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₱50,000 as indemnity *ex delicto* and ₱50,000 as moral damages, in addition to ₱50 as actual damages. Costs against appellant.

SO ORDERED.

Melo (Chairman), Vitug, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

EN BANC

[A.C. No. 5307. August 9, 2000]

IN RE: VICENTE Y. BAYANI.

SYNOPSIS

Atty. Bayani failed to submit proof of service of appellant's brief on the Solicitor General in G.R. No. 115079. Consequently, the Solicitor General was unable to file the appellee's brief.

These acts of Atty. Bayani are willful disobedience to the lawful orders of the Supreme Court, a clear violation of the Canons of Professional Ethics. Hence, finding him remiss in his sworn duty to his client, the Court and the Bar, the Court suspended Atty. Bayani from the practice of law for a period of three months and until he complies with the Order of the Supreme Court to submit the required proof of service in G.R. No. 115079.

SYLLABUS

LEGAL ETHICS; LAWYERS; DUTIES AND OBLIGATIONS TO CLIENT; VIOLATED IN CASE AT BAR.— A lawyer shall not neglect a legal matter entrusted to him as his negligence in connection therewith shall render him liable. Atty. Bayani's failure to submit proof of service of appellant's brief on the Solicitor General in G.R. No. 115079 and his failure to submit

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the required comment manifest willful disobedience to the lawful orders of the Supreme Court, a clear violation of the Canons of Professional Ethics. It appears that Atty. Bayani has fallen short of the circumspection required of a member of the Bar. A counsel must always remember that his actions or omissions are binding on his clients. A lawyer owes his client the exercise of utmost prudence and capability in that representation. Further, lawyers are expected to be acquainted with the rudiments of law and legal procedure, and anyone who deals with them has the right to expect not just a good amount of professional learning and competence but also a whole-hearted fealty to his client's cause.

RESOLUTION

PARDO, *J.*:

The case before us arose when Atty. Vicente Y. Bayani failed to submit proof of service of the appellant's brief on the Solicitor General in G.R. No. 115079[1] and the consequent inability of the latter to file the appellee's brief.

On August 09, 1999, the Supreme Court referred Atty. Bayani's failure to submit the procedural requirement to the Integrated Bar of the Philippines for investigation, report and recommendation.[2]

On September 27, 1999, IBP Commissioner Victoria Gonzalez-De Los Reyes sent a letter to Atty. Bayani requiring him to submit his comment within five (5) days from receipt of the letter.[3]

However, the letter was returned to the IBP with the notation "Return to Sender Moved."[4]

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[1] Entitled, *People of the Philippines vs. Francisco Albior.*

[2] *Rollo*, p. 2.

[3] *Rollo*, p. 1.

[4] *Rollo*, p. 5.

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Thus, in her report and recommendation dated January 25, 2000, Commissioner Gonzalez-De Los Reyes recommended Atty. Bayani's suspension as follows:

"IN VIEW OF THE FOREGOING, the undersigned Commissioner recommends that Atty. Vicente Bayani, for his violation of Rule 18.03 of the Canon 18 of the Code of Professional Responsibility, be *SUSPENDED* from the practice of the law profession for a period of three (3) months and until the time he complies with the Order of the Supreme Court."[5]

On March 18, 2000, the Board of Governors of the Integrated Bar of the Philippines issued a resolution adopting and approving the report and recommendation of the investigating commissioner.[6]

We concur.

A lawyer shall not neglect a legal matter entrusted to him as his negligence in connection therewith shall render him liable.[7]

Atty. Bayani's failure to submit proof of service of appellant's brief on the Solicitor General in G. R. No. 115079 and his failure to submit the required comment manifest willful disobedience to the lawful orders of the Supreme Court, a clear violation of the canons of professional ethics.

It appears that Atty. Bayani has fallen short of the circumspection required of a member of the Bar. A counsel must always remember that his actions or omissions are binding on his clients.[8] A lawyer owes his client the exercise of utmost prudence and capability in that representation.

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[5] In CBD Case No. 00-689, *Rollo*, pp. 8-10.

[6] *Rollo*, p. 7.

[7] Rule 18.03, Canon of Professional Responsibility; *Villaluz vs. Armenta,* 285 SCRA 1 [1998].

[8] *Torres vs. Orden*, A.C. No. 4646, April 6, 2000, citing *Gerard vs. NLRC*, 187 SCRA 701 [1990]; *Diaz-Duarte vs. Ong*, 298 SCRA 388 [1998]; *Kalubiran vs. Court of Appeals,* 300 SCRA 320 [1998]; *Velasquez vs. Court of Appeals*, 309 SCRA 539 [1999].

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Further, lawyers are expected to be acquainted with the rudiments of law and legal procedure, and anyone who deals with them has the right to expect not just a good amount of professional learning and competence but also a whole-hearted fealty to his client's cause.[9]

WHEREFORE, the Court finds Atty. Vicente Y. Bayani remiss in his sworn duty to his client, to the Court and the Bar. He is thus *SUSPENDED* from the practice of law for a period of three (3) months and until the time he complies with the Order of the Supreme Court to submit the required proof of service in G.R. No. 115079.

Let a copy of this decision be entered in the personal records of respondent as an attorney and as a member of the Integrated Bar, and furnish the Bar Confidant, the Integrated Bar of the Philippines, with copies thereof and the Court Administrator for circulation to all courts in the country.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban Quisumbing, Purisima, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

Bellosillo, J., abroad on official business.

FIRST DIVISION

[G.R. No. 117216. August 9, 2000]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **JOCELYN ACBANGIN *y* RADAM,** *accused-appellant.*

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[9] *Torres vs. Orden, supra,* citing *Vda. De Alisbo vs. Jalandoon, Sr.*, 199 SCRA 321 [1991].