

ENGRACIA CANTORNE, COMPLAINANT, vs. EUGENIANO DUCUSIN, RESPONDENT.

. August 09, 1932

Ponente: IMPERIAL, J.

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IMPERIAL, J.:

This disbarment proceeding was instituted at the instance of Engracia Cantorne, who originally filed her charges in the office of the City Fiscal of Manila. This officer, on November 24, 1926, forwarded to the Chief Justice of the Supreme Court the complainant's written statement alleged to be corroborated by the affidavit of Valentina Dajuela and the statement of Attorney Fernando C. Villarosa, the latter being at that time a law clerk in said office.

After the respondent attorney had filed his answer the Attorney-General, to whom the matter was referred for investigation and recommendation, conducted the required investigation and upon receiving the evidence presented by both parties finally submitted his report, dated March 21, 1932. To this the respondent filed his answer. The matter was heard in banc on July 23, 1932 and submitted thereafter for decision.

The Attorney-General after reviewing exhaustively the whole evidence of record found the following facts proven:

"(1) While he was counsel for the accused Petrona Basmayor in the criminal case filed against her by Engracia Cantorne, he made said Cantorne believe that he could act for her in fixing up her case in such a way that his client Basmayor would pay her P25 for the shawl she had lost; (2) that he frustrated the administration of justice by instructing Cantorne not to appear in the hearing of the case in which she was the complainant evidently for the purpose of having the case against his client dismissed on the ground of non-appearance of the offended party; and (3) by making the complainant believe that he was doing everything to help her in her case while he was also serving as lawyer of the accused whose interests were entirely opposed to those of the complainant, and on account of such assurances of his aid, the complainant out of gratitude spent money in entertaining him several times in her house."

There can be no doubt that the aforementioned facts constitute malpractice and that same ought to be severely condemned and the respondent corrected by disciplinary action. As the evidence clearly shows the respondent attorney not only represented both parties (complaining witness and defendant) in that criminal action, but also obstructed and tried to frustrate the administration of justice in concealing the former when said cause was called for trial and in urging that the information be dismissed for lack of evidence for the prosecution.

In re Hamilton, 24 Phil., 100, 110, this court said:

"After a very careful examination of the whole record we have regretfully reached the conclusion that the facts before us show a flagrant and willful violation on the part of defendant of his professional obligations, and a reckless disregard of the fundamental ethics of his profession."

In re Soriano, record No. 550, this court held:

"An attorney-at-law is in this jurisdiction as elsewhere, an officer of the court, with an obligation to the courts and the public no less significant than his obligation to his clients. An attempt to obstruct, pervert, or impede the administration of justice, or to evade the fair operation of the law, is a ground for suspension or disbarment.'

While the doctrine laid down in the above mentioned cases is clearly applicable to the facts under consideration, still we believe that the respondent herein deserves more severe disciplinary measure, for the evidence shows conclusively that he violated his obligations to the court and to his client and furthermore obstructed the administration of justice thus disregarding the fundamental ethics of his profession.

Therefore, Attorney Eugenio Ducusin is hereby suspended from the practice of law for a period of two (2) years and it is so ordered.¹

Avanceña, C. J., Street, Malcolm, Villamor, Ostrand, Villa-Real, Abad Santos, Hull, Vickers, and Butte, JJ., concur.

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