

## **SECOND DIVISION**

**[ A.C. No. 3808, February 02, 2000 ]**

**RAYMUNDO T. MAGDALUYO, COMPLAINANT, VS. ATTY. ENRIQUE  
L. NACE, RESPONDENT.**

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

**QUISUMBING, J.:**

In a verified complaint filed with the Office of the Bar Confidant on March 17, 1992, complainant Raymundo T. Magdaluyo accused respondent Atty. Enrique T. Nace of acts amounting to deceit and gross misconduct.

Complainant alleged that he is the registered owner of parcels of land situated in Antipolo, Rizal. In 1991, he conducted dialogues with squatters - among them respondent - living on said land and offered to relocate them to another portion of the land. The squatters refused, and on August 21, 1991, filed a complaint against complainant before the Provincial Agrarian Reform Adjudication Board (PARAB). They claimed to be tenants on complainant's land and, thus, could not be forcibly ejected.

Almost three months later on November 14, 1991, the squatters - again including respondent - also filed a case against complainant before the Regional Trial Court of Antipolo for the annulment or cancellation of complainant's land titles. This time, they claimed to be owners, not mere tenants, of the land. They traced their alleged ownership to an old Spanish title.

In view of the conflicting causes of action in the agrarian and the civil cases, the DAR Provincial Adjudicator dismissed the squatters' complaint before the PARAB for lack of jurisdiction. At the same time, the civil case was also dismissed for lack of cause of action. The RTC ruled that the squatters' claim of ownership based on an old Spanish title could not defeat complainant's claim under a Torrens title.

Complainant filed this complaint against respondent inasmuch as he was a party to both the agrarian and civil suits. He accused respondent of having deliberately committed a falsehood and of forum-shopping, and prayed that proper disciplinary sanctions be imposed against respondent.

Respondent denied complainant's allegations. He stated that the agrarian case was filed not by him but by a federation of farmers and, therefore, not his personal responsibility. He denied having committed forum-shopping since, according to him, the two cases involved different causes of action.

This matter was referred to the Integrated Bar of the Philippines for the proper investigation, report, and recommendation.