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years and one (1) day to eight (8) years. The fine, payable by him, remains at ₱8,000.00. Each accused-appellant shall pay one-half (½) of the costs.

SO ORDERED.

Paras, Padilla, Sarmiento, and *Regalado, JJ.*, concur.

EN BANC

[Adm. Case No. 2033. May 9, 1990]

SPOUSES CONRAD E. GEESLIN and VIRGINIA BEWLEY GEESLIN, *complainants, vs.* **ATTY. FELIPE C. NAVARRO,** *respondent.*

[Adm. Case No. 2148. May 9, 1990]

ATTY. FRANCISCO ORTIGAS, JR. and ATTY. EULOGIO R. RODRIGUEZ, *complainants, vs.* **ATTY. FELIPE C. NAVARRO,** *respondent.*

SYLLABUS

1. **LEGAL ETHICS; ATTORNEYS; LEGAL PROFESSION; IMPORTANCE OF THE DUAL ASPECT THEREOF.** — The importance of the dual aspects of the legal profession has been judiciously stated by Chief Justice Marshall of the United States Supreme Court in this wise: On one hand, the profession of an Atty. is of great importance to an individual and the prosperity of his life may depend on its exercise. The right to exercise it ought not to be lightly or capriciously taken from him. On the other hand, it is extremely desirable that the respectability of the Bar should be maintained and that its harmony with the bench should be preserved. For these objects, some controlling

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power, some discretion, ought to be exercised with great moderation and judgment, but it must be exercised.

2. ID.; ID.; DISBARMENT; PURPOSE. — In a number of cases, we have repeatedly explained and stressed that the purpose of disbarment is not meant as a punishment to deprive an attorney of a means of livelihood but is rather intended to protect the courts and the public from the misconduct of the officers of the court and to ensure the proper administration of justice by requiring that those who exercise this important function shall be competent, honorable and trustworthy men in whom courts and clients may repose confidence. Its objectives are to compel the lawyer to deal fairly and honestly with his client and to remove from the profession a person whose misconduct has proven him unfit for the duties and responsibilities belonging to the office of an attorney.

3. REMEDIAL LAW; EVIDENCE; PRESUMPTIONS; AS AN OFFICER OF THE COURT, AN ATTORNEY IS PRESUMED TO HAVE PERFORMED HIS DUTY IN ACCORDANCE WITH HIS OATH. — As a rule, an attorney enjoys the legal presumption that he is innocent of the charges until the contrary is proved, and that, as an officer of the court, he has performed his duty in accordance with his oath. Therefore, in disbarment proceedings, the burden of proof rests upon the complainant, and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.

4. LEGAL ETHICS; ATTORNEYS; LEGAL PROFESSION; LAYWER'S OATH; CONTRAVENED BY RESPONDENT IN THE CASE AT BAR. — Such acts of respondent are evidential of flouting resistance to lawful orders of constituted authority and illustrate his incorrigible despiciency for an attorney's duty to society. Verily, respondent has proven himself unworthy of the trust and confidence reposed in him by law and by this Court, through his deliberate rejection of his oath as an officer of the court.

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APPEARANCES OF COUNSEL

Quasha, Asperilla, Ancheta, Valmonte, Peña & Marcos for complainants in AC No. 2033.

Felipe C. Navarro for and in his own behalf.

RESOLUTION

***PER CURIAM*:**

We write this finale to the dispiriting charges filed by complainants Francisco Ortigas, Jr. and Eulogio R. Rodriguez in Administrative Case No. 2148[1] and by spouses E. Conrad and Virginia Bewley Geeslin in Administrative Case No. 2033,[2] seeking the disbarment of respondent Atty. Felipe C. Navarro for malpractice and gross misconduct.

In our resolution dated May 5, 1980, issued consequent to the Report and Recommendation of the Office of the Solicitor General submitted to this Court on April 21, 1980, we ordered the suspension of respondent Navarro from the practice of law during the pendency of these cases.[3]

The investigative phase was conducted by said office pursuant to our resolutions of February 14, 1975 and September 13, 1976 in G.R. Nos. L-39386 and L-39620-29, entitled "*Florentina Nuguid Vda. de Haberer vs. Court of Appeals, et al.*" With commendable thoroughness and attention to detail, two reports were submitted which, in order to vividly portray the scope and magnitude of respondent's operations and how he was able to perpetrate the anomalous transactions complained of, we quote extensively from said reports which are sustained by the evidence of record.

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[1] *Rollo*, Adm. Case No. 2148, 57.

[2] *Ibid.*, Adm. Case No. 2033, 2.

[3] *Ibid.*, Adm. Case No. 2148, 60.

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I. The antecedent facts on which Administrative Case No. 2148 is premised are reported by then Solicitor General Estelito P. Mendoza, as follows:

PREFATORY STATEMENT

This unnumbered administrative case against respondent Atty. Felipe C. Navarro (hereinafter called respondent NAVARRO, for short) originally stemmed from the letter of a certain Angelito B. Cayanan to the Honorable Supreme Court dated January 25, 1975 which reads as follows:

x x x x x x x x x

"I wish to respectfully inform your good office that I bought a few lots on installment basis from Atty. Felipe C. Navarro of Ruby Hills Subdivision as evidenced by the attached OR Nos. 0512 and 0519 and a 'Contract of Sale.'

"Atty. Navarro, some officials and representative of the said company claim that although there is a pending case No. L-39386 under Decree No. 1425 on the property being sold, the case is almost won in their favor and are just waiting for your final decision within a couple of months or even less.

"In this connection, I am respectfully writing you this letter in order to bring to your attention this transaction and to protect my rights in the event that any unfavorable circumstances may arise in the future."

xxx xxx xxx

Acting on the aforesaid letter, the Supreme Court, per Resolution dated February 14, 1975, referred the copy of Mr. Cayanan's letter to the Solicitor General for "investigation of the existence of sufficient ground to proceed with the prosecution of Atty. Felipe C. Navarro (whose address of record is No. 66 Azucena, Roxas District, Quezon City) for suspension or removal from the office of attorney and for appropriate action." The resolution reads as follows:

"L-39386 and L-39620-29 (*Florentina Nuguid Vda. de Haberer vs. Court of Appeals, et al.*). — The court NOTED the letter dated January 25, 1975 of Mr. Angelito B. Cayanan with its attachments (copy thereof has been furnished Atty. Felipe C. Navarro, counsel for respondents) and RESOLVED to instruct

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the Clerk of Court to inform him of the status of the cases at bar.

"It appearing from said letter that Atty. Felipe C. Navarro has been selling the lots in litigation herein on installment basis to the public (among them, Mr. Cayanan) as 'absolute owner by virtue of this contract of legal services in Civil Case No. 8321, *etc.* of the Court of First Instance of Rizal, Pasig' (see Ruby Hills Subdivision Contract of Sale), which lots are titled in the name of herein petitioner and not in Atty. Navarro's name and that the unwarranted claim is made on his behalf that 'the case is almost won in their favor' (see Mr. Cayanan's letter), the Court RESOLVED FURTHER to refer copy of Mr. Cayanan's said letter with its attachments to the Solicitor General under Rule 139, Sections 1, 3, 4 and 5 for investigation of the existence of sufficient ground to proceed with the prosecution of Atty. Felipe C. Navarro (whose address of record is No. 66 Azucena, Roxas District, Quezon City) for suspension or removal from the office of attorney and for appropriate action.

"Aside from Mr. Cayanan, the Solicitor General is directed to communicate in the premises with Atty. Eulogio R. Rodriguez of the law firm of Ortigas & Ortigas (with address at 10th Floor, Ortigas Bldg. Ortigas Ave., Pasig, Rizal), who under letter of June 10, 1974 on file in Administrative Case No. 1154 has offered to make available documents in their possession showing other sales made by Atty. Navarro of properties titled in the name of other persons, involving a total selling price of ₱75 million and down payments of almost ₱0.6 million."

On April 4, 1975, Assistant Solicitor General (now Justice of the Court of Appeals) Hugo E. Gutierrez, Jr. wrote Mr. Angelito B. Cayanan asking him to submit his affidavit embodying the circumstances surrounding the matters contained in his letter dated January 25, 1975, especially the second paragraph thereof. The letter was sent to Mr. Cayanan by registered mail but the same was returned unserved for the reason that the addressee had moved to another address.

On the same date, April 4, 1975, Assistant Solicitor General Gutierrez, Jr. also wrote to Atty. Eulogio R. Rodriguez requesting him for copies of the documents evidencing the sales made by respondent Navarro.

On February 13, 1976, this Honorable Court issued a Resolution in L-39386 and L-39620-29 (*Florentina Nuguid Vda. de Haberer vs.*

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Court of Appeals, et al.) referring the letter of Atty. Francisco Ortigas, Jr. dated January 13, 1976 "for investigation of the existence of sufficient grounds for the prosecution of Atty. Felipe C. Navarro for suspension or removal from office and for appropriate action" and directing "Mr. Ortigas, Jr., to furnish the Office of the Solicitor General for the purpose with a copy of said letter and all its pertinent attachments."

The aforementioned letter of Atty. Francisco Ortigas, Jr. dated January 13, 1976 reads as follows:

xxx xxx xxx

"Dear Justice Teehankee,

"This is to apprise your Office of the latest activities of Atty. Felipe C. Navarro who has previously been reported to the Supreme Court as selling properties titled in the name of this Company.

"We have just secured a new 'subdivision plan' of Atty. Navarro showing that the lots he is now selling to the public include those titled in the names of the heirs of the late Don Vicente Madrigal and this Company in Quezon City. Atty. Navarro has thus expanded his activities despite recent detention by the Military. As could be seen from the attached 'plan', Navarro claims to be the owner of that huge property (actually titled in the name of the Madrigals and this Company) bounded by Ortigas Avenue, E. delos Santos Avenue, White Plains Road and R. Rodriguez Avenue, comprising approximately of 260 hectares.

"As reported in our previous letters to the Court, Navarro claims to be the owner of some 4,000 hectares of land in the Greater Manila Area in virtue of his handling the case of some squatters on a 1.2-hectare lot in Mandaluyong, Rizal owned by Doña Florentina Nuguid *Vda. de* Haberer. He contends that whereas his squatters-clients occupy only about a hectare, he has become, in virtue of his contract of legal services' with them, the owner of thousands of hectares of land as these are allegedly covered by void titles. Navarro thus started to openly sell these properties.

"Navarro's Ruby Hills and Bluehills Subdivisions, for instance, cover properties already with buildings and other

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improvements. He has nevertheless been quite successful in selling portions thereof, as when he sold lots within the De la Salle College, Wack-Wack Golf & Country Club, ABM Sison Hospital, *etc.* His *modus operandi* is described in this Company's letter complaint dated April 8, 1974 to Gen. Prospero Olivas, copy of which is attached hereto for ready reference.

"Navarro continues to defy the authorities, for only after a brief lull, he is now again openly selling titled properties of other persons. We have provided more than sufficient documentary evidence to the Court and the Solicitor General and we hope that formal administrative charges can now be filed against Navarro to prevent him from further perpetrating a large-scale fraud upon the public."

xxx xxx xxx

Thereafter, hearings were conducted on various dates.

COMPLAINANTS' EVIDENCE

The evidence for the complainants consist mainly of documents, most of which were presented in Criminal Cases Nos. 3158 and 3159 of the Court of First Instance of Rizal and in the various civil cases before the said court involving Florentina Nuguid *Vda. de* Haberer. Complainants' sole witness, Reynaldo Morallos, merely identified the various documentary exhibits presented by the complainants.

From the evidence adduced by the complainants, it appears that a certain Florentina Nuguid *Vda. de* Haberer (hereinafter called HABERER, for short) filed in the Court of First Instance of Rizal twenty-two (22) cases for recovery of possession of her 1.2 hectare property in Mandaluyong, Rizal titled in her name, and to eject the twenty-two (22) families squatting thereat. Eleven (11) of these cases were raffled to Judge Emilio Salas, while the other eleven (11) cases were assigned to Judge Pedro Navarro. All the twenty-two (22) defendants-squatters were represented by respondent NAVARRO. On behalf of his clients, respondent NAVARRO interposed as principal defense, the alleged nullity of the HABERER'S title, claiming that the mother title from which it emanated actually originated from Decree No. 1425 issued in G.L.R.O. Record No. 917, which he claims to be non-existent.

The two sets of cases were decided differently. In the first set of eleven (11) cases, Judge Salas rendered decision on August 31, 1970 sustaining the validity of the HABERER'S title and ordering

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the eviction of the defendants-squatters clients of respondent NAVARRO (Exhibit W). In finding for the plaintiff, Judge Salas stated as follows:

> "After due consideration of the evidence adduced by both parties ties, this Court finds that most of the documentary evidence submitted by defendants are irrelevant to the case since they pertain to defendants claim of ownership over 10,000 hectares of land when the area of the property subject matter of the complaint is only 12,700 square meters. This Court also believes that the above-mentioned claims of defendants are untenable.
>
> "Plaintiffs ownership over the property in question is evidenced by the issuance in her name, since 1929, of Transfer Certificate of Title No. 15043. It is a settled rule in this jurisdiction that a certificate of title serves as evidence of an indefeasible title to the property in favor of the person whose name appears therein. After the expiration of the one-year period from the issuance of the decree of registration upon which it is based, it becomes incontrovertible (see case of *Pamintuan vs. San Agustin*, 43 Phil. 558; *Reyes & Nadres vs. Borbon & Director of Lands*, 50 Phil. 791; *Manuel Sy Juco, et al. vs. Luis Francisco*, 53 O.G., p. 2186, April 15, 1957; *Brizuela, et al. vs. Ciriaco Vda. de Vargas*, 53 O.G., p. 2822, May 15, 1957).
>
> "Defendants' claim that they became owners of the land in question by adverse possession is without merit considering that title to land becomes non-prescriptible. Sec. 42 of Act No. 496 provides that no title to registered land in derogation to that of the, registered owner shall be acquired by prescription or adverse possession (*Corporacion de Pp. Agustines vs. Crisostomo*, 42 Phil. 427). A title once registered cannot be defeated even by adverse, open and notorious possession. Registered title under the Torrens System cannot be defeated by prescription. The title, once registered, is notice to the World. All persons must take notice. No one can plead ignorance of registration (*Legarda vs. Saleeby*, 3 Phil. 590, 595).
>
> "Further, defendants recognized plaintiff's ownership over the property in question when they filed a petition with the People's Homesite & Housing Corporation wherein they sought the latter's intervention for the acquisition of the property and for the subdividing thereof into small lots to be sold to them

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at nominal cost. In said petition defendants not only named the plaintiff as the owner of the property in question but they also indicated therein her title to the land as Transfer Certificate of Title No. 15043 of the Register of Deeds of Pasig, Rizal. We quote hereunder the pertinent facts and data concerning the property in question in defendants' petition submitted to the General Manager of the People's Homesite & Housing Corporation, as follows:

x x x x x x x x x

1) Location of land: Barrio Burol, Mandaluyong, Rizal
2) Name of registered owner: Florentina Nuguid *Vda. de* Haberer
3) Address of owner: 1288 Burgos St., Paco, Manila, or c/o Bausa, Ampil, & Suarez Law Offices, Madrigal Bldg., Manila
4) Certificate of Title No. (attach photostatic copy): 15043
5) Area of land, Lot & Block & Survey Nos. 12,700 square meters' (Exh. G).

"As regards defendants' claim that Transfer Certificate of Title No. 15043 issued since 1929 in the name of plaintiff is null and void, this Court is of the opinion that defendants cannot assail the validity of said title in this proceeding, which is for recovery of possession. Any attack on the decree of registration of title must be direct and not by collateral proceeding. The title which may be issued in pursuance of said decree cannot be changed, altered, modified, enlarged or diminished in a collateral proceeding (*Legarda, et al. vs. Saleeby*, 31 Phil. 590). In the case of *Director of Lands vs. Gan Tan*, G.R. No. L-2664, May 30, 1951, our Supreme Court, in reversing the decision of the trial court where the registered owner was considered disqualified to acquire land under the Constitution and consequently was denied the right to constitute his title, said: 'That the disqualification raised by the Court is untenable in the light of the theory that a Torrens title cannot be collateraly attacked. That issue can only be raised in an action instituted expressly for that purpose.' (See also *Ramon Chua Yu Sun vs. The Hon. Ceferino de los Santos, et al.*, G.R. No. 4347, November 23, 1951; *James (sic)*, G.R. No. L-4013, Dec. 29, 1951; *Samonte, et al. vs. Descallar, et al.*, No. L-12964, Feb. 29, 1960).

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"In view of the above-mentioned ruling of the Supreme Court, it is our opinion that there is no need to discuss the merits of the reasons claimed by defendants why Transfer Certificate of Title No. 15043 in the name of plaintiff is null and void. (Exh. W, Decision in Civil Cases Nos. 8322, 8323, 8327, 8370, 8375, 8374, 8382, 8691, 8693, 8696 & 8699, at pages 6-7; 9-10)."

In the second set of eleven (11) cases, Judge Pedro Navarro decided in favor of the defendants-squatters clients of respondent NAVARRO. In his decision dated May 26, 1971, dismissing the complaints, Judge Navarro stated as follows:

"Plaintiff claims to be the registered owner of a parcel of land containing an area of 12,000 square meters situated at the corner of A. Luna, Harapin Ang Bukas and J.C. Zulueta Streets, Mandaluyong, Rizal, which is covered by, and more particularly described in, Transfer Certificate of Title No. 15043 of the Register of Deeds of Rizal and indicated in the sketch plan attached to the complaint as Annex A.

xxx xxx xxx

"It likewise appears that ejectment proceedings have been filed in the Municipal Court of Pasig, Rizal, and in the City Court of Quezon City against several persons occupying other parcels by Ortigas and Company, Limited Partnership, where decisions have been rendered in favor of said Partnership. In order to forestall executions of these decisions defendants in said ejectment cases filed class suit before this Court by the occupants of the land which was heard and tried before Branch XV in which the Director of Lands was impleaded as a party-defendant. The decision of Branch XV in said class suit is made part of the evidence of these defendants in the herein eleven cases for whatever the same may be worth as aid in the determination of the merits of the issues raised herein.

"As may be gleaned from said decision of Branch XV plaintiff therein assailed the validity of Decree No. 1425 as null and void and or fictitious and the proceedings in GLRO Rec. No. 917 upon which the decree was based as also null and void. The Court sustained the herein plaintiff's claim and rendered judgment declaring (1) the proceedings in GLRO Rec. No. 917 null and void; (2) the Decree No. 1425 null and void; (3) all

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original certificates of title issued by virtue of and pursuant to the judgment in GLRO Rec. No. 917 and Decree No. 1425 utter nullities; (4) all transfer certificates of title derived from the original certificates of title declared void under No. 3 above, particularly but not exclusively, Transfer Certificate of Title Nos. 77652 and 77653 of the Register of Deeds of Quezon City and 126575 and its derivative Transfer Certificate of Title No. 135879 of the Register of Deeds of Rizal, null and void; (5) that the rightful owners of the litigated lands covered by Transfer Certificates of Title Nos. 77652, 77653,126575 (or 135879) are the herein plaintiffs x x x and so forth.

"The Court has read copy of this decision of our Branch XV and observed findings of facts too ponderous to be ignored.

"That case before Branch XV directly assails the nullity of the proceedings leading to the proceedings in GLRO Record No. 917 and, as an inevitable corollary, the nullity of Decree No. 1425 issue by virtue of such void proceedings as well as the original certificates of title issued as consequence thereof.

"In said proceeding before Branch XV the Court, among other things, found that while the decision in GLRO 917 was supposedly rendered on April 25, 1905, the survey of the property subject matter of therein application was not made until June 16 to August 16, 1906, or some one year after the decision. It found no proof of initial hearing of the application for registration being published as required by law without which the Land Registration Court could not have acquired jurisdiction over the case. Said decision also made inference that since the survey of the property was not made until a year after the rendition of the judgment the technical descriptions appearing in the original certificates of title issued under GLRO Rec. No. 917 Decree No. 1425, could not have been those appearing in the notice of initial hearing, if any. Publication of accurate technical description being an essential jurisdictional requirement which cannot be dispensed with and non-compliance with this requirement renders the proceedings and the decision and decree and titles issued arising therefrom null and void.

"The same decision of Branch XV also made its findings that James Ross who was said to have penned the decision in GLRO Rec. No. 917, never was a judge of the Court of Land Registration at the time the decision was supposedly rendered

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because the Gaceta Official for the year 1905 does not show that James Ross was listed as Judge of the Land Registration Court or that he was ever appointed in that capacity. Furthermore, the Court found that while J.C. Welson was the Clerk of Court on April 26, 1905, one A.K. Jones issued the decree and he signed it as Clerk of Court. The Court even found the supposed decision in that proceedings missing and made its conclusion that since the decree which was supposedly issued by a person who was not the Clerk of Court at the time and which decree did not contain the description of the property ordered in the decision to be rendered because the survey of the property was only made some one year later and that said decree cannot now even be found, the decision rendered therein is void for lack of jurisdiction.

"Now, as we have said, the foregoing findings of facts are too ponderous to be ignored. It is indeed a truism that a void original certificate of title cannot be the source of a valid transfer certificate of title and a void judgment is, in the eyes of the law, inexistent and cannot give source to any legal right.

"The evidence now shows that the plaintiffs in said Civil Case No. 7-M (10339) before Branch XV of this Court are also the defendants in the herein eleven cases in which their properties are also involved. Since the case before Branch XV directly assails the nullity of the proceedings by virtue of which Decree No. 1425 and the alleged title of the plaintiff over the parcels of land occupied by the herein eleven defendants is a derivative from such decree, it is the considered opinion of this Court that until and unless the decision of Branch XV of this Court is reversed or set aside by final judgment, plaintiffs prayer to order the herein eleven defendants in these eleven cases to vacate the parcels which they occupy and on which their respective houses are built has become premature. It goes without saying that if said decision of Branch XV will be finally affirmed, or that the same becomes final and executory, all the claims of rights to ownership and possession of properties embraced in the decision in GLRO Rec. No. 917 and Decree No. 1425 shall become absolute nullities. Possessions by actual occupants of all these properties had better be maintained until after final decision in Civil Case No. 7-M(10339) shall have been rendered. (Exh. R, Decision in Civil Cases Nos. 8320, 8321, 8326, 8369, 8379, 8383, 8385, 8386, 8387 and 8700, at pp. 2, 5-9)."

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On June 21, 1971, Judge Navarro, acting on the motion filed by respondent NAVARRO, issued an order cancelling HABERER's title over her property in question and directing the issuance of a new title in lieu thereof in favor of respondent's clients. Thus —

> "WHEREFORE, premises considered, judgment is hereby rendered dismissing the complaints in the above-entitled cases (Nos. 8320, 8321, 8326, 8329, 8376, 8379, 8383, 8386, 8685, 8687 and 8700) all with costs against the plaintiff and hereby ordering the Register of Deeds of Rizal to cancel Transfer Certificate of Title No. 15043 of the Register of Deeds of Rizal issued in favor of the plaintiff Florentina Nuguid *Vda. de* Haberer and in view thereof issue new certificates of title in favor of the defendants subject to the lien for attorney's fees in favor of Attorney Felipe Navarro in accordance with the terms of the "Kasunduan Hinggil sa Serbisyo ng Abogado" which is quoted in his *ex-parte* motion for clarification and/or modification of the decision.
>
> "As so modified the decision stands in all other respects.
>
> "SO ORDERED."
>
> (Exhibit S, pp. 4-5).

On July 23, 1971, HABERER filed a motion for reconsideration of the aforesaid order, and on September 15, 1972, Judge Navarro issued the following order:

> "In the order dated July 17, 1971, the Court had occasion to reiterate that its decision in this case was mainly predicated on the decision of Branch XV of this Court that the certificate of title emanating from the proceedings in GLRO Record No. 917 were null and void and plaintiff's title happened to be one of them. The Court opined that until said decision is reversed the actual occupants had better be maintained in their possessions of the land.
>
> "Pursuant to the same order the motion for reconsideration and new trial was set only for reception of alleged newly discovered evidence.
>
> "The Court now understands that the decision of Branch XV is now under review by order of our Appellate Court.
>
> "It has also come to the understanding of the Court that the order of June 21, 1971, sought to be reconsidered insofar as

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it ordered the cancellation of Transfer Certificate of Title No. 15043 in favor of the plaintiff, also adversely affects the interests of other persons and entities like the Ortigas and Company, Limited Partnership, which is not a party herein, because the certificate of title of the plaintiff is also a derivative of GLRO 917 and Decree No. 1425 from which Ortigas & Company, Limited Partnership, derives titles over wide tracts of land. Since Ortigas & Company, Limited Partnership, is not a party in this case whatever orders or decisions are made in this case cannot be made to affect the said company. Decisions and orders can only affect parties to the case.

"The Court therefore arrives at the conclusion that the order dated June 21, 1971, must be reconsidered on two grounds (1) because the decision of Branch XV is now being the subject of further proceedings and (2) because it has the effect of adversely affecting the interest of Ortigas & Company, Limited Partnership, which is not even a party herein.

"WHEREFORE, as prayed, the order dated June 21, 1971, is set aside. However, the decision dated May 26, 1971, insofar as it denies the ejectment of the present occupants of the land as stated in the decision stands.

"SO ORDERED."

(Exhibit T, at pp. 2-3).

HABERER appealed from the decision of Judge Navarro while the defendants-clients of respondent NAVARRO appealed from the decision of Judge Salas. The Navarro order of June 21, 1971 was not appealed by respondent NAVARRO's clients.

After the rendition of the Navarro decision which made reference to the decision rendered by Judge Vivencio Ruiz of the Court of First Instance of Rizal, Branch XV, respondent NAVARRO published in the Manila Times on July 4, 1971 the following:

"LEGAL NOTICE TO ALL THOSE INVOLVED:

"PURSUANT TO THE PROVISIONS OF LAW AS INTERPRETED BY OUR SUPREME COURT RESPECTING A VAST TRACT OF LAND (LATIFUNDIO) COVERING MANDALUYONG, SAN JUAN, PASIG, MARIKINA, AND QUEZON CITY, THE DECISION DATED MAY 26, 1971 REITERATING AND REPEATING THE DECLARATION AND

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ORDER THAT ALL ORIGINAL AND TRANSFER CERTIFICATES OF TITLE DERIVED FROM DECREE NO. 1425 ARE NULL AND VOID *AB INITIO* RENDERED BY THE COURT OF FIRST INSTANCE OF RIZAL IN FAVOR OF THE MYRIAD CLIENTS OF THE UNDERSIGNED HAS AUTOMATICALLY (BY MERE LAPSE OF THE REGLEMENTARY PERIOD) BECOME FINAL AND EXECUTORY.

'But to every possessor in good faith there comes a time when he is considered a possessor in bad faith. When the owner or possessor with a better right comes along, when he becomes aware that what he had taken for granted is at least doubtful, and when he learns the grounds in support of the adverse contention, good faith ceases. The possessor may still believe that his right is more secure, because we resign ourselves with difficulty to the sight of our vanishing hopes, but when the final judgment of the court deprives him of the possession, all illusion necessarily disappears.' (*Tacas vs. Robon*, 53 Phil. 356, 361-362 citing Manresa and Articles 528, 545, and 1123 of our present Civil Code).

'He who builds, plants or sows in bad faith on the land of another, loses what is built, planted or sown without right to indemnity.' (Art. 449, Civil Code).

"HOWEVER, IT IS NOT THE DESIRE OF THE UNDERSIGNED PREVAILING PARTY AND SUCCESSOR BY TITLE ACQUIRED AFTER THE ACTIONS WERE BEGUN BY VIRTUE OF HIS CONTRACT OF LEGAL SERVICES TO DEMAND FOR THE DEMOLITION OR REMOVAL OF THE IMPROVEMENTS AT THE EXPENSE OF THE POSSESSOR IN BAD FAITH FOR:

'The Civil Code confirms certain time-honored principles of the law of property. One of those is the principle of accession whereby the owner of property acquires not only that which it produces but that which it united to it either naturally or artificially. Whatever is built, planted or sown on the land of another, and the improvements or repairs made thereon, belong to the owner of the land. Where, however, the planter, builder or sower has acted in good faith, a conflict of rights arises between the owners and it becomes necessary to protect the owner of the improvements without causing injustice to the owner of the land. In view of the impracticability of creating what Manresa calls a state of 'forced co-ownership' (Vol. 3,

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4th ed., p. 213), the law has provided a just and equitable solution by giving the owner of the land the option to acquire the improvements after the payment of the proper indemnity or to oblige the builder or planter to pay for the land and the sower to pay the proper rent. It is the owner of the land who is allowed to exercise the option because his right is older and because, by the principle of accession, he is entitled to the ownership of the accessory thing.' (*Bernardo vs. Bataclan*, 66 Phil. 598, 602; see also *Filipinas Colleges, Inc. vs. Garcia Timbang, et al.*, 106 Phil. 247, 254).

"So *caveat emptor* (buyers beware) of possessors in bad faith as we are ready to ask for the execution of the decision pursuant to law and avoid a *scire facias*. Ordinary prudence requires that those involved may please make some kind of arrangements with the undersigned before execution by calling through the following telephones:

xxx xxx xxx

"BY THE WAY, YOU ARE ALL INVITED TO JOIN THE MOTORCADE OF OUR PEOPLE'S VICTORY WHICH WILL PASS THROUGH THE PRINCIPAL STREETS OF MANDALUYONG, SAN JUAN, PASIG, MARIKINA, AND QUEZON CITY FROM 9 A.M. TO 12 NOON TODAY, SUNDAY, JULY 4, 1971, THE MOTORCADE WILL BEGIN FROM NO. 61 AMADO T. REYES STREET, BARRIO BUROL, MANDALUYONG, RIZAL RETURNING TO THE SAME PLACE AT NOON FOR LUNCH CELEBRATING TILL MIDNIGHT.

(Sgd.) FELIPE C. NAVARRO
Counsel for the Defense
60 Azucena, Roxas District, Quezon City"
(Exhibit D, at pages 6-8).

Thereafter, respondent NAVARRO claimed ownership of properties originally covered by Decree 1425 including the parcels of land owned by Ortigas & Company, Limited Partnership (hereinafter called ORTIGAS, for short), and started selling them.

In view of the aforementioned publication, panic ensued among the lot buyers of ORTIGAS and among the property owners whose titles were derived from Decree No. 1425. As a counter measure to allay the fears of the panicky lot buyers and owners, ORTIGAS caused

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the publication in the Manila Times on July 19 and 17, 1971 the following:

"WARNING

"SO THE PUBLIC MAY KNOW

"In reply to numerous inquiries received by Ortigas & Company, Limited Partnership with reference to an advertisement published in the Manila Times on July 4, 1971 supposedly affecting the validity of all original certificates of title and transfer certificates of title derived from Decree No. 1425, Ortigas & Company, Limited Partnership wishes to announce that it is not a party to ANY case allegedly decided on May 26, 1971 by the Supreme Court or any other court and therefore ALL ITS TITLES DERIVED FROM DECREE NO. 1425 ARE NOT IN ANY WAY AFFECTED BY SAID DECISION.

"The public is hereby requested to be wary of any person selling lands and/or rights to lands belonging to and in the name of Ortigas & Company, Limited Partnership.

"The public is also warned to be wary of MISLEADING advertisements and/or persons basing their rights to lands of Ortigas & Company, Limited Partnership on such 'decision' of May 26, 1971 which is claimed to be 'final and executory.'

ORTIGAS & COMPANY, LIMITED PARTNERSHIP"
(Exhibit D, at pages 4-5).

After the publication of the foregoing notices, respondent NAVARRO filed with the Court of First Instance of Rizal, Branch VIII, two (2) complaints for libel against the officers of ORTIGAS and the officials of the defunct Manila Times. Respondent NAVARRO sought to recover in said cases damages allegedly sustained by him on account of his failure to consummate thousands of sales by reason of the publication of the above notice. In support of his allegation, respondent NAVARRO presented 169 deeds of sale over lots in his various subdivisions, the locations of which overlap the properties owned by ORTIGAS (marked as Exhibit F, F-1 to F-168 in the instant proceedings).

On December 13, 1971, Judge Benjamin H. Aquino dismissed these two cases for libel for lack of merit (Exhibit D).

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Apart from the documents pertaining to the HABERER cases and the libel cases, the complainants also presented documents relating to Civil Case No. 7-M(10339), Court of First Instance of Rizal, Branch XV, entitled "*Pedro del Rosario, et al. vs. Ortigas & Company, Limited Partnership, et al.*" and Civil Case No. Q-16265, Court of First Instance of Rizal, Quezon City, Branch XVI, entitled "*Ortigas & Company, Limited Partnership vs. Felipe C. Navarro.*"

In Civil Case No. 7-M (10339), the plaintiffs therein sought to enjoin ORTIGAS from ejecting them. Judge Vivencio M. Ruiz decided in favor of the plaintiffs, arguing that (1) there was no publication for the Notice of Initial Hearing set in 1905; (2) there was no survey of the property sought to be registered; (3) the judge presiding over the defunct Court of Land Registration was fake; and (4) the Clerk of Court of the said Court was also fake. The dispositive portion of the Ruiz decision reads as follows:

> "WHEREFORE, and in view of all the foregoing, the Court hereby declares and/or orders:
>
> "1. That the proceedings in G.L.R.O. Rec. No. 917 are null and void;
>
> "2. That Decree No. 1425 is null and void and/or fictitious;
>
> "3. That all the original certificates of title issued by virtue of and pursuant to the judgments in G.L.R.O. Rec. No. 917 and Decree No. 1425 were utter nullities;
>
> "4. That all transfer certificates of title derived from the original certificates of title declared void under No. (3) above, particularly but not exclusively, Transfer Certificates of Title Nos. 77652 and 77653 of the Register of Deeds of Quezon City and 126575 and its derivative Transfer Certificate of Title No. 135879 of the Register of Deeds of Rizal, were and are null and void;
>
> "5. That the rightfully (sic) owners of the litigated lands covered by Transfer Certificates of Title Nos. 77652, 77653, 126575 (or 135879) are the herein plaintiffs, the portions owned by them being as indicated in Exhibit P;
>
> "6. That the defendant Partnership cease and desist from molesting the plaintiffs in the enjoyment and peaceful possession of their respective landholdings;

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"7. That the Hon. Andres Siochi, as Presiding Judge, Municipal Court, Pasig, Rizal, and Hon. Ricardo Tensuan, as Presiding Judge, Branch II, City Court of Quezon City, and the defendant Ortigas and Company, Limited Partnership, their agents, representatives and any and all persons acting in their behalves, refrain and desist absolute (sic) and perpetually from proceeding with or taking any action on Civil Cases Nos. 1134, II-13865, II-13869, II-13877, II-13913, and II-13921 filed by the herein defendant Partnership against some of the herein plaintiffs;

"8. That the case be dismissed as against defendant Director of Lands;

"9. That the defendant Partnership pay to the plaintiffs the sum of ₱50,000.00 as and for attorney's fees;

"10. That the defendant Partnership pay to the plaintiffs the costs of the suit; and

"Defendant Partnership's counterclaim is hereby dismissed for lack of merit.

"SO ORDERED."

(Exhibit EE at pages 5-6).

ORTIGAS appealed the Ruiz decision to the Court of Appeals. On November 21, 1971, the Court of Appeals rendered a decision setting aside the decision of Judge Ruiz and ordering a new trial to enable the petitioner to introduce newly discovered evidence. The case was then remanded to the lower Court. On November 3, 1973, Judge Arsenio A. Alcantara, who took the place of Judge Ruiz who was separated from the service by the President of the Philippines, rendered a decision the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered in favor of the defendant, Ortigas & Company, Limited Partnership, as against the plaintiffs:

"1. Dismissing the amended complaint;

"2. Confirming the validity of Decree No. 1425, issued in Expediente 917 and all titles emanating therefrom;

"3. Directing each of the plaintiffs to individually pay the defendant Company:

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(a) ₱30.00 per month as rental of the premises occupied by them from the time of the filing of the complaint on October 20, 1967, with legal rate of interest, until they surrender the possession thereof to defendant Company;

(b) ₱5,000.00 as attorney's fees.

"4. Ordering plaintiff and their successors-in-interest, agents or any person or persons acting in their behalf, who are found to be in possession of defendant company's land to vacate the same and remove and demolish their improvements thereon at plaintiffs expenses;

"5. Ordering Atty. Emilio D. Castellanes to return the attorney's fees in the amount of ₱1,030.00 he prematurely collected from defendant company, with interest; and

"6. To pay the costs.

"SO ORDERED."

(Exhibit DD at pages 44-45).

The aforesaid decision was appealed. During the pendency of the approval of the record on appeal, ORTIGAS filed a motion for immediate execution of judgment. After exchange of pleadings by the parties, the trial court presided by Judge Alcantara granted the motion and ordered the issuance of a writ of execution in favor of Ortigas upon filing a bond in the amount of ₱250,000.00. Del Rosario, *et al.* filed a motion for reconsideration of the aforesaid order. Despite opposition by Ortigas, Judge Florellana Castro-Bartolome, who was appointed to Branch XV vice Judge Alcantara, granted the motion for reconsideration and set aside the order of Judge Alcantara. Ortigas contested the order of Judge Bartolome through a petition for *certiorari* and prohibition with preliminary injunction, docketed as CA-G.R. No. SP-04060.

On September 1, 1975, the Court of Appeals promulgated a decision in the aforesaid case, the dispositive portion of which reads as follows:

"WHEREFORE, the writ of *certiorari* is granted. The order of the respondent Judge dated February 25, 1975, is hereby annulled and set aside and the order of Judge Arsenio Alcantara, granting immediate execution, is hereby revived, with instructions to the respondent judge to fully implement the latter order, including the approval of the petitioner's bond and the

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issuance of the necessary writ or writs of execution. The restraining order issued at the inception of this action is hereby (sic) permanent.

"No costs.

"SO ORDERED."
(Exhibit EE at pages 50-51).

This decision was the subject of a petition for review filed by respondents Del Rosario, *et al.*, but the same was denied. So also with the motion for reconsideration filed with the Supreme Court (Annex "A" of Exhibit FF).

In order to stop respondent NAVARRO from selling its titled properties, ORTIGAS also filed Civil Case No. Q-16265, Court of First Instance of Rizal, Quezon City Branch XVI, entitled "*Ortigas & Company, Limited Partnership vs. Felipe C. Navarro.*

On December 16, 1972, Judge Sergio A.F. Apostol rendered a decision in favor of Ortigas as follows:

xxx xxx xxx

"It having been found that defendant was guilty of bad faith and fraud in claiming and selling plaintiffs land, plaintiff is entitled to attorney's fees. This court finds the amount of attorney's fees in the sum of ₱50,000.00 to be fair and reasonable considering the extent and value of the property involved and the nature of the case.

"Defendant, in his answer and motion to dismiss, alleged that as a result of the issuance of the restraining order, he suffered damages in the amount of ₱1,000,000.00 daily.

"Firstly, the same was not raised as a counterclaim. Therefore, this court can only treat it as an affirmative defense.

"Secondly, no evidence was submitted to prove this claim of damages. Under the same authorities cited in support of the denial of plaintiffs claim for damages, therefore, he has failed to establish what damages he had suffered.

"Lastly, the court has found that plaintiff is entitled to the injunction prayed for. It follows, therefore, that the issuance of the restraining order was proper and, hence, can not be the basis for a claim for damages.

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"This court cannot help but end this decision with a note of admonition and hope. The people who will ultimately suffer the most from defendant's acts in question are his buyers, who in all probability are middle class people who themselves wanted to make money out of the apparent sad predicament that defendant had brought upon the plaintiff. It is the fervent hope of this court, therefore, that with the advent of the NEW SOCIETY defendant will turn a new page and make a fresh start in life.

"WHEREFORE, judgment is hereby rendered:

"1. Upholding the validity and indefeasibility of plaintiff's Transfer Certificates of Title over the land in question;

"2. As a consequence thereof, forever enjoining and barring the defendant, his successors-in-interest, assigns, agents or any person or persons acting for or in his behalf, from selling and advertising, verbally, or in writing, the sale of the lands in question and from asserting any claim or dominion or possession whatsoever on or over the said property, directly or indirectly, adverse to the plaintiff; and

"3. Ordering the defendant to pay attorney's fees in the sum of ₱50,000.00 plus cost of suit.

"SO ORDERED."
(Exhibit II-I-a, at pages 409-411 of Exhibit II).

The afore-quoted decision was appealed to the Court of Appeals, docketed as CA-G.R. No. 53125-R.

On December 13, 1978, the Court of Appeals promulgated a decision in the aforesaid case affirming the decision of Judge Apostol.

Respondent NAVARRO elevated the case to this Honorable Tribunal (G.R. No. L-50156). Again, his petition was denied for lack of merit. His subsequent motion for reconsideration was also denied. Consequently, the issue brought forth in the sala of Judge Apostol has now been laid to rest.

EVIDENCE FOR THE RESPONDENT

Respondent NAVARRO presented both testimonial and documentary evidence. His testimonial evidence consist of his testimony and those of Atty. Eulogio R. Rodriguez, one of the complainants; and Arsenio de Guzman, Chief of Section of the Bureau

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of Lands. His documentary evidence consist of Exhibits 1 to 13, inclusive.

On direct examination, respondent NAVARRO testified that the present charges are the same as the charges in administrative Case No. 1154, entitled, "In Re: Atty. Felipe C. Navarro, respondent," which was referred to the Office of the Solicitor General for investigation. He further declared that this Honorable Court deferred action on the said administrative case until such time that G.R. Nos. L-42699-42709, the heirs of the late *Florentina Nuguid Vda. de Haberer vs. Court of Appeals, et al.* is terminated. Respondent's direct testimony dwelt only on these two matters and on the identification of his Exhibits 1 to 9.

On cross-examination, respondent NAVARRO testified that he is the counsel for the defendants in the twenty-two (22) cases before Judge Pedro Navarro and Judge Emilio Salas of the Court of First Instance of Rizal; that he became the owner of the lands not occupied by his clients by virtue of his contract of legal services signed by them (pp. 76-78, t.s.n., July 7, 1977; pp. 7-10, t.s.n., Sept. 9, 1977). Said contract for legal services, which appears on pages 224-232 of Exhibit "1", reads as follows:

> "*KASUNDUAN HINGGIL SA SERBISYO NG ABOGADO SA MGA KINAUUKULAN NA ANG MGA BAGAY NA ITO AY MALAMAN AT MAKARATING.*
>
> "*Itong kasulatan na ito ay nagpapatibay at nagbibigay-bisa hinggil sa serbisyo ni Atty. Felipe C. Navarro tungkol sa aming karapatan sa lupaing nasasakop ng diumano'y Kautusan Blg. 1425* (Decree No. 1425) *sa diumano'y Usapin Blg.* 699, 875, 917, aip. (Cases Nos. 699, 875, 917, *etc.*) *sa dating Hukuman ng Pagpapatala ng Lupain* (defunct Court of Land Registration) *na ang nasabing di-umano'y Kautusan Blg.* 1425 *na siyang pinagbatayan ng ipinapatalang gawa-gawang dalawampu't anim* (26) *ng mga* Original Certificates of Title ng Register of Deeds *ng Pasig at nagbunga ito ng maraming* Transfer Certificates of Title *na sa kasalukuyan iginigiit ng mga mayhawak ngunit yan ay 'wala namang bisa at katuturan* (Viz., *City of Manila vs. Lack*, 19 Phil. 324, 340)' *dahil sa kapaltosan ng nasabing diumano'y Kautusan Blg.* 1425 *na sa mula't sapul magpahanggang ngayon sa kasalukuyan ay iginigiit sa mga nakalagda sa ibaba ng kasunduang ito kasama na rin ang mga dati at ibang mga*

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kliyente ni Atty. Felipe C. Navarro na ngayon ay siyang nararapat maging kalahok sa animnapung usapin na sa kasalukuyang hawak ni Atty. Felipe C. Navarro (Civil Cases Nos. 8322, etc. of the Court of First Instance of Rizal, Branches I, II, and VI contesting the genuineness and due execution of Decree No. 1425 of the defunct Court of Land Registration) *upang mabigyan ang mga nakalagda sa ibaba ng mga kanikaniyang katibayan o kung sila man ay mayhawak ng titulo na sakop ng di-umano'y Kautusan Blg. 1425 ay babagohin iyan o mapapalitan ng maybisa galing sa Hukuman upang matahimik at mapayapa ang kanilang paninirahan dahilan mula't sapul ay kanila nang pinamamayanan sa buong kaalaman ng sambayanan at walang paglilihim ng kanilang mapayapang pagmamay-ari ng mga lupain na sa mula't sapul ay pinaninirahan ng mga nakalagda sa ibaba ng kasunduang ito at ng kanilang ninuno o nagpamana* (predecessors-in-interest) *na siyang mga pangyayari ay sapat na upang maigawad ang mabisang titulo sapagka't ang nasabing lupain kailanma'y di naging pambayan kungdi pribado o di kaya'y sariling pag-aari ng nakalagdang may-ari sa ibaba ng kasunduang ito, dahil sa mga nabanggit ng mga pangyayari na 'natamo sa pamamagitan ng pagbibigay-bisa ng batas di lamang ng karapatan sa pag-aangkin ng lupain kungdi maging ang karapatang ipinagkaloob sa kanila ng pamahalaan ay nagsasaad na ang aktuwal na pagkakaloob sa kanila ng pamahalaan ng titulo ay di na kinakailangan upang ang nasabing karapatan ay di kilanlin o pagtibayin ng Hukuman* (*Susi vs. Razon and Director of Lands*, 48 Phil. 242; *Director of Lands vs. Abaldonado,* CA-G.R. No. 177-R, Jan. 12, 1948, 45 Off. Gaz 2188).' *Nguni't sa dahilang mayroon huwad na titulo ang mga nag-aangkin ng mga lupain at nararapat iharap sa Hukuman ang bagay na ito upang ang Hukuman magpatibay at magbigay-bisa ng mga titulo sa mga nakalagda sa ibaba ng kasunduang ito ayon sa* Section 10 ng Rule 39 *ng* Rules of Court. '*Sapagka't ang pamumusisyon sa isang bagay ang batayang di mapagtatalunan hinggil sa kalaunan ng pagmamay-ari nito ng makalipas ang mahabang panahong takda ng batas, maging ito man ay walang karampatang titulo o mabuting hangarin ay nagpapahina at sumisira sa saklaw-bisa at halaga ng pinakamahusay na titulo na maaring nasa bagay na iyon na pinanghahawakan ng taong hindi nagmamay-ari. Bunga* nito, *ang pamumusisyon*

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ng mahigit sa tatlumpung (30) taon na tinatamasa ng isang tao bilang may-ari kahit na walang karampatang titulo o mabuting hangarin ay gumaganap ng sapat na titulo upang makuha ang pag-aari ng lupain tangan sapagka't ang lampas-bisa o ang panahong itinakda ng batas sa pamamagitan ng pamumusisyon ng mahigit na tatlumpung (30) taon ay tiyakang hadlang na maging ang pinakamahusay na titulo na kinikilala ng batas ay hindi makatitinag o makapangingibabaw (*Kincaid vs. Cabututan*, 35 Phil. 383).' *Hindi maaring sabihin o ipagmalakdan ng mga nangamkam na sa pamamagitan ng kanilang huwad na titulo ay naangkin na nila ang lupain o di kaya'y gawing batayan ang kanilang huwad na titulo upang masabing sila ay nagmamay-ari ng lupa. Hindi ito maaring maganap sapagka't ang krimen at panlilinlang hindi maaring maging batayan ng panimula ng isang tunay at mabisang titulo kahit na ipinagbili at nabili sa isang mabuti ang hangarin ng bumili ng karampatang halaga ng lupain* (*Levin vs. Bass,* 91 Phil. 419, 439). *Dahil sa itinuring ng batas na sila ay 'constructive trustees,' lamang kaya hindi maganap ang lampas-bisa* (*Gayndato vs. Treasurer of the Philippine Islands*, 49 Phil. 244-249). *Subali't dahilan sa ilang katiwalian ng katotohanan na di nabatid ng mga nakalagda sa ibaba ng kasunduang ito na di-umano'y siyang naganap na pangyayari nguni't ang tunay na katotohanan ay di naman ito naganap at naliligaw sa paniniwalang nararapat silang nagbayad ng rentas o alkila at ang ilan ay binili ang lupain gayong ang katotohanan ay sila ang nararapat at tunay na may-ari sa di-umano'y Kautusan Blg.* 1425 (Decree No. 1425) ng defunct Court of Land Registration *na nagbunga ng gawa-gawang titulo na sumasakop sa buong kalawakan ng humigit kumulang ng 4,000 hectares na sa makatuwid ay apatnapung (40) milyong metro kuwadrado ng lupaing ngayon ay matatagpuan sa buong bayan ng Mandaluyong, ang buong bayan ng San Juan sapagka't sakop ito noon ng bayan* San Felipe Neri *ayon sa* Act No. 942, a*ng bahagi ng Punta sa Maynila sapagka't sakop ito noon ng Mandaluyong na ngayon, kalahati ng bayan ng Pasig, kalahati ng bayang Mariquina, at kalahati ng Lungsod ng Quezon sapagka't pinilas lamang ito buhat sa bayan ng Mariquina, Pasig, San Juan at Mandaluyong sa pamamagitan ng* Commonwealth Act No. 502 *na pinagtibay noong Oktubre 12, 1939 at sang-ayon sa mga paglalarawan ng di-umamo'y*

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pagsusukat o survey *nagsimula sa Maytunas* creek *patungong ilog ng San Juan patungong dakong ibaba ng agos ng ilog ng San Juan hanggang sa bahaging matatagpuan ang ilog ng Pasig sa Punta, Maynila at lumilisya sa patungong itaas ng agos ng ilog Pasig na nababanggit ang sapa ng Buayang Bato sa Namayan, Mandaluyong pagkatapos ay pabalik sa ilog Pasig sa dakong pataas ng agos ng ilog hanggang sa ilog ng Mariquina at pagsunod sa dakong pataas ng agos ng ilog ng Mariquina hanggang sa sapa ng Pinagpatayang Buaya at lumalakdaw hanggang sa pinagmulan ng sapa ng Diliman na umaagos ng pababa patungong ilog ng San Juan at pabalik sa sapa ng Maytunas na ang nasabing baybay-sukat o survey sa abot makakaya ng sinumang may sapat ng kakayahang agrimensor* (surveyor) *ay di makabuo ng ni isa man lamang maramihang-gilid na hugis o anyo* (polygon).

"*Dahilan sa mga nabanggit na pangyayari, ang mga nakalagda sa ibaba ng Kasunduang ito ay sumasang-ayon na kasunduin ang paglilingkod ni Atty. Felipe C. Navarro ng No. 66 Azucena, Roxas District, Quezon City upang gumawa ng karampatang hakbang sa Hukuman ng Unang Dulungan ng Rizal pati Quezon City hanggang sa Corte Suprema kung kinakailangan at gawin ang anumang paraang isinasaisip niyang tumpak at nararapat gawin sang-ayon sa batas upang matamo ng mga nakalagda sa ibaba ng kasunduang ito ang kani-kaniyang titulo ayon sa paraang minamarapat ng batas at kaming mga nakalagda sa ibaba ng kasunduang ito ay nagkakaloob ng buong kapangyarihan kay Atty. Felipe C. Navarro na ilagay sa kanyang pangalan at kung sa kanino man niya naising ipagkaloob ang ibang bahagi ng lupain na aming minana o pinagsunda*n (predecessors-in-interest) *nguni't ipinaubaya na namin sa kay Atty. Felipe C. Navarro bilang bahagi ng buong kabayaran ng kanyang serbisyo at karapatang maangkin niya sangayon sa mga inilalahad ng kasunduang ito maliban na lamang doon sa bahagi ng lupaing nais naming mapatituluhan sa ilalim ng aming kani-kaniyang pangalan at sumasang-ayon kami sa pagbabayad ng karampatang halaga sa paglilingkod ni Atty. Felipe C. Navarro nang naayon sa isinasaad ng kasunduang ito. Na sa bawa't kilos na magaganap sa pagpapatitulo ng aming mga ari-arian, ang mamamahala sa mga gastos o kabayaran ay si Atty. Felipe C. Navarro na ang ibig sabihin na mula sa pagpapasukat* (survey) *ng mga ari-arian hanggang sa pagbibigay ng mga*

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plano ng mga sukat upang mapagtibay ito ng Kagawaran ng Lupain (Bureau of Lands), *paghahanda at pagnonotaryo ng mga `affidavit' ng pagmay-ari, pagkuha ng mga katibayan ng pagkamay-ari, bayad sa pagpasok sa husgado* (filing fees), *pagpapatala* (registration), *paggawa ng mga kasulatan (documentation), pagsalin ng mga rekord* (transcripts), *pagpapatunay* (certifications) *at iba pang mga kinakailangang bayaran at pagkagastuhan ay nasa kalayaan na ni Atty. Felipe C. Navarro na pagpasiyahan ng naa-ayon sa kaniyang sariling kagustuhan na ang nilalayon sa bandang huli at ang tunay na hangarin ay ang mapatituluhan ng ayon sa batas ang aming kani-kaniyang mga lupain sa aming kani-kaniyang pangalan nasa pamamagitan ng mga tungkuling iniatang namin kay Atty. Felipe C. Navarro sa pamamagitan ng kasunduang ito, sumasang-ayon kami at natatalian o nabibigkisang ng kasunduang ito na magbayad ng halagang Dalawampu't Limang Piso* (₱25.00) s*a bawat metro kuwadrado ng lupaing matitituluhan sa aming pangalan bilang kabayaran sa serbisyo o paglilingkod ni Atty. Felipe C. Navarro; ang halagang Sampung Piso* (₱10.00) *sa bawa't metro kuwadrado ay aming magiging paunang-bayad upang ang proyektong ito ay mapanimulan kaagad sa lalong madaling panahon at ang matitirang dapat bayarang halaga na Labing-Limang Piso* (₱15.00) *bawa't metro kuwadrado ay aming babayaran kapag naipagkaloob na ang titulo ng lupa sa amin sa kasunduang kapag buhat sa isang taon mula sa petsang ipinagkaloob ang titulo ng lupa ay hindi kami nakababayad ng buo sa halagang natitira o balanse na Labing-limang Piso* (₱15.00) s*a bawa't metro kuwadrado, ang titulo ng lupain ay mapupunta sa pangalan ni Atty. Felipe C. Navarro nguni't ang kasunduang ito na isang taong pagbibigay-palugit ni Atty. Felipe C. Navarro upang siya ay mabigyan ng kabuuang kabayaran sa kanyang mga paglilingkod sa usaping ito at sumasang-ayon si Atty. Felipe C. Navarro na kami ay pahintulutang isangla ang aming mga ari-ariang may karampatang titulo na di huwad at pinagtibay ng batas sa alinmang bangko upang ito ang magsilbing bayad sa mga paglilingkod ni Atty. Felipe C. Navarro sa usaping ito at iyon lamang ang natatanging sandali o panahong kami ay mawawalan na ng obligasyon o tungkuling bayaran ang Dalawamput Limang Piso* (₱25.00) *sa bawa't metro kuwadrado ng lupang ikinasundo namin ang serbisyo ni Atty. Felipe C.*

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Navarro upang matituluhan nang naayon sa batas. Sumasang-ayon din si Atty. Felipe C. Navarro na ang sinuman sa aming nakalagda sa ibaba ng kasunduang ito na hindi kayang magbayad ng paunang-halaga na Sampung Piso (₱10.00) *sa bawa't metro kuwadrado ay bibigyan ng karampatang magbayad ng makahalintulad na halaga sa bawa't buwan sa loob ng sampu* (10) *o dalawampung (20) taon sang-ayon sa mga hinihingi ng pangyayari, ang titulo ng lupain ay ipagkakaloob lamang sa nagnanais umangkin nito kung mababayaran na ang kabuuan ng paglilingkod ni Atty. Felipe C. Navarro kasama na ang 'legal interest' at ang amortization nito nguni't kinakailangan magbigay sila ng paunang bayad na Limangpung Piso* (₱50.00) *upang panimulan ang pagbabayad buwan-buwan* (monthly installment condition) *at magiging mabisa lamang ito kung matutupad ng buong katapatan ang pagbabayad ng hulugang buwan-buwan* (monthly installment) *na maaring magbuhat sa halagang Limang Piso* (₱5.00) *hanggang Limangpung Piso* (₱50.00) *sa bawa't buwan nang naayon sa laki o kalawakan ng lupaing nararapat na mapasa-amin ayon sa batas. Sa dahilang ang buhay ng tao ay walang katiyakang magtatagal na habang panahon ay isinasalin namin ang aming mga karapatan at tungkulin sa aming tagapagmana lamang at gayon din si Atty. Felipe C. Navarro na maaring manahin ang kanyang karapatan sa kasunduang ito sa mga tagapagmana lamang niya upang itaguyod nila ang paglilingkod sa anumang paraan ayon sa batas.*

"*SA KATUNAYAN AT KATIBAYAN NG LAHAT NG NABANGGIT NA KASUNDUAN ITO*:

ay lumalagda kami sa kasunduang ito na aming tutuparin ang lahat ng isinasaad sa kasunduang ito na sinasang-ayunan din ni Atty. Felipe C. Navarro na kanyang tuparin ang kanyang tungkulin bilang mananananggol na tutulong sa aming upang kami ay mapagkalooban ng Hukuman ng titulo sa aming kani-kaniyang lupain ng naayon sa batas at siyang isinasaad din ng kasunduang ito at kasama ng paglagda ng aming mga pangalan na siyang nais naming pangalang lumitaw sa titulo, ang aming kani-kaniyang tirahan, kalawakan ng lupain, paraang pagbabayad at petsa na kami lumagda sa kasunduang ito bilang pagpapatunay na aming taos-pusong pagsang-ayon at hangarin tumupad sa lahat ng napapaloob sa KASULATANG ITO."

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In the course of the proceedings, respondent NAVARRO admitted that he has sold, and is still selling, properties covered by Torrens titles in the names of ORTIGAS & CO., Madrigal, and others, but he claims that the titles of said parties are null and void because they emanated from Decree No. 1425; that he has no title over the properties sold by him except the contract of legal services which his clients allegedly signed; that he has no approved plans for the various subdivisions allegedly owned by him; that he has not obtained any certificate of registration or license to sell from the National Housing Authority; that he has not declared for taxation purposes the thousands of hectares of prime lands in Mandaluyong, San Juan, Pasig, Quezon City and Marikina, allegedly owned by him; and that he has not filed any case directly attacking the title of ORTIGAS and others (pp. 7-33, t.s.n., Sept. 9, 1977; Exhibit J).

Respondent NAVARRO also admits that he is the defendant in the "25-Billion-peso-case" before Judge Sergio Apostol, docketed as Civil Case No. Q-16265, entitled "*Ortigas & Company Limited Partnership vs. Felipe C. Navarro's Court of First Instance of Rizal, Branch XVI, Quezon City*; that said case covers lands in Mandaluyong, San Juan, Pasig, Marikina and Quezon City including those involved in the present case (pp. 8-21, t.s.n., July 7, 1977; Exhibits F, F-1 to F-168).

Despite the decision of Judge Apostol upholding the validity of the Ortigas Transfer Certificate of Title and enjoining respondent NAVARRO from selling lots covered by said title, NAVARRO still continued selling properties covered by the injunction claiming that the said decision is ineffectual because the same has been appealed. (pp. 33-34, t.s.n., Sept. 9, 1977).[4]

On the basis of the foregoing report, the Solicitor General filed a complaint with Francisco Ortigas, Jr. as complainant, praying that respondent Navarro be disbarred, that his name be stricken from the roll of attorneys, and that his certificate of admission to the bar be recalled.

On May 23, 1980, respondent Navarro filed his answer with prayer to lift the order of suspension.[5] Complainant Ortigas, Jr.

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[4] *Ibid.*, 4-32.

[5] *Ibid.*, 61.

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filed an opposition to said motion to lift suspension.[6] Respondent Navarro reiterated his plea in his manifestation dated August 8, 1980.[7] In a resolution dated September 2, 1980, this Court denied the motion to lift the order of suspension.[8]

On October 29, 1980, respondent Navarro filed an urgent *ex parte* motion praying for the lifting of the order of suspension[9] which was denied by this Court on November 13, 1980.[10] He reiterated his prayer in another motion filed on January 5, 1981[11] but the same was likewise denied in our resolution of January 22, 1981.[12]

II. Administrative Case No. 2033 arose from a letter-complaint, dated March 13, 1979, filed by the spouses E. Conrad and Virginia Geeslin with the Integrated Bar of the Philippines, charging respondent Navarro with deceit, malpractice and gross misconduct in office, and blatant violation of the Attorney's Oath. Said letter was thereafter referred to this Court by Integrated Bar of the Philippines President (now Chief Justice) Marcelo B. Fernan for appropriate action.[13]

Pursuant to our resolution of June 4, 1979,[14] respondent Navarro filed his answer with motion to dismiss on June 29, 1979.[15] The corresponding reply[16] and rejoinder,[17] were subsequently filed. In a resolution of this Court dated October 1, 1985, the case

[6] *Ibid.*, 122.

[7] *Ibid.*, 146.

[8] *Ibid.*, 169.

[9] *Ibid.*, 182.

[10] *Ibid.*, 187.

[11] *Ibid.*, 191.

[12] *Ibid.*, 194.

[13] *Ibid.*, Adm. Case No. 2033, I.

[14] *Ibid.*, 41.

[15] *Ibid.*, 42.

[16] *Ibid.*, 45.

[17] *Ibid.*, 53.

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was referred to the Office of the Solicitor General for investigation, report and recommendation.[18]

On August 28, 1989, the Office of the Solicitor General submitted its report, with the following findings and recommendation:

CHARGES

In their Complaint dated March 13, 1979, complainants charged respondent with deceit, malpractice and gross misconduct in office, and blatant violation of the Attorney's Oath, for having deliberately misrepresented the facts and the law while acting as counsel for the defendants in the following civil cases:

"a. His insistence that our clients are no longer owners of the land subject of the cases mentioned above; he falsely alleged that to his personal knowledge the title to the land is in the name of one Leopoldo Cojuangco. This false allegation was made despite the final decision of the Court of First Instance of Rizal, Branch XVII, in Civil Case No. Q-18221 entitled *'E. Conrad and Virginia B. Geeslin vs. Leopoldo Cojuangco, et al.'*: (1) declaring the transfer of the lot to Leopoldo Cojuangco was fraudulent and had been effected thru falsification; and, (2) ordering the cancellation of the title issued to Cojuangco and the reversion of the title to our clients. Copies of the Complaint and the Decision in said case are hereto attached as Annexes 'B' and 'C', respectively.

"b. Mr. Navarro persisted and still persists in representing that our clients' title was rendered null and void by virtue of the expiration of the Parity Amendment and the decision of the Supreme Court in the case of *Quasha vs. Republic*, 46 SCRA 160. Our clients' title to the aforesaid property was acquired by hereditary succession from the late Dr. Luther Bewley who acquired said land in 1925. The ownership therefore of our clients is protected both under the 1935 and 1972 Constitutions. Any lawyer, even a law student, knows that the Parity Amendment and the decision in the Quasha case, *supra*, covers cases where property was acquired by virtue of the Parity Amendment. Mr. Navarro is either guilty of abysmal ignorance of the law or of complete and unabashed contempt for facts, the law of the land and for the Courts.

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[18] *Ibid.*, 166.

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"c. Mr. Navarro persists in misrepresenting to the Court that the title covering the land subject of the above cases had been declared null and void in the '*final and executory*' decision of the Court of First Instance of Rizal, Branch II. He deliberately omits to give the title of the case and its docket number for the obvious and malicious reason that the case he relies upon (*Heirs of Nuguid vs. Court of Appeals*, G.R. No. 42699-42709) is still pending resolution before the Supreme Court and hence cannot be 'final and executory.'

"d. He misrepresents to the Court that the land subject of the cases heretofore enumerated is not within the territorial jurisdiction of the Quezon City Court and hence the court has no jurisdiction. Further, that title thereto having described the land to be part of the Municipality of San Juan del Monte, is void. He cannot disclaim knowledge however of the fact that the area in the vicinity of Santolan Road in Quezon City was originally part of the Municipality of San Juan del Monte territory of Quezon City when the latter was created on 14 June 1950. In the light of this fact, Mr. Navarro's representation is false and malicious.

"e. Mr. Navarro has shown a complete and total disregard for basic norms of honesty and decency in that having prejudiced the interest of his clients because of his gross neglect to appeal in a timely manner from the decision of the court and having adopted the wrong remedy, in complete ignorance of the law, he had influenced his clients into commencing a case before the Tanod Bayan against the Presiding Judge of the City Court of Quezon City, Branch I, and Hon. Minerva Genovea. The case is obviously calculated to harass and coerce the Honorable Presiding Judge. Mr. Navarro's conduct speaks ill of his respect for the law and the courts.

"f. The penchant of Mr. Navarro to misrepresent and deceive did not stop before the City Court of Quezon City. He continues to do so in the petition he filed before the Honorable Court of Appeals docketed as CA-G.R. No. S.P. 08928 entitled '*Adolfo Corpus, et al. vs. Hon. Minerva Genovea, et al.*' Copies of the Petition and the undersigned attorney's Comments thereto are hereto attached as Annexes 'D' and 'E', respectively." (pp. 2-4, Record).

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RESPONDENTS ANSWER

In his Answer dated June 29, 1979, respondent averred:

"1. From the face of the Resolution itself showing that the undersigned respondent was never furnished with a copy of the complaint, it can be gathered therefrom that the complaint is clearly intended to prevent the undersigned respondent to proceed in defending his clients' cause in CA-G.R. No. SP-08928 (*Adolfo M. Corpuz, et al. vs. Hon. Minerva C. Genovea, the Spouses Conrad E. Geeslin and Virginia Bewley Geeslin, et al.*) still pending at this writing before the Court of Appeals. To allow complainants to harass respondent while the case (is) still pending in our courts of justice is an act in contempt of court for which complainants and their counsel is (sic) liable.

"2. Undersigned respondent as counsel for the defendants Adolfo Corpuz, *et al.* gave his entire devotion to the interest of his clients, warm zeal in the maintenance and defense of their rights and the exertion of his utmost learning and ability to the end that nothing be taken or be withheld from his clients, save by the rules of law, legally applied; for his clients are entitled to the benefit of any and every remedy and defense that is authorized by law as was done by the undersigned respondent in the 'ejectment case' filed by the complainants Conrad E. Geeslin and Virginia B. Geeslin against the several clients of the undersigned." (pp. 42-43, Record)

After complainants filed a Reply dated July 17, 1979 pointing out that respondent's Answer does not deny any of the six (6) counts of charges specified in the Complaint, respondent filed a Rejoinder dated September 7, 1979, wherein he averred:

"1. The complainants alien spouses Conrad E. Geeslin and Virginia B. Geeslin who are citizens of the United States of America held TCT No 153657 which was cancelled on December 31, 1970 by TCT No. 180231 issued in the name of Leopoldo A. Cojuangco both of which TCTs are described to be located at Santolan Road, Municipality of San Juan, Province of Rizal, (now part of Metro-Manila) filed ejectment proceedings before the City Court of Quezon City against my clients Victorino Manaois and Adolfo Corpuz and twenty others in Civil Case Nos. I-29872 to I-29931 which later were elevated to the Court of Appeals in CA-G.R. No. SP-08928 entitled *Adolfo M. Corpuz,*

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et al. vs. Hon. Minerva C. Genovea, the Spouses Conrad E. Geeslin and Virginia Bewley Geeslin, et al.

"2. Undersigned respondent being retained as counsel for the defendants Victorino Manaois and Adolfo Corpuz and the twenty (20) other defendants did his bounden duty in defense of their rights and exerted his utmost learning and ability within what the law allows that at this stage, the controversy is still under litigation before the courts as stated above.

"3. Under the foregoing circumstances, the administrative action must have been resorted to by the complainants at the instigation of their counsel who failed in wanting to defeat the defendants of their God-given rights to the land in litigation that there can be no other conclusion left but that the administrative complaint against the respondent is 'pure' harassment." (pp. 53-54, Record)

FINDINGS

When the case was set for hearing by the Office of the Solicitor General, the parties agreed that there is no dispute as to the fact of the case. Hence, they were granted a period of thirty (30) days within which to file their respective memoranda, if they so desire, after which the case will be considered submitted for resolution.

Since respondent did not deny the allegations of the Complaint, and in fact admitted during the hearing of the case set by the Office of the Solicitor General that there is no dispute as to the facts of this case, it follows that the specifications of the charges against him, which are duly supported by documents, are deemed sufficiently proven.

The only justification invoked by respondent is that he "gave his entire devotion to the interest of his clients" and that he "did his bounden duty in defense of their rights and exerted his utmost learning and ability."

Consequently, respondent is deemed to have committed the misrepresentations specified by complainants, as quoted above.

RECOMMENDATION

Respondent was also charged in Administrative Case No. 2148 entitled *Ortigas vs. Navarro* and has been suspended from the practice of law since May 5, 1980. His suspension is still in effect.

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The acts complained of in the present case also warrant the suspension of respondent from the practice of law.

WHEREFORE, it is respectfully recommended that respondent Atty. Felipe C. Navarro be likewise suspended from the practice of law.

Makati, for Manila, August 17, 1989.[19]

No justiciable issue was raised in Administrative Case No. 2033 as respondent Navarro failed to deny the material allegations in the complaint of the spouses E. Conrad and Virginia B. Geeslin.

The two main issues raised by the Solicitor General in Administrative Case No. 2148 are:

1. Whether or not respondent Navarro sold properties titled in the names of other persons without the consent of the latter; and

2. If in the affirmative, whether or not such acts constitute sufficient grounds for suspension or disbarment.

Respondent reiterated in his answer that the transfer certificates of title of Ortigas & Company, Limited Partnership and Florentina Nuguid *Vda. de* Haberer were declared null and void in the decision dated March 31, 1970 of the Court of First Instance of Rizal, Branch XV, in Civil Case No. 7-M (10339) entitled "*Pedro del Rosario, et al. vs. Ortigas & Co., Ltd. Partnership, et al.*," and in the order dated June 21, 1971 of the Court of First Instance of Rizal, Branch II, in Civil Cases Nos. 8320, 8321, 8326, 8369, 8376, 8379, 8383, 8685, 8686 and 8700 entitled "*Florentina Nuguid Vda. de Haberer vs. Federico Martinez, et al.*" Respondent likewise reiterated his claim of ownership over all parcels of land (including those of Ortigas & Company, Limited Partnership and Florentina Nuguid *Vda. de* Haberer) covered by Decree No. 1425, G.L.R.O Record No. 917, which was declared null and void in the decision dated March 31, 1970 of Branch XV of the Court of First Instance of Rizal.[20] Furthermore, he asserts ownership over the subject

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[19] *Ibid.*, 168-177.

[20] *Ibid.*, Adm. Case No. 2148, 135-136.

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properties as payment for his legal services rendered in the ejectment cases filed against his clients in Branches I and II of the former Court of First Instance of Rizal.

1. To clarify, Civil Case No. 7-M (10339) filed before Branch XV of the then Court of First Instance of Rizal directly assailed the nullity of the proceedings in G.L.R.O Record No. 917 by virtue of which Decree No. 1425 was issued, as well as the original certificates of title issued as a consequence thereof. These original certificates of title include the properties belonging to Ortigas & Company, Limited Partnership and Florentina Nuguid *Vda. de* Haberer. On March 31, 1970, Judge Vivencio M. Ruiz then presiding over said Branch XV rendered a decision declaring Decree No. 1425, as well as the original certificates of title issued pursuant thereto, null and void. Ortigas appealed the Ruiz decision to the Court of Appeals which set the same aside and remanded the case to Branch XV for new trial. On November 3, 1973, Judge Arsenio A. Alcantara, who replaced Judge Ruiz, rendered a decision confirming the validity of Decree No. 1425 and all titles emanating therefrom. The said decision was pending appeal with the Court of Appeals when the investigation of respondent by the Solicitor General was conducted.

We take judicial notice of the fact that on December 29, 1983, the Court of Appeals rendered a decision affirming *in toto* the November 3, 1973 decision of Judge Alcantara, which became final and executory on May 25, 1984 insofar as plaintiffs-appellants Pascual Santos, *et al.* are concerned. The plaintiffs-appellants Pedro del Rosario, *et al.* appealed to the Supreme Court in a petition for review on *certiorari* which was, however, denied on February 18, 1985. The denial became final and executory on April 10, 1985. Thereafter, the records of the case were remanded to Branch XV of the Court of First Instance of Rizal for execution.

The records further show that the March 31, 1970 decision of Branch XV in Civil Case No. 7-M (10339) became the basis of the decision rendered by Judge Pedro Navarro of Branch II on May 21, 1971 which dismissed the complaint for ejectment filed by Haberer against the clients of respondent Navarro.

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However, Judge Navarro in his decision categorically stated that "it is the considered opinion of this court that until and unless the decision of Branch XV of this court is reversed or set aside by final judgment, plaintiffs prayer to order the herein eleven defendants in these eleven cases to vacate the parcels which they occupy and on which their respective houses are built has become premature." This condition was reiterated in Judge Navarro's order of September 15, 1972 wherein he stated that:

> In the order dated July 17, 1971, the Court had occasion to reiterate that its decision in this case was mainly predicated on the decision of Branch XV of this Court that the certificate of title emanating from the proceedings in GLRO Record No. 917 were null and void and plaintiff's title happened to be one of them. The Court opined that until said decision is reversed the actual occupants had better be maintained in their possessions of the land.[21]

However, to repeat, the March 31, 1970 decision of Branch XV was set aside by the Court of Appeals which remanded the case for new trial and another one was rendered, this time by a different judge on November 3, 1973 upholding the validity of Decree No. 1425 and all titles issued as a consequence thereof. Respondent cannot feign ignorance of the November 3, 1973 decision, which superseded the March 31, 1970 decision, for the simple reason that it was his clients who appealed the former decision to the Court of Appeals. In spite thereof and indicative of his bad faith, he stubbornly continues to invoke the decision of March 31, 1970 as the source of his alleged ownership rights over the Ortigas properties.

2. In the order of June 21, 1971, Judge Pedro Navarro of Branch II ordered the cancellation of Transfer Certificate of Title No. 15043 issued in the name of Haberer and the issuance of new titles in the name of the defendants, subject to the lien for attorney's fees in favor of respondent pursuant to the terms of the contract for his legal services. However, the same judge issued an amendatory order dated September 15, 1972, which provides in part that:

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[21] *Ibid.*, 14.

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It has also come to the understanding of the Court that the order of June 21, 1971, sought to be reconsidered insofar as it ordered the cancellation of Transfer Certificate of Title No. 15043 in favor of the plaintiff, also adversely affects the interests of other persons and entities like the Ortigas and Company, Limited Partnership, which is not a party herein, because the certificate of title of the plaintiff is also a derivative of GLRO 917 and Decree No. 1425 from which Ortigas & Company, Limited Partnership, derives titles over wide tracts of land. Since Ortigas & Company, Limited Partnership, is not a party in this case whatever orders of decisions are made in this case cannot be made to affect the said company. Decisions and orders can only affect parties to the case.

The Court therefore arrives at the conclusion that the order dated June 21, 1971, must be reconsidered on two grounds (1) because the decision of Branch XV is now being the subject of further proceedings and (2) because it has the effect of adversely affecting the interest of Ortigas & Company, Limited Partnership, which is not even a party herein.

WHEREFORE, as prayed, the order dated June 21, 1971, is *set aside.* However, the decision dated May 26, 1971, insofar as it denies the ejectment of the present occupants of the land as stated in the decision stands." (Italics supplied)[22]

It is apparent, therefore, that since the order of June 21, 1971, was set aside, the inescapable conclusion is that Transfer Certificate of Title No. 15043 stands and remains in the name of Florentina Nuguid *Vda. de* Haberer. Consequently, the defendants therein never acquired title to the property covered by the title of Haberer. And, since respondent Navarro merely derives his supposed title to the properties as a mere transferee, with more reason can he not validly become the owner of the above properties.

3. Respondent intransigently relies on his contract for legal services executed with his clients, the defendants in the Haberer case, as another basis of his claim of ownership over the entire property covered by Decree No. 1425. It must be noted that the said contract was executed pursuant to the ejectment cases

[22] *Ibid.*, 15.

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filed against respondent Navarro's clients which involve only the property covered by Transfer Certificate of Title No. 15043 containing an aggregate area of 12,700 square meters, more or less. It appears that the defendants assigned rights to respondent Navarro over properties which they did not actually occupy and which virtually extended to all the properties covered by titles issued under Decree No. 1425. As correctly observed by the Solicitor General, said defendants have not presented any document evidencing their ownership of the parcels of land they assigned to their lawyer.

From the foregoing considerations, it is incontrovertible that respondent's pretended ownership rights over the parcels of land covered by Decree No. 1425 have no bases whatsoever, either in fact or in law, and it is an assault on credulity to assume that he was not aware of the vacuity of his pretensions and misrepresentations.

In resolving this disbarment case, we must perforce initially focus on the degree of integrity and respectability required and expected of the law profession. There is no denying that membership in the legal profession is achieved only after a long and laborious study. By years of patience, zeal and ability the attorney acquires a fixed means of support for himself and his family. This is not to say, however, that the emphasis is on the pecuniary value of this profession but rather on the social prestige and intellectual standing necessarily arising from and attached to the same by reason of the fact that everyone is deemed an officer of the court.[23]

The importance of the dual aspects of the legal profession has been judiciously stated by Chief Justice Marshall of the United States Supreme Court in this wise:

> On one hand, the profession of an Atty. is of great importance to an individual and the prosperity of his life may depend on its exercise. The right to exercise it ought not to be lightly or capriciously taken from him. On the other hand, it is extremely desirable that the respectability of the Bar should be maintained and that its harmony

[23] *Noriega vs. Sison*, 125 SCRA 293 (1983).

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with the bench should be preserved. For these objects, some controlling power, some discretion, ought to be exercised with great moderation and judgment, but it must be exercised.[24]

In a number of cases, we have repeatedly explained and stressed that the purpose of disbarment is not meant as a punishment to deprive an attorney of a means of livelihood but is rather intended to protect the courts and the public from the misconduct of the officers of the court and to ensure the proper administration of justice by requiring that those who exercise this important function shall be competent, honorable and trustworthy men in whom courts and clients may repose confidence.[25] Its objectives are to compel the lawyer to deal fairly and honestly with his client and to remove from the profession a person whose misconduct has proven him unfit for the duties and responsibilities belonging to the office of an attorney.[26]

As a rule, an attorney enjoys the legal presumption that he is innocent of the charges until the contrary is proved, and that, as an officer of the court, he has performed his duty in accordance with his oath.[27] Therefore, in disbarment proceedings, the burden of proof rests upon the complainant,[28] and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.[29]

We have painstakingly scrutinized and evaluated the records of these two administrative cases and we cannot but find that strong and unassailable evidence exist to render it our irremissible duty to impose the ultimate sanction of disbarment on respondent.

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[24] *Id.*, citing *Ex Parte* Burr, 9 Wheat 529.

[25] *Diaz vs. Gerong,* 141 SCRA 46 (1986).

[26] *Daroy, et al. vs. Legaspi,* 65 SCRA 304 (1975).

[27] *Atienza vs. Evangelista,* 80 SCRA 338 (1977).

[28] *Hernandez vs. Villareal,* 107 SCRA 633 (1981).

[29] *Santos vs. Dichoso,* 84 SCRA 622 (1978).

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Respondent's defense is anchored primarily on the contract for legal services, executed by his clients whom he represented in the twenty-two ejectment cases filed before Branches I and II of the former Court of First Instance of Rizal, and quoted in full in the earlier part of this discussion.

It is extremely relevant to note that both of the aforesaid two branches of the trial court made no finding as to the validity of the claim of ownership favorable to the defendants therein. On the contrary, Judge Salas of Branch I found for the plaintiff and ordered the defendants, clients of respondent, to vacate the premises.

In the case before Judge Navarro of Branch II, the complaint was dismissed merely on the ground that "since the evidence is uncontroverted that the defendants in all these eleven cases have been in open, continuous, and adverse possession of their respective parcels dating back since their predecessors in interest, their possession must be maintained and respected."[30]

Thereafter, on June 21, 1971, the aforesaid judgment of dismissal dated May 26, 1971 was modified, and the Register of Deeds was thereafter ordered to cancel the transfer certificate of title issued in favor of plaintiff and to issue new titles in the name of defendants subject to the lien for attorney's fees in favor of herein respondent in accordance with the contract for legal services hereinbefore discussed.

Eventually, however, this subsequent order was reconsidered and set aside in the order of September 15, 1972, "because it has the effect of adversely affecting the interest of Ortigas & Co., Ltd. Partnership, which is not even a party herein," but it reinstated the decision of May 26, 1971 insofar as it denied the ejectment of the present occupants.

As earlier noted, there is nothing in the records to show that the defendants in the ejectment cases were declared the true owners of the land subject of said cases. Only the fact of possession was ruled upon, and what the courts recognized

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[30] *Ibid.*, Adm. Case No. 2148, 408.

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was merely the defendants' right of possession. They, therefore, never become the owners of the subject lots in any sense of the word in the absence of any declaration to that effect, by reason of which they could not have legally transmitted any ownership rights or interests to herein respondent. Furthermore, we have seen that any further claim of ownership on their part was finally settled by the order of September 15, 1972, setting aside the order of June 21, 1971, wherein the trial court correctly held that the earlier order unjustifiedly affected adversely the rights of Ortigas & Company, Limited Partnership. In addition, said court specifically excluded the title of said partnership from the effects of its decision.

Pursuant to the provisions of the contract of legal services, the defendants-clients agreed to convey to respondent whatever properties may be adjudicated in their favor in the event of their failure to pay the attorney's fees agreed upon. As herein before stated, there was nothing awarded to the said defendants except the right to possess for the nonce the lots they were occupying, nothing more. That respondent acquired no better right than the defendants from whom he supposedly derived his claim is further confirmed in the order of Judge Navarro, dated June 21, 1971, denying the issuance of new certificates of title to herein respondent who, to further stress the obvious, was not even a party but only a lawyer of the defendants therein. It follows that his act of selling the Ortigas properties is patently and indisputably illegal.

Respondent admits that he has no Torrens title but insists on the puerile theory that his title is his contract of legal services.[31] Considering that the effectivity of the provisions of that contract is squarely premised on the award of said properties to the therein defendants, and since there was no such adjudication, respondent's pretense is unmasked as an unmitigated deception. Furthermore, it will be recalled that the land involved in the two ejectment cases consists of only 1.2 hectares whereas respondent is claiming ownership over thousands of hectares of land, the sheer absurdity of which he could not be unaware.

[31] *Ibid.*, 257.

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Respondent further admits that he has been and is continuously selling, up to the present, the entirety of the land covered by Decree No. 1425,[32] pursuant to the decision of Branch XV of the then Court of First Instance of Rizal, dated March 31, 1970, declaring the said decree null and void as well as the titles derived therefrom.

It must nonetheless be remembered that the decision of Judge Navarro recognizing the defendants' right of possession is subject to the final outcome of the March 31, 1970 decision of Branch XV which nullified Decree No. 1425. The latter decision, at the time the decision of Judge Navarro was rendered, was pending appeal. This is precisely the reason why Judge Navarro had to amend his decision a third time by setting aside the order of registration of the land in the name of the defendants. He could not properly rule on the ownership rights of defendants therein pending a final determination of the validity of said decree, which thus prompted him to find merely on the fact of possession. Besides, a mere declaration of nullity cannot, *per se*, justify the performance of any act of ownership over lands titled in the name of other persons pursuant to said decree. To cap it all, as earlier discussed, that decision dated March 31, 1970 has been reversed and set aside, and a new one entered confirming the validity of Decree No. 1425, which latter decision has long become final and executory.

In Civil Case No. Q-16265, entitled "*Ortigas and Co., Ltd. Partnership vs. Navarro*," herein respondent was enjoined from selling, offering for sale and advertising properties of the plaintiff therein. We have seen that a decision was subsequently rendered therein on December 16, 1972 by Branch XVI of the Court of First Instance of Rizal upholding the validity of the transfer certificates of title issued in the name of Ortigas and Co., Limited Partnership which became final and executory after respondent's petition for review was denied by this Court. However, respondent continued to sell properties belonging to Ortigas in blatant disregard of said decision. This was categorically admitted by respondent

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[32] *Ibid.*, 47.

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himself during the investigation conducted by the Solicitor General.[33]

Respondent avers that the said decision cannot be enforced during the pendency of the appeal therefrom. Even if this were true, the fact that respondent was enjoined by the court from selling portions of the Ortigas properties is compelling reason enough for him to desist from continuing with his illegal transactions.

As correctly observed by the Solicitor General:

> Respondent Navarro knew that the decision of Judge Vivencio Ruiz declaring as null and void certificates of titles emanating from Decree No. 1425 was reversed and set aside. He knew that Judge Pedro Navarro of the Rizal Court of First Instance exempted Ortigas & Company from the effects of his decision. He also knew that Judge Sergio Apostol of the Rizal Court of First Instance in Quezon City had upheld the validity of the certificates of title of Ortigas & Company. Despite all these pronouncements and his awareness thereof, respondent NAVARRO still continued to sell properties titled in the name of Ortigas & Company and the Madrigals.[34]

Lastly, the motion to dismiss filed by respondent should be, as it is hereby, denied for lack of merit. Respondent inexplicably posits that the charges against him should be dismissed on the ground that his suspension was automatically lifted by virtue of our resolution, dated June 30, 1980, which merely reads:

> The manifestation of counsel for respondent stating among other things that the complaint against respondent could not prosper if respondent's manifestation dated March 3, 1980 in G.R. No. 42699-42709 and his request for certification by the Chief Justice to the effect that the petition in G.R. Nos. 42699-42709 is deemed dismissed pursuant to Sec. 11(2) of Art. X of the Constitution are granted, are NOTED.

There is absolutely nothing in the resolution to support respondent's typical distortion of facts. On the contrary, our

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[33] *Ibid.*, 262-263.

[34] *Ibid.*, 271-272.

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resolutions dated September 2, 1980, November 8, 1980, and January 22, 1981 repeatedly denied respondent's motions for the lifting of his suspension.

It further bears mention at this juncture that despite the suspension of respondent Navarro from the practice of law, he continues to do so in clear violation and open defiance of the original resolution of suspension and the aforestated resolutions reiterating and maintaining the same. Thus, the records of this Court disclose that in G.R. No. 78103, entitled "*Jose de Leon, et al. vs. Court of Appeals, et al.*," a Second Division case filed on April 25, 1987, counsel for private respondents therein questioned herein respondent Navarro's personality to intervene in the case since he was under suspension, to which respondent Navarro rejoined by insisting that his suspension had allegedly been lifted already. In G.R. No. 85973, entitled "*Hilario Abalos vs. Court of Appeals, et al.*," the petition wherein was filed on December 2, 1988 and assigned to the First Division, respondent Navarro also appeared as counsel for therein petitioner. Said petition was denied since the same was prepared, signed and verified by respondent Navarro, a suspended member of the Philippine Bar. Over his expostulation that his suspension had already been lifted, the Court directed the Bar Confidant to take appropriate action to enforce the same. Again, in G.R. No. 90873, entitled "*Matilde Cabugwang, et al. vs. Court of Appeals, et al.*," the Second Division, in a resolution dated January 31, 1990, imposed a fine of ₱1,000.00 upon said respondent for appearing therein as counsel for petitioner which fine he paid on February 5, 1990.

In at least three (3) other cases in the Second Division, respondent Navarro appeared before the Court as counsel for petitioners therein, *viz*: (1) G.R. No. 74792 (*Lorenzo Valdez, et al. vs. Intermediate Appellate Court, et al.*), filed on June 11, 1986 and decided on December 7, 1986; (2) G.R. No. 76589 (*Atty. Felipe C. Navarro, et al. vs. Court of Appeals, et al.*), filed on November 28, 1986 and decided on May 4, 1987; and (3) G.R. No. 81482 (*Ricardo Rasalan vs. Flaviano Pascua, et al.*), filed on January 30, 1988 and decided on February 15, 1988. The *rollos* in said cases show that he also appeared as

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counsel for the petitioners in the Court of Appeals, but since the lower courts' original records were not forwarded to this Court, said *rollos* do not reflect whether he also appeared before the different courts *a quo*.

Such acts of respondent are evidential of flouting resistance to lawful orders of constituted authority and illustrate his incorrigible despiciency for an attorney's duty to society. Verily, respondent has proven himself unworthy of the trust and confidence reposed in him by law and by this Court, through his deliberate rejection of his oath as an officer of the court.

WHEREFORE, respondent Felipe C. Navarro is hereby *DISBARRED* and his name is ordered *STRICKEN* from the Roll of Attorneys. Let a copy of this resolution be furnished to the Bar Confidant and the Integrated Bar of the Philippines and spread on the personal records of respondent. This resolution is immediately executory.

Narvasa, Melencio-Herrera, Cruz, Paras, Feliciano, Bidin, Sarmiento, Cortés, Griño-Aquino, Medialdea, and *Regalado, JJ.,* concur.

Fernan, C.J., No part, related to counsel for complainants.

Gutierrez, Jr., J., No part because of prior participation in the OSG.

Padilla, J., No part, in view of financial interest in Ortigas & Co. Ltd. partnership.

Gancayco, J., on leave.