

SIXTO HERNANDEZ, COMPLAINANT, VS. ATTORNEY FRANCISCO VILLANUEVA, RESPONDENT.*G.R. No. 16223. February 06, 1920*

Ponente: MALCOLM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16223/>**MALCOLM, J.:**

Proceedings having for their purpose the suspension or disbarment of Francisco Villanueva, an attorney admitted to practice in the Philippine Islands, have been initiated in this Court by complaint of one Sixto Hernandez. An investigation has been held by the Attorney-General who, in a report to this Court, recommends that the first and second charges be dismissed, and that disciplinary action be taken on the third charge. The respondent has filed a written argument in his own behalf and an oral argument has been made for him by counsel.

The charges made against the professional conduct of Attorney Francisco Villanueva are grave. The first count against him relates to a simulation of a contract, and the second to his acceptance of retainers in two suits involving the same property from parties having adverse interests. We agree with the Attorney-General that these allegations have not been substantiated. The remaining charge is to the effect that the respondent Villanueva purchased from his client Florencia Anuran, a parcel of land that was the subject-matter of the litigation. Our task narrows, therefore, to ascertaining the truth relative to the last charge and to applying the law to the facts.

We find as a fact, substantiated by the evidence, likewise found by the Attorney-General, and partially admitted by the respondent, that while the case involving the property of his client, Florencia Anuran, was pending before the Supreme Court, Attorney Francisco Villanueva purchased from her in consideration of P500, and the value of his professional services, a parcel of land that was the subject-matter of the litigation which he was conducting. Is this a breach of professional ethics and does it violate any of the regulations laid down for the guidance of attorneys-at-law?

Chapter 2, title IV, book IV of the Spanish Civil Code, is entitled, "Capacity to Purchase or Sell." Article 1459 names the persons who cannot take by purchase either in person or through the mediation of another. By the last paragraph of the article, the prohibition is made to include lawyers "with respect to any property or rights involved in any litigation in which they may take part by virtue of their profession and office."

Our first inquiry, naturally, is whether this provision of the Civil Code is still in effect. It is a general rule that such municipal law of the former sovereignty as is consistent with the Constitution and laws of the United States, or the characteristics and institutions of government, continues in force until abrogated or changed by the new government. Article 1459 of the Civil Code has never been expressly repealed by any Act of the United States Congress or the Philippine Legislature. The codal provisions of the Civil Law are moreover consonant with the principles of the Common Law and the Statute Law which have been evolved for the guidance of lawyers. For instance, section 10 of the Code of Ethics of the American Bar Association, adopted by the Philippine Bar Association, provides that: "The lawyer should not purchase any interest in the subject-matter of the litigation which he is conducting." While most of the American statutes aim to prevent the purchase of a law suit as the

most odious form of champerty, there is nothing to indicate that the mischief which our statute aims to prevent is opposed to any maxim of American jurisprudence. All the reason of the case corroborates a rule so amply protective of the confidential relations, which must necessarily exist between attorney and client, and of the rights of both. The high trust and confidence which the citizen must repose in the attorney can only be attained if the attorney observes the utmost good faith toward the client. Public policy will be promoted by the observance of the Code provision.

We hold the last paragraph of division 5 of article 1459 of the Civil Code to be in full force and effect.

Counsel argues that when Attorney Villanueva purchased the interest of his client he did so in good faith, believing that the last paragraph of article 1459 of the Civil Code had been abrogated by the Common Law. While as we said in another case, a lawyer is not supposed to know all the law, he is supposed to take such reasonable precautions for his professional guidance as will not make him who is expected to uphold the law, a transgressor of its precepts. Ignorance of the law or error of judgment as to the attorneys' rights, as urged at the bar, may possibly slightly condone, but certainly cannot entirely pardon, the action of the attorney.

Counsel finally invites attention to the fact that the proceedings have been instituted not by the client, the injured party, but by a third person. This is not fatal, since the proceeding is not in the nature of a civil action to nullify the transaction, but is a charge presented in the public interest in an effort to purge the legal profession of an undesirable member. Any citizen would have sufficient interest to justify him in bringing unprofessional conduct of any character to the attention of the proper authorities. The decision of this Court in the case of *Wolfson vs. Estate of Martinez* ([1911], 20 Phil., 340) is not applicable.

In determining what action should be taken relative to the misconduct of the respondent Attorney Francisco Villanueva, we call to mind the following: Attorney Villanueva's violation of the law and of the canons of legal ethics—partly balanced by his alleged good faith his long professional career and former high standing at the bar—and the fact that this was his first transgression against the ethics of the profession. A mere reprimand would be mistaken charity; permanent disqualification would be overly stern punishment; suspension for a reasonable period is applied justice. (See *In re Calderon* [1907], 7 Phil., 427; *State vs. Nix* [1914], 135 La., 811.)

It is the order of this Court that the license to practice law heretofore issued to Francisco Villanueva be suspended for six months, to begin from this date. The costs shall be taxed in accordance with section 24 of the Code of Civil Procedure A. So ordered.

Arellano, C. J., Torres, Johnson, Araullo, and Street, JJ., concur.

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.