

## SECOND DIVISION

[ A.C. NO. 5637, April 12, 2005 ]

**CRISTINA A. ARIENDA, COMPLAINANT, VS. ATTY. PORFIRIO AGUILA, RESPONDENT.**

### R E S O L U T I O N

**CHICO-NAZARIO, J.:**

Before Us is an administrative case for disbarment filed by complainant Cristina A. Arienda against respondent Atty. Porfirio Aguila. Complainant, in her Affidavit of Complaint<sup>[1]</sup> dated 01 March 2002, charges respondent with deceit, misconduct, and use of a falsified public document.

Herein complainant, Cristina A. Arienda, filed a Petition for Letters of Administration entitled, "Intestate Estate of the late Ernesto Arienda" (father of complainant), before the Regional Trial Court (RTC), Branch 72, Olongapo City, docketed as Sp. Proc. No. 80-0-2000.

Elisa Menes-Arienda, a common-law wife of the decedent,<sup>[2]</sup> opposed the Petition for Letters of Administration. Elisa is represented by Atty. Porfirio Aguila, herein respondent.<sup>[3]</sup>

The specific allegations of the Affidavit of Complaint in support of the accusations are as follows:

1. That Atty. Porfirio Aguila has made the settlement of the decedent's estate complicated by filing the opposition to the letter of administration.<sup>[4]</sup>
2. That Atty. Aguila favors "the mistress" of the decedent instead of being "in between the three (3) parties." <sup>[5]</sup>
3. That Atty. Aguila used a falsified marriage contract with his client Elisa Menes. <sup>[6]</sup>
4. That the statements in the opposition are "all lies." <sup>[7]</sup>
5. Atty. Aguila lied in his Motion for Substitution as to the existence and rights of Cristina Arienda, complainant herein. <sup>[8]</sup>

In answer to these allegations, respondent submitted with this Court his Comment, <sup>[9]</sup> wherein he refuted all the charges against him. Respondent disputed that he was guilty of deceit, misconduct, or using a falsified public document. Specifically, he denied that he complicated the petition for letters of administration filed by herein

complainant Cristina Arienda. He added that there was no reason for him to complicate the petition when he only assisted Elisa Menes-Arienda as her counsel. The filing of the Opposition, according to him, was done to protect her interest and the rights of her daughter over the estate of the decedent.<sup>[10]</sup> The respondent vehemently denied having submitted a falsified marriage contract for his client Elisa. He explained that he acted in good faith and without malice when the marriage contract between the decedent and Elisa Menes-Arienda was attached to the verified opposition to the complainant's petition for letters of administration. In her Verified Opposition, Elisa did not assert the legitimacy of her relationship/cohabitation with the decedent as she merely alleged that she was made to believe by the latter that he was single when they got married and were blessed with a daughter, named Ernessa Arienda, respondent clarified.<sup>[11]</sup>

We referred the matter to the Integrated Bar of the Philippines (Ibp) for investigation. Both parties presented their respective evidence before the Commission on Bar Discipline of the Ibp. The investigating officer, Commissioner Dennis B. Funa, required both parties to file their own memoranda. The Commissioner made the following findings and recommendation:

It is clearly shown that herein Respondent, Atty. Porfirio Aguila, is the *legal counsel* of Elisa Menes. As such, Atty. Aguila would have every right to take every legal action in the interest of his client. In this case, filing an opposition to the Petition filed by Cristina Arienda would be in the interest of Atty. Aguila's client. And, rightly, Atty. Aguila should "favor" his client.

With respect to the allegation as to the falsity of the marriage contract between the decedent and Atty. Aguila's client, Elisa Menes, we wish to make three points: *Firstly*, such falsity would first have to be determined and established in the appropriate proceeding. Perhaps that proceeding is the Special Proceedings Case, now still pending. *Secondly*, such marriage contract would have to have been introduced into evidence. And only the trial court, where the matter is now pending, can say that the evidence has indeed been already introduced. *Thirdly*, **knowledge** of the falsity of the evidence is an indispensable element of this offense. And such knowledge has ***not been claimed, alleged or proven***.

With respect to the alleged "lies" introduced by Atty. Aguila before the RTC of Olongapo City, it is the judge in that trial court who has the immediate jurisdiction to evaluate the veracity of the claims and evidences presented before him. *The judge had found no such findings of "lies"* therein. Moreover, it appears that all these things are still pending before the judge. This Commission cannot attempt to supersede a judge's findings in a trial that he is presently hearing.

**PREMISES CONSIDERED**, it is submitted that respondent did not commit any act for which he should be disciplined or administratively sanctioned.

It is therefore recommended that this **CASE BE DISMISSED** for lack of merit.<sup>[12]</sup>