

FOURH DIVISION

[CA-G.R. SP NO. 77669, September 27, 2006]

**CLARA TRAJANO AND MARISSA TRAJANO, PETITIONERS, VS.
HON. FLORO ALEJO, AS PRESIDING JUDGE RTC OF VALENZUELA
CITY, BR. 172, ROMAN CATHOLIC BISHOP OF MALOLOS, INC.
AND MSGR. EPITACIO CASTRO, RESPONDENTS.**

D E C I S I O N

BARRIOS, J.:

What is disputed is the claimed privileged communication that a litigant has raised against the presentation of its quondam counsel as a witness of its adversary.

The petitioners Clara Trajano and Marissa Trajano (hereafter the petitioners for brevity), by this petition for certiorari ask that the Orders dated August 5, 2002 and April 21, 2003 issued by the Regional Trial Court of Valenzuela City (or RTC) in its Civil Case No. 5078-V-96, barring the presentation of their intended witness, be reversed and set aside.

This Civil Case No. 5078-V-96 for *Specific Performance and Damages* was filed by the spouses Romeo Trajano and Clara Trajano (or the Trajanos unless individualized) against the respondents Roman Catholic Bishop of Malolos, Inc. (or the Bishop of Malolos) and Msgr. Epitacio Castro. The Trajanos alleged that they are the owners of Lot A-2-B, a 159 square meters parcel of land covered by Transfer Certificate of Title No. V-22501 of the Register of Deeds of Valenzuela, which they acquired by purchase from the Bishop of Malolos. They filed the suit because despite repeated demands, the Bishop of Malolos failed and refused to deliver to them the title to the subject property.

In the course of the proceedings, the Trajanos offered to present as their last witness Atty. Cresenciano Santiago (or Atty. Santiago), the former counsel of the Bishop of Malolos. He was to corroborate Romeo Trajano's testimony that the Bishop of Malolos offered to lease to them the subject lot for fifty (50) years or to give them another lot in its stead. The Bishop of Malolos objected claiming that this is a privileged communication between lawyer and client, and that Atty. Santiago is still retained as one of its lawyers and is actually handling several of its other cases. It added that even assuming that Atty. Santiago was no longer its lawyer, he still needs to have the consent of the Bishop of Malolos before he can testify and disclose on matters covered by their lawyer-client relationship.

In its Order of March 26, 2002, the RTC granted the Trajanos' motion to admit Atty. Santiago as a witness, ruling that: