

SECOND DIVISION

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

JOSE S. DUCAT, JR., COMPLAINANT, VS. ATTYS. ARSENIO C. VILLALON, JR. AND CRISPULO DUCUSIN, RESPONDENTS.

R E S O L U T I O N

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.

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 as (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 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