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WHEREFORE, the appealed decision is hereby *REVERSED* and the appellant is *ACQUITTED* of the crime charged.

SO ORDERED.

Bellosillo (Chairman), Mendoza, Quisumbing, and *De Leon, Jr., JJ.*, concur.

SECOND DIVISION

[A.C. No. 3910. June 28, 2001]

JOSE S. DUCAT, JR., *complainant, vs.* **ATTYS. ARSENIO C. VILLALON, JR. and CRISPULO DUCUSIN,** *respondents.*

SYNOPSIS

Respondent Atty. Arsenio C. Villalon, Jr. moved to reconsider the Decision of the Supreme Court dated August 14, 2000, which found him guilty of gross misconduct and imposed upon him the penalty of suspension from the practice of law for a period of one (1) year and further directed him to deliver TCT No. M-3023 covering the property to the complainant Jose Ducat, Jr.

The Court remained convinced that respondent Atty. Villalon, Jr. was remiss in his duty to abide by his sworn oath as a member of the bar to "do no falsehood nor consent to its commission" and further violated the mandate of his profession to "uphold the integrity and dignity of the legal profession."

The Court, however, noted that this was the first and only administrative complaint against respondent Atty. Villalon in his long career as a member of the bar. At one time, he was even the President of the Integrated Bar of the Philippines (IBP)-Manila 1 Chapter, and as such he introduced various programs to uphold the confidence of the public in the integrity of the

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legal profession and to uplift the welfare of his brethren. Hence, the Court modified the penalty imposed on respondent Atty. Villalon to six (6) months' suspension from the practice of law. The Court also ordered the deletion of the directive to deliver TCT No. M-3023 to complainant Jose Ducat, Jr., the delivery thereof having been accomplished as of July 8, 1997.

SYLLABUS

1. **LEGAL ETHICS; ATTORNEYS; LAWYER'S OATH AND CODE OF PROFESSIONAL RESPONSIBILITY; VIOLATED BY RESPONDENT IN CASE AT BAR.—** We remain convinced that respondent was remiss in his duty to abide by his sworn oath as a member of the bar to "do no falsehood nor consent to its commission" and further violated the mandate of his profession to "uphold the integrity and dignity of the legal profession."

2. **ID.; ID.; ID.; ID.; PENALTIES.—** After a review of the records, we note that this is the first and only administrative complaint against respondent Atty. Villalon in his long career as a member of the bar. At one time, he was even the President of the Integrated Bar of the Philippines (IBP)-Manila 1 Chapter, and as such he introduced various programs to uphold the confidence of the public in the integrity of the legal profession and to uplift the welfare of his brethren. Furthermore, it appears that as of July 8, 1997, respondent Atty. Villalon already returned to the complainant himself the owner's duplicate of the subject TCT No. M-3023 and the complainant acknowledged receipt thereof, thus there is a need to delete the directive to deliver the said TCT from the Court's Decision. Hence, we agree to reduce the penalty imposed on respondent Atty. Villalon.

APEARANCES OF COUNSEL

Lazaro Tuazon Santos and Associates Law Offices for complainant.

Icaonapo Navarro & Associates for Atty. Villalon.

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RESOLUTION

DE LEON, JR., *J.*:

On August 14, 2000, a Decision was rendered by this Court in the above-entitled case, finding respondent Atty. Arsenio C. Villalon, Jr. guilty of gross misconduct. The dispositive portion of the Court's Decision reads:

> **WHEREFORE**, respondent ATTY. ARSENIO C. VILLALON, JR. is hereby found guilty of gross misconduct, and he is *SUSPENDED* from the practice of law for a period of ONE (1) YEAR with a warning that a repetition of the same or similar act will be dealt with more severely. Respondent Villalon is further directed to deliver to the registered owner, complainant Jose Ducat, Jr., the latter's TCT No. M-3023 covering the subject property within a period of sixty (60) days from receipt of this Decision, at his sole expense; and that failure on his part to do so will result in his disbarment.
>
> Let a copy of this Decision be attached to Atty. Villalon's personal record in the Office of the Bar Confidant and copies thereof be furnished the Integrated Bar of the Philippines.
>
> **SO ORDERED**.

From the afore-quoted Decision respondent Atty. Arsenio C. Villalon, Jr. seeks this reconsideration.

The finding of guilt for gross misconduct was based on the Report and Recommendation of the Investigating Commissioner of the Integrated Bar of the Philippines upon whom the case was referred for investigation. We again quote the said findings for emphasis:

> Complainant and his witness, Jose Ducat, Sr., testified in a straightforward, spontaneous and candid manner. The sincerity and demeanor they displayed while testifying before the Commission inspire belief as to the truth of what they are saying. More importantly, respondent failed to impute any ill motive on the part of the complainant and his witness which can impel them to institute the instant complaint and testify falsely against him. To be sure, the testimony of the complainant and his witness deserves the Commission's full faith and credence.

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Respondent's evidence, on the other hand, leaves much to be desired. His defense (that he considered himself the owner of the subject property which was allegedly given to him by Jose Ducat, Sr.) rings hollow in the face of a welter of contravening and incontrovertible facts.

FIRST, the registered owner of the subject property is complainant Jose Ducat, Jr. Accordingly, respondent (being a lawyer) knew or ought to know that Jose Ducat, Sr. could not possibly give to him the said property unless the former is duly authorized by the complainant through a Special Power of Attorney. No such authorization has been given. Moreover, Jose Ducat, Sr. has vigorously denied having given the subject property to the respondent. This denial is not too difficult to believe considering the fact that he (Jose Ducat, Sr.) is not the owner of said property.

SECOND, being a lawyer, respondent knew or ought to know that conveyance of a real property, whether gratuitously or for a consideration, must be in writing. Accordingly, it is unbelievable that he would consider himself the owner of the subject property on the basis of the verbal or oral "giving" of the property by Jose Ducat, Sr. no matter how many times the latter may have said that.

THIRD, the Deed of Sale of Parcel of Land (Exh. "1" for the respondent and Exh. "A-2" for the complainant) allegedly executed by Jose Ducat, Sr. in favor of respondent Atty. Arsenio Villalon and/or Andres Canares, Jr. covering the subject parcel of land which respondent prepared allegedly upon instruction of Jose Ducat, Sr. is of dubious character. As earlier adverted to, Jose Ducat, Sr. is not the owner of said property. Moreover, said Deed of Sale of Parcel of Land is a falsified document as admitted by the respondent himself when he said that the signature over the typewritten name Maria Cabrido (wife of Jose Ducat, Sr.) was affixed by Jose Ducat, Sr. Being a lawyer, respondent knew or ought to know that the act of Jose Ducat, Sr. in affixing his wife's signature is tantamount to a forgery. Accordingly, he should have treated the said Deed of Sale of Parcel of Land has (sic) a mere scrap of worthless paper instead of relying on the same to substantiate his claim that the subject property was given to him by Jose Ducat, Sr. Again, of note is the fact that Jose Ducat, Sr. has vigorously denied having executed said document which denial is not too difficult to believe in the light of the circumstances already mentioned.

FOURTH, the Deed of Absolute Sale of Real Property (Exh. "2" for the respondent and Exh. "A-3" for the complainant) allegedly

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executed by Jose Ducat, Jr. in favor of Andres Canares, Jr. over the subject property (which respondent claims he prepared upon instruction of Jose Ducat, Sr.) is likewise of questionable character. Complainant Jose Ducat, Jr. has vigorously denied having executed said document. He claims that he has never sold said property to Andres Canares, Jr. whom he does not know; that he has never appeared before Atty. Crispulo Ducusin to subscribe to the document; and that he has never received the amount of ₱450,000.00 representing the consideration of said transaction. More importantly, the infirmity of the said Deed of Absolute Sale of Real Property was supplied by the respondent no less when he admitted that there was no payment of ₱450,000.00 and that the same was placed in the document only to make it appear that the conveyance was for a consideration. Accordingly, and being a lawyer, respondent knew or ought to know the irregularity of his act and that he should have treated the document as another scrap of worthless paper instead of utilizing the same to substantiate his defense.[1]

We remain convinced that respondent was remiss in his duty to abide by his sworn oath as a member of the bar to "do no falsehood nor consent to its commission"[2] and further violated the mandate of his profession to "uphold the integrity and dignity of the legal profession."[3]

In the instant case, after a review of the records, we note that this is the first and only administrative complaint against respondent Atty. Villalon in his long career as a member of the bar. At one time, he was even the President of the Integrated Bar of the Philippines (IBP)-Manila 1 Chapter, and as such he introduced various programs to uphold the confidence of the public in the integrity of the legal profession and to uplift the welfare of his brethren. Furthermore, it appears that as of July 8, 1997, respondent Atty. Villalon already returned to the complainant himself the owner's duplicate of the subject TCT No. M-3023 and the complainant acknowledged receipt[4] thereof,

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[1] Records, Vol. I, Report and Recommendation, pp. 7-10.

[2] See Lawyer's Oath.

[3] Canon 7 of the Code of Professional Responsibility.

[4] Annex "A-1" of Manifestation and Urgent Motion for Reconsideration.

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thus there is a need to delete the directive to deliver the said TCT from the Court's Decision. Hence, we agree to reduce the penalty imposed on respondent Atty. Villalon.

WHEREFORE, the Court *GRANTS* the Urgent Motion for Reconsideration, and *MODIFIES* the Decision dated August 14, 2000 in that respondent Atty. Arsenio C. Villalon, Jr. is hereby *SUSPENDED* from the practice of law for a period of SIX (6) MONTHS only with a warning that a repetition of the same or similar act will be dealt with more severely. The directive in the Decision to deliver TCT No. M-3023 to complainant Jose Ducat, Jr. is *DELETED*, the delivery thereof having been accomplished as of July 8, 1997.

Let a copy of this Resolution be entered in the personal record of respondent as an attorney and as a member of the Integrated Bar, and furnished the Bar Confidant, the Integrated Bar of the Philippines and the Court Administrator for circulation to all courts in the country.

SO ORDERED.

Bellosillo (Chairman), Mendoza, Quisumbing, and *Buena, JJ.,* concur.

EN BANC

[A.C. No. 4073. June 28, 2001]

ARACELI SIPIN-NABOR, *complainant, vs.* **ATTY. BENJAMIN BATERINA *y* FIGUERAS,** *respondent.*

SYNOPSIS

In 1993, complainant and her siblings engaged the services of respondent as counsel in Civil Case No. 4195-V of the Regional