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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

FIRST DIVISION

[Adm. Case CBD No. 190. January 28, 1998]

CORAZON T. REONTOY, *complainant, vs.* **ATTY. LIBERATO R. IBADLIT,** *respondent.*

SYNOPSIS

Respondent Atty. Liberato R. Ibadlit is the counsel of complainant Corazon T. Reontoy in Civil Case No. 2805 for partition, accounting and reconveyance before RTC-Branch 4, of Kalibo, Aklan. The RTC rendered a decision adverse to the complainant and the respondent received the copy of the decision on June 19, 1989. He did not notify the complainant of the said decision. On July 17, 1989 the respondent filed the notice to appeal. Considering, however, that it was filed beyond the reglementary period, the trial court on August 16, 1989 denied the appeal and granted the Motion for Execution of Judgment of the prevailing parties. As a result, the complainant suffered the corresponding loss of her real property in Kalibo, Aklan, consisting of her individual share or interest in five (5) valuable parcels of land.

Hence, the complainant filed the instant case for the disbarment of the respondent for being negligent in handling her case.

The Court ruled that a lawyer has no authority to waive his client's right to appeal. His failure to perfect an appeal within the prescribed period constitutes negligence and malpractice proscribed by Rule 18.03, Canon 18, of the *Code of Professional Responsibility* which provides that "a lawyer shall not neglect a

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legal matter entrusted to him and his negligence in connection therewith shall render him liable."

Atty. Liberato R. Ibadlit is suspended from the practice of law for one (1) year.

SYLLABUS

1. **LEGAL ETHICS; ATTORNEYS; A LAWYER OWES ENTIRE DEVOTION IN PROTECTING THE INTEREST OF HIS CLIENT.**— A lawyer owes entire devotion in protecting the interest of his client, warmth and zeal in the defense of his rights. He must use all his learning and ability to the end that nothing can be taken or withheld from his client except in accordance with the law. He must present every remedy or defense within the authority of the law in support of his client's cause, regardless of his own personal views. In the full discharge of his duties to his client, the lawyer should not be afraid of the possibility that he may displease the judge or the general public.

2. **ID.; ID.; WITHOUT AUTHORITY TO WAIVE HIS CLIENT'S RIGHT TO APPEAL.**— A lawyer has no authority to waive his client's right to appeal. His failure to perfect an appeal within the prescribed period constitutes negligence and malpractice proscribed by Rule 18.03, Canon 18, of the *Code of Professional Responsibility* which provides that "a lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable."

3. **ID.; ID.; ID.; BELATED FILING OF APPEAL CANNOT MITIGATE LIABILITY.**— Respondent claims that he nonetheless filed a notice of appeal in the interest of justice. Notably, respondent filed the notice of appeal on 17 July 1989, or only after the period to appeal had already expired. The belated filing of the appeal cannot in any way mitigate respondent's liability; on the contrary, it would show ignorance on his part. As a lawyer, he ought to know that his notice of appeal, having been filed beyond the reglementary period, would surely be struck down for late filing.

4. **ID.; ID.; ID.; ONE YEAR SUSPENSION FOR FAILURE TO APPEAL CLIENT'S CAUSE.**— We hold respondent administratively liable. Indeed it was his fault in not appealing within the reglementary period in the belief that appeal would be

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useless. It was highly improper for him to adopt such opinion without any clear instruction from his client not to appeal the adverse verdict. Had respondent filed the appeal on time he could have easily withdrawn the case later so that he could have the time to confer meticulously with his client and then decide whether to pursue the case to the appellate court; or, he could have withdrawn his services and advised complainant to look for another lawyer before the period to appeal lapsed to give his client a chance to ventilate her case on appeal. In sum, respondent utterly failed to perform his duties and responsibilities faithfully as well as to protect the rights and interests of his client. The record shows that complainant lost the case and suffered the corresponding loss of her real property in Kalibo, Aklan, consisting of her undivided share or interest in five (5) valuable parcels of land. Certainly, complainant paid dearly for respondent's ignorance, laxity, if not incompetence, by failing to appeal on time. WHEREFORE, respondent, Atty. Liberato R. Ibadlit is *SUSPENDED* from the practice of law for one (1) year effective upon finality hereof.

APPEARANCES OF COUNSEL

Geminiano G. Galicia, Jr. for complainant.
Reloj Law Office for respondent.

RESOLUTION

BELLOSILLO, *J.*:

This is a complaint filed by Corazon T. Reontoy for the disbarment of her counsel, Atty. Liberato R. Ibadlit, for having been negligent in handling her case for partition, accounting and reconveyance then pending with the RTC-Br. 4, Kalibo, Aklan.[1]

Respondent lawyer admits that he was the lawyer of complainant Corazon T. Reontoy in Civil Case No. 2805 which was decided by the RTC against his client. He likewise admits that he received copy of the adverse decision on 19 June

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[1] *Corazon T. Reontoy v. Josefina Cezar,* Civil Case No. 2805.

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1989 and filed his notice of appeal only on 17 July 1989 when the expiry date to appeal was 4 July 1989.[2]

Respondent alleges in his defense that after he received the adverse decision he immediately contacted complainant's brother Proculo Tomazar and requested the latter to inform complainant that they lost the case and that after going over the decision he (respondent) was convinced that appeal was futile. He also requested Proculo to tell complainant to communicate immediately with respondent if complainant disagreed with him on his position not to appeal the RTC decision anymore. Confident that Proculo had conveyed the message to complainant and having failed to receive any advice from her respondent intentionally did not file the corresponding notice of appeal. But after Proculo informed him later in his office that complainant wished to appeal the decision, he forthwith filed a notice of appeal, in the interest of justice, on 17 July 1989.

The notice of appeal having been filed beyond the reglementary period, the trial court on 16 August 1989 denied the appeal and granted the *Motion for Execution of Judgment* of the prevailing parties.

In the investigation conducted by the Integrated Bar of the Philippines, complainant presented her brother Proculo Tomazar to deny, as he did, that he was authorized by her to communicate with respondent regarding the case, claiming in fact that he had no knowledge whatsoever of subject civil case.[3]

The testimony of Proculo Tomazar corroborated complainant's testimony that she had never authorized him to be her representative either to the court or to communicate with her counsel for the reason that Proculo was unlettered. Complainant further testified that when she went to see respondent in September 1989 to check on the status of her case the latter merely told her that the period to appeal had already elapsed and then returned the case records to her.

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[2] Respondent's Answer with Motion to Dismiss, par. 6, p. 10, CBD Case No. 190.

[3] TSN, 15 February 1995, pp. 7-10.

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We hold respondent administratively liable. Indeed it was his fault in not appealing within the reglementary period in the belief that appeal would be useless. It was highly improper for him to adopt such opinion without any clear instruction from his client not to appeal the adverse verdict.

A lawyer owes entire devotion in protecting the interest of his client, warmth and zeal in the defense of his rights. He must use all his learning and ability to the end that nothing can be taken or withheld from his client except in accordance with the law. He must present every remedy or defense within the authority of the law in support of his client's cause, regardless of his own personal views. In the full discharge of his duties to his client, the lawyer should not be afraid of the possibility that he may displease the judge or the general public.

A lawyer has no authority to waive his client's right to appeal. His failure to perfect an appeal within the prescribed period constitutes negligence and malpractice proscribed by Rule 18.03, Canon 18, of the *Code of Professional Responsibility* which provides that "a lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable."[5]

Had respondent filed the appeal on time he could have easily withdrawn the case later so that he could have the time to confer meticulously with his client and then decide whether to pursue the case to the appellate court; or, he could have withdrawn his services and advised complainant to look for another lawyer before the period to appeal lapsed to give his client a chance to ventilate her case on appeal.

Respondent claims that he nonetheless filed a notice of appeal in the interest of justice. Notably, respondent filed the notice of appeal on 17 July 1989, or only after the period to appeal had

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[4] *Legarda v. Court of Appeals,* G.R. No. 94457, 18 March 1991, 195 SCRA 418, 425.

[5] *Guiang v. Antonio,* Adm. Case No. 2473, 3 February 1993, 218 SCRA 381.

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already expired. The belated filing of the appeal cannot in any way mitigate respondent's liability; on the contrary, it would show ignorance on his part. As a lawyer, he ought to know that his notice of appeal, having been filed beyond the reglementary period, would surely be struck down for late filing.

In sum, respondent utterly failed to perform his duties and responsibilities faithfully and well as to protect the rights and interests of his client. The record shows that complainant lost the case and suffered the corresponding loss of her real property in Kalibo, Aklan, consisting of her undivided share or interest in five (5) valuable parcels of land. Certainly, complainant paid dearly for respondent's ignorance, laxity, if not incompetence, by failing to appeal on time.

WHEREFORE, respondent, Atty. Liberato R. Ibadlit, is *SUSPENDED* from the practice of law for one (1) year effective upon finality hereof.

Let copies of this Resolution be furnished the Bar Confidant, the Integrated Bar of the Philippines and all courts throughout the country.

SO ORDERED.

Davide, Jr., (Chairman), Vitug, and *Kapunan, JJ.,* concur.