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WHEREFORE, respondent Jose Villanueva is hereby severely reprimanded.

Barredo, Antonio, Fernandez, and *Aquino, JJ.*, concur.

SECOND DIVISION

[Adm. Case No. 980. November 27, 1974]

PEDRO Q. BELTRAN, *complainant, vs.* **VICTOR T. LLAMAS, JR.,** *respondent.*

SYLLABUS

LEGAL ETHICS; ATTORNEYS; MALPRACTICE; UNFOUNDED IN CASE AT BAR.— The recommendation was for dismissing the administrative complaint. In support thereof, there was a detailed evaluation of the evidence. Solicitor General Estelito P. Mendoza considered the first charge as "unworthy of credence," considering the unsatisfactory and unsubstantial character of the evidence as to the complainant having been drunk when such deed of sale was prepared. The same conclusion, according to him, is called for as to the allegation that he did not know the nature of the document he was signing, which was proven to have been prepared not by respondent but by Maximo Mendiguarin. Moreover, no effort whatsoever was made by complainant to annul the deed of sale. Instead, he himself utilized such document for the issuance of an owner's duplicate Certificate of Title. Finally, complainant did repurchase the property sold to Fe Mataban and Teodorico Fernandez for ₱15,000.00. The second charge, in the opinion of the Solicitor General, is "likewise undeserving of credence." Complainant was informed that certain amounts had to be deducted from the ₱2,000.00 loan, interest in the sum of ₱200.00, and inspection and notarial fees in the amount of ₱23.00. Respondent did receive from complainant the amount of ₱500.00, taken from such

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loan, by way of attorney's fees in the aforecited civil case where his services were duly retained by complainant. The motive for this administrative complaint is shrouded in obscurity. What can not be denied, however, in the light of careful and painstaking review of the evidence, is that there was no basis for any accusation of malpractice against respondent. Dismissal is thus called for. It was Justice Cardozo who correctly observed: "Reputation in the legal profession is a plant of tender growth, and its bloom, once lost, is not easily restored." This Court, certainly, is not averse to having such a risk minimized.

RESOLUTION

FERNANDO, *J.:*

It is a risk, not uncommon, for a member of the bar engaged in the active practice of his profession that his actuation, for whatever reason, would be looked upon with displeasure by a client, if not at the time when his services were performed, at a later date. That is one explanation for this administrative complaint for malpractice filed by a certain Pedro Q. Beltran against respondent Victor T. Llamas, Jr. There were two charges against respondent. The first, that he "cajoled" complainant, then in a state of drunkenness, to execute a deed of sale conveying one-half of his interest and rights on two parcels of land to a certain Teodorico Fernandez and one Fe Mataban, the nature of such instrument not having been explained to complainant; and, the second, that he defrauded complainant of part of his ₱2,000.00 loan from the Rural Bank of San Jacinto, Pangasinan, as he received only the sum of ₱1,050.00. Defendant was required to answer, in a resolution of this Court dated February 9, 1971. He did so on March 15, 1971, his defenses consisting of the allegations that the deed of sale was not prepared by him but by a certain notary public, Maximo Mendiguarin; that he came to know complainant only on July 7, 1970, when his advice was sought by him as well as Teodorico Fernandez and Fe Mataban as to how they could speedily and inexpensively partition their properties; and that complainant received from the Rural Bank of San Jacinto all the proceeds of the ₱2,000.00 loan to

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which he was entitled, ₱200.00 having been deducted as advance interest, ₱23.00 as inspection and notarial fees, and ₱500.00 as the advance attorney's fees for a certain Civil Case No. D-2580, entitled "*Pedro Beltran, et al. v. Francisco Q. Beltran, et al.*"

On June 4, 1971, this Court resolved to refer the case to the Solicitor General for investigation, report and recommendation. The matter was duly heard. The complainant, his wife, Simeona P. Beltran, and a certain Benigna R. Perez testified against respondent. On his part, he offered his own testimony, as well as that of Fe Mataban, one of the parties to the deed of sale, Rufino Arzadon, Jr., manager of the San Jacinto Rural Bank, Maximo Mendiguarin, the notary public who admitted having prepared the deed of sale, and one Eugenio Fernandez. The report and recommendation of the Solicitor General was submitted to this Court on August 21, 1974.

The recommendation was for dismissing the administrative complaint. In support thereof, there was a detailed evaluation of the evidence. Solicitor General Estelito P. Mendoza[1] considered the first charge as "unworthy of credence,"[2] considering the unsatisfactory and unsubstantial character of the evidence as to the complainant having been drunk when such deed of sale was prepared. The same conclusion, according to him, is called for as to the allegation that he did not know the nature of the document he was signing, which was proven to have been prepared not by respondent but by Maximo Mendiguarin. Moreover, no effort whatsoever was made by complainant to annul the deed of sale. Instead, he himself utilized such document for the issuance of an owner's duplicate Certificate of Title. Finally, complainant did repurchase the property sold to Fe Mataban and Teodorico Fernandez for ₱15,000,00. The second charge, in the opinion of the Solicitor General, is "likewise

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[1] He was assisted by Assistant Solicitor General Eulogio Raquel-Santos and Solicitor Romeo C. de la Cruz.

[2] Report and Recommendation, 9.

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undeserving of credence."[3] Complainant was informed that certain amounts had to be deducted from the ₱2,000.00 loan, interest in the sum of ₱200.00, and inspection and notarial fees in the amount of ₱23.00. Respondent did receive from complainant the amount of ₱500.00, taken from such loan, by way of attorney's fees in the aforecited civil case where his services were duly retained by complainant.

The motive for this administrative complaint is shrouded in obscurity. What can not be denied, however, in the light of careful and painstaking review of the evidence, is that there was no basis for any accusation of malpractice against respondent. Dismissal is thus called for. It was Justice Cardozo who correctly observed: "Reputation [in the legal profession] is a plant of tender growth, and its bloom, once lost, is not easily restored."[4] This Court, certainly, is not averse to having such a risk minimized. Complainant's counsel would be well advised to scrutinize more carefully charges against a brother in the profession before taking any positive action. Who can tell whether in the future the same untoward fate might befall him?[5]

WHEREFORE, the administrative complaint against respondent Victor T. Llamas, Jr. is dismissed. Let a copy of this resolution be spread on the record of respondent.

Barredo, Antonio, Fernandez, and *Aquino, JJ.,* concur.

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[3] *Ibid.*, 12.

[4] *New York ex rel Karlin v. Culkin* (1928) 162 N. E. 487, 492.

[5] Cf. *Albano v. Coloma*, Administrative Case No. 528, October 11, 1967; 21 SCRA 420.