrumental witnesses thereto in her presence; and that she was submitting the case on the annexes to her answer and the transcript of the trial of the proceedings on the recording of her attorney lien in Civil Case No. 4147 * * *." [7]

The facts as found by the Solicitor General in so far as the services of respondent as counsel for the complainant and his mother were concerned reveal the utmost diligence and conscientiousness on her part. What she said in her answer was sustained in all respects.

The express finding was then made by the Solicitor General that the question of the genuineness and due execution to pay respondent her attorney's fees "had already been litigated by the parties in the course of the proceedings for the recording and enforcement of the attorney's lien of respondent in Civil Case No. 4147 of the Court of First Instance of Ilocos Norte; that the plaintiffs in said case (one of whom is the complainant in this case) denied the, genuineness and due execution of said agreement Exh. 'A'; that they had full opportunity to present evidence in support of their said contention; that hearing, the trial court found said document to be genuine (pp. 43-48, rec.); and that on appeal to the Court of Appeal said court likewise found said document genuine * * *." [8]

On this point an extended excerpt from the decision of the Court of Appeals, the opinion being, penned as noted by Justice Sanchez, was quoted. Thus:

"1. Exhibit A, the written contract of professional services, shows that appellee, as plaintiffs' attorney, is entitled to one-third of all the lands and damages which may be awarded plaintiffs; otherwise, if the case is lost, then appellee is not entitled to compensation.

"That Exhibit A was duly executed is a proven fact. A witness to that document, namely, Sergio Manuel,

testified that the cross after the name of Delfina Aquino was placed by her and that the signature of Angel Albano, one of the plaintiffs, is the genuine signature of the said Angel Albano. It is true that on the witness stand Delfina Aquino denied that she placed a cross after the typewritten words 'Delfina Aquino' in Exhibit A, and that Angel Albano likewise denied his signature therein. Suffice it to say that this negative testimony will not prevail over the positive testimony of appellee and her witness aforesaid. *People vs. Bueno*, 41 Phil., 447, 452; *People vs. Ferrer*, 44 O.G., No. 1, pp. 112, 115.

"Further, appellee's evidence on this point is not limited merely to Exhibit A. The record shows that previous thereto, there was a verbal agreement regarding said attorney's fees. On this point, appellee finds corroboration in the testimony of Rosario Lagasca, a blood relation of plaintiffs, and Silvina Guillermo.

"Plaintiffs' evidence that in 1944 appellee undertook to take up the case of plaintiffs for a stipulated contingent fee of P2,000.00 does not merit serious consideration. It does not seem probable that appellee would take the case on a win-or-lose basis, i.e., for the sum of P2,000.00 in case the litigation is won and nothing in case of loss, because at that time P2,000.00 was worth only a few gantas of rice. No lawyer in his right mind would accept such a miserable fee.

"The following testimony of Felicidad Albano, one of the plaintiffs, given in an obviously unguarded moment, stripped plaintiffs naked of the pretense that there was no such contract for one, third share as fees:

'Q - Did you not authorize your brother, Angel Albano, or your mother, to give one-third (1/3) of all the properties and damages?

A - We authorized them.' Tr., p. 8, Galapon.

"The court below, therefore, is correct in declaring that, after weighing and considering the evidence of both parties, Exhibit A is genuine. (pp. 61-62, rec.)"[9]

The Solicitor General thus concluded that the finding of the Court of First Instance of Ilocos Norte and of the Court of Appeals that the questioned document "is genuine, is now *res iudicata* and bars complainant Angel Albano (one the plaintiffs in Civil Case No. 4147) from raising said question anew in these disbarment proceedings. As repeatedly held, the fundamental principle of *res iudicata* applies to all cases and proceedings in whatever form they may be (*Brillantes vs. Castro*, L-9223, June 30, 1956, 99 Phil. 497; 50 C.J.S. 31, 267), and a party can not escape the bar if a judgment against him in a new suit on the same cause of action by varying the form of his action or adopting a different method of presenting his case (*Wensel v. Surigao Consolidated Mining, Inc.*, 57 O. G. 6958; *Vda. de Padilla vs. Paterno*, G. R. No. L-8748, Dec. 26, 1961; 50 C.J.S. 98)."[10]

It was noted further that there was no oral testimony as to the alleged falsification, except the report of the NBI, lacking in persuasive force in that it failed to state the reason or basis for its conclusion. The observation of the Solicitor General here made is both pertinent and relevant: "The mere conclusion in the aforesaid NBI report that the signature of complainant Angel Albano on the document Exh. A was not written in the same hand that wrote the genuine specimens of his signature, without any reason or reasons supporting it, is, therefore, of little or no value in evidence, and consequently, it: cannot support the present charge of falsification against respondent, apart from the fact that, as already stated, it is inadmissible on the ground of estoppel by judgment." [11] On the reasonableness of the contingent fee collected by respondent, the Solicitor General adopted the same view found in the decision of the Court of Appeals, already referred to being part of respondent's answer, that such indeed was the case.

The Solicitor General could thus rightfully assert that if there was anyone guilty of bad faith in this case "it is complainant and his co-plaintiffs in Civil Case No. 4147 who, after benefiting from the valuable services of respondent in said case, tried to renege on their agreement for the payment of the latter's contingent attorney's fees

by dismissing her as their counsel after she had already won for them said case in the trial court and the Court of Appeals, and later, by attempting to impugn the authenticity and genuineness of their written agreement for the payment of attorney's fees, * * *." [12]

He was of the opinion then that even if for purposes of said case the findings in judicial cases could not be considered binding "it is safe to conclude, from a review of the evidence in said court proceedings taken together with the evidence before us in this case, that respondent may be exonerated herein." [13] With such a conclusion of the Solicitor General, this Court, to repeat, is in full agreement.

Counsel, any counsel, is worthy of his hire, is entitled to be fully recompensed for his services. With his capital consisting solely of his brains and with his skill, acquired at tremendous cost not only in money but in the expenditure of time and energy, he is entitled to the protection of any judicial tribunal against any attempt on the part of a client to escape payment of his fees. It is indeed ironic if after putting forth the best that is in him to secure justice for the party he represents, he himself would not get his due. Such an eventuality this Court is determined to avoid. It views with disapproval any and every effort of those benefited by counsel's services to deprive, him of his hard-earned honorarium. Such an attitude deserves condemnation.

There is this additional point to consider. As Cardozo aptly observed: "Reputation /in the legal profession/ is a plant of tender growth, and its bloom, once lost, is not easily restored." [14] This Court, certainly is not averse to having such a risk minimized. Where, as in this case, the good name of counsel was traduced by an accusation made in reckless disregard of the, truth, an action prompted by base ingratitude, the severest censure is called for.

Certainly, this is not to say that if a case were presented showing nonfeasance or malfeasance on the part of a lawyer, appropriate disciplinary action would not be taken. This is not such a case however. Respondent, as has been so clearly shown, was in no wise culpable; there is no occasion for the corrective power of this Court coming into play.

WHEREFORE, the charge against respondent Perpetua Coloma, member of the Philippine Bar, is hereby dismissed.

Reyes, J.B.L., Acting C.J., Dizon, Makalintal, Zaldivar, and Angeles, JJ., concur.

[1] Annex 1, Answer.

[2] Annex 2, Answer.

[3] Annex 4, Answer.

[4] Annexes 5 and 6, Answer.

[5] Report and Recommendation, p. 4.

[6] Report and Recommendation, p. 4.

[7] Report and Recommendation, p. 4.

[8] Ibid, p. 10.

[9] Albano v. Ramos, 1955 (CA-G.R. No. 10563-R).

[10] Ibid, p. 12.

[11] Ibid, pp. 14-15.

[12] Ibid, pp. 17-18.

[13] Ibid, p. 18.

[14] New York ex rel, Karlin v. Culkin (1928) 162 N.E. 487, 492.

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.