

EN BANC

[A.C. No. 2387, September 10, 1998]

**CLETO DOCENA, COMPLAINANT, VS. ATTY. DOMINADOR Q.
LIMON, RESPONDENT.**

DECISION

PER CURIAM

On April 15, 1982, a complaint for disbarment was filed by Cleto Docena against Atty. Dominador Q. Limon, Sr., on grounds of malpractice, gross misconduct, and violation of attorney's oath.

It appears that respondent Atty. Limon was complainant's lawyers on appeal in Civil Case No. 425 for Forcible Entry. While the appeal was pending before the then Court of First Instance of Eastern Samar, Branch I, respondent required therein defendants-appellants Docena spouses to post a supersedeas bond in the amount of P10,000.00 allegedly to stay the execution of the appealed decision.

To raise the required, complainant Cleto Docena obtained a loan of P3,000.00 from the Borongan, Eastern Samar Branch of the Development Bank of the Philippines; borrowed P2,140.00 from a private individual; and applied for an agricultural loan of P4,860.00 from the Borongan, Samar Branch of the Philippine National Bank, wherein respondent himself acted as guarantor (tsn, Session of July 8, 1983, pp. 33-34). The amount of P4,860.00 was produced by complainant in response to respondent's letter dated September 2, 1979 (Exh. "C", tsn, p. 26, *ibid.*) demanding delivery of the aforesaid amount, thus:

Dear Mr. and Mrs. Docena:

I wish to remind you that today is the last day for the deposit of the balance of P4,860.00.

Atty. Batista was in court yesterday verifying whether you have deposited the said balance and the Honorable Judge informed him that you have until today to deposit the said amount.

I wish to inform you that the Honorable Judge will be in Sta. Fe tomorrow for rural service.

We will be waiting for you tomorrow September 22, 1979, at Sta. Fe as you promised.

Very truly yours,

(Signed)