

NIEVES RILLAS VDA. DE BARRERA, COMPLAINANT, VS. CASIANO U. LAPUT, RESPONDENT.

Adm. Case No. 217. November 27, 1968

Ponente: CONCEPCION, C. J.

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CONCEPCION, C. J.:

Complainant Nieves Rillas Vda. de Barrera seeks the disbarment of respondent Casiano U. Laput, upon the ground that, being her counsel, as administratrix of the estate of her late husband, Macario Barrera, in Special Proceedings No. 2-J of the Court of First Instance of Cebu, he (Laput) had misappropriated several sums of money held by him in trust for said estate and tried to appropriate two (2) parcels of land belonging to the same, as well as threatened her, in a fit of anger, with a gun, into signing several papers, despite the fact that she is 72 years of age.

In his answer, respondent admitted his former relationship with Mrs. Barrera as attorney and client and, apart from denying the main allegations of her complaint, averred that the filing thereof was "part of a scheme to beat off" his claim for attorney's fees in said Special Proceedings No. 2-J.

The matter was, pursuant to the Rules of Court,[1] referred, for investigation, report and recommendation, to the Solicitor General, who, after appropriate proceedings, recommended the dismissal of all the charges preferred against the respondent, for insufficiency of the evidence, except as regards the alleged act of coercion on his part, for which said Officer filed the corresponding complaint alleging, inter alia:

"3. That while being such counsel for the administratrix Nieves Rillas Vda. de Barrera, and of the estate, the respondent Casiano U. Laput on January 10, 1955 presented to the complainant Nieves Rillas Vda. de Barrera at her residence at 854-D D. Jakosalem St., Cebu City, certain pleadings for the latter signature in the aforementioned administration proceedings;

"4. That the complainant administratrix Nieves Rillas Vda. de Barrera declined to sign said pleadings but requested respondent to leave the papers in order that she may first ask somebody to translate the same for her;

"5. That the respondent Casiano U. Laput instead of acceding to her (his) clients request became angry and told complainant to sign the papers, at the same time drawing his revolver from its holster and placing it on his lap with the evident purpose of intimidating the complainant, an old woman of 72 years old, into signing the papers or pleadings presented for signature;

"6. That complainant administratrix Nieves Rillas Vda. de Barrera intimidated by the threat aforementioned was compelled to sign, as in fact she did sign, said pleadings against her will; "

and praying that respondent be suspended from the practice of law for a period of one (1) year.

In his answer, respondent denied having committed the acts imputed to him in this complaint of the Solicitor General and alleged, in substance, that the papers he caused Mrs. Barrera to sign, on the occasion referred to in said pleading, was a "Notice for Rendition of Final Accounting and Partition of Estate"; that this "notice" was

legally unnecessary and useless; that he, however, caused it to be prepared in order to impress upon Mrs. Barrera the necessity of filing her final accounts in the aforementioned proceedings and closing the same, because she was reluctant to do so; that Mrs. Barrera had, also, filed against him a criminal complaint for coercion with the office of the City Fiscal of Cebu, based upon the same allegations made in her administrative complaint herein; and that, after due investigation, said criminal complaint was dismissed by the City Fiscal.

From the evidence on record, we gather that, prior to January 10, 1955, Mrs. Barrera was not inclined to cause the proceedings for the settlement of the estate of Macario Barrera to be closed; that, upon the other hand, respondent wanted to put an end to said proceedings since there was nothing else to be done therein so that he could collect his fees for services rendered to Mrs. Barrera as administratrix of said estate; that he, therefore, prepared a petition for the declaration of Mrs. Barrera as the universal heir of her deceased husband, for the delivery to her of the residue of his estate and the termination of the proceedings; that he, moreover, caused to be prepared a notice "for the rendition of the final accounting and partition" of said estate; that his purpose in preparing said petition was to induce her to virtually agree and promise to submit her final accounts by signing this notice; that respondent presented said petition and notice to Mrs. Barrera, on January 10, 1955, for her signature; that she, however, refused to do so and suggested that the papers be left with her so that she could have them read by somebody else; that, annoyed or angered by this open manifestation of distrust, respondent sought to offset her adamance by putting his revolver on his lap; and that, although he did not point the firearm at her, its display attained the intended effect of intimidating Mrs. Barrera, who, accordingly, affixed her signature on the petition and the notice aforementioned.

Improper and censurable as these acts inherently are, they become more so when we consider that they were performed by a man dealing with a woman 72 years of age. The offense in this case is compounded by the circumstance that, being a member of the Bar and an officer of the Court, the offender should have set the example as a man of peace and a champion of the Rule of Law. Worse still is the fact that the offended party is the very person whom the offender was pledged to defend and protect - his own client.

There are, of course, two (2) extenuating circumstances in favor of respondent herein, namely: (1) he evidently considered himself insulted by Mrs. Barrera and was obfuscated, because she clearly indicated her lack of confidence in him, by stating bluntly that she wanted somebody else to read the papers to her; and (2) he required her to do something really harmless. Still, it cannot be denied that his intent in placing the gun on his lap was to intimidate his client.

WHEREFORE, as recommended by the Solicitor General, respondent herein is hereby found guilty of gross misconduct in office and, accordingly, suspended from the practice of law for a period of one (1) year, beginning from the date of entry of judgment in this case.

SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Castro, Fernando, and Capistrano, JJ., concur.

[1] Section 3, Rule 139 of the Rules of Court.

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