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compliance with the Rules of Court is indispensable for the prevention of needless delays and for the orderly and expeditious dispatch of judicial business.[7] For petitioner to seek exception for its failure to comply strictly with the statutory requirements for perfecting its appeal, strong compelling reasons such as serving the ends of justice and preventing a grave miscarriage thereof must be shown, in order to warrant the Court's suspension of the Rules.[8] No such reasons have been shown to exist in this case.

ACCORDINGLY, the resolution appealed from is hereby affirmed and the petition is dismissed. With costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Fernando, Barredo, Villamor, and *Makasiar, JJ.,* concur.

Dizon and *Ruiz Castro, JJ.,* are on official leave.

[Adm. Case No. 959. July 30, 1971]

PEDRO OPAREL, SR., *complainant, vs.* Atty. DOMINADOR ABARIA, *respondent.*

SYLLABUS

1. **LEGAL ETHICS; ATTORNEYS; DUTY TO ADEQUATELY INFORM CLIENTS OF THE MODE AND MANNER IN WHICH THEIR INTEREST IS DEFENDED.—** While it would appear that under the circumstances no case lies against respondent Dominador Abaria, it is not amiss to impress on members of the Bar that the utmost care be taken to minimize occasions for any misunderstanding between them and their clients. The relationship

[7] Alvero *vs.* de la Rosa, 76 Phil. 434.

[8] Ronquillo *vs.* Marasigan, 5 SCRA 304 (May 31, 1962) and cases cited.

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being one of confidence, there is ever present the need for the latter being adequately and fully informed of the mode and manner in which their interest is defended. They should not be left in the dark. They are entitled to the fullest disclosure of why certain steps are taken and why certain matters are either included or excluded from the documents they are made to sign. It is only thus that their faith in counsel may remain unimpaired.

2. **ID.; ID.; ID.; SAME ZEAL SHOULD CHARACTERIZE EFFORTS TO DEFEND CLIENTS RIGHTS OF PROPERTY.—** The same zeal should characterize a lawyer's efforts as when he is defending the rights of property. As it is, there is even the fear that a lawyer works harder when he appears for men of substance. To show how unfounded is such a suspicion, he must exert his utmost, whoever be his client.

3. **ID.; ID.; ID.; DUTY TO USE SIMPLEST LANGUAGE IN COMMUNICATING MATTERS TO CLIENT.—** More specifically, in a case like the present, he should not invite loss of trust by inadvertence or even by a failure to use the simplest and most understandable language in communicating matters. For he may lend himself to the suspicion that he is lacking in candor and may be taking undue advantage of his client for his own profit and advantage in any dealing with the adverse party.

RESOLUTION

FERNANDO, *J.:*

This administrative proceeding was started by Pedro Oparel, Sr., who identified himself as a pauper in his complaint filed with this Court on August 27, 1970 against respondent Dominador Abaria, a member of the Philippine Bar. The charge was that respondent, whose services were retained to assist complainant recover damages from his employer for injuries suffered, acted dishonestly. Apparently, a settlement was reached, complainant having been made to sign a receipt in the sum of P500.00 for his claim, out of which was deducted P55.00 as attorney's fees, when the truth, according to the complaint, was that respondent did receive the much larger amount of P5,000.00. In a resolution of September 14, 1970, the respondent was required to file an answer within ten days

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from notice. It was duly filed on October 19, 1970 with a vehement denial on the part of the respondent, alleging that the complaint was "irresponsible, baseless and [should] not merit even the scantiest consideration" of this Court. He further alleged that while complainant was asking only for P200.00, he was able to secure a settlement from the employer in the sum of P500.00, admitting that he was given as fees the aforesaid amount of P55.00. He accounted for the alleged sum of P5,000.00 by stating that P3,500.00 was spent by the employer for plaintiff's operation and medical bills, another P1,000.00 given to complainant's family during his confinement in the hospital, and then the P500.00 received in cash by way of additional settlement. He prayed that the complaint be dismissed.

This Court, in a resolution of October 23, 1970, referred the matter to the Solicitor General for investigation, report and recommendation. Such report and recommendation was submitted on June 2, 1971. It was therein stated that the city fiscal of Bacolod City, who was designated to act as investigator, as the parties were residents of the place, submitted on March 2, 1971 a report recommending dismissal due to the desistance of complainant. It appeared that when the case was called for investigation on February 17, 1971, the complainant manifested that he was no longer interested in pushing through his complaint against respondent. In his affidavit of desistance, he admitted that the administrative charge arose out of a misunderstanding between him and respondent. He likewise admitted that there was no deception practiced on him by respondent when he was made to sign the affidavit of September 20, 1966 wherein it appeared that the amount received by him was P500.00, no mention being made therein of the other P4,500.00 which, as noted in the answer of respondent, consisted of P3,500.00 for expenses incurred for complainant's operation and medical bills and P1,000.00 given to his family for support while he was staying in the hospital. The Solicitor General agreed with such a recommendation and prayed that the case be dismissed.

While it would appear that under the circumstances no case lies against respondent Dominador Abaria, it is not amiss to

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impress on members of the Bar that the utmost care be taken to minimize occasions for any misunderstanding between them and their clients. The relationship being one of confidence, there is ever present the need for the latter being adequately and fully informed of the mode and manner in which their interest is defended. They should not be left in the dark. They are entitled to the fullest disclosure of why certain steps are taken and why certain matters are either included or excluded from the documents they are made to sign. It is only thus that their faith in counsel may remain unimpaired.

Where, as did happen here, the client happens to be poor and unlettered, seeking to enforce what he considers his just demands against an employer, it is even more imperative that matters be explained to him with all precision and clarity. More than that, no effort should be spared for him to get fully what he is entitled to under the law. The same zeal should characterize a lawyer's efforts as when he is defending the rights of property. As it is, there is even the fear that a lawyer works harder when he appears for men of substance. To show how unfounded is such a suspicion, he must exert his utmost, whoever be his client.

More specifically, in a case like the present, he should not invite loss of trust by inadvertence or even by a failure to use the simplest and most understandable language in communicating matters. For he may lend himself to the suspicion that he is lacking in candor and may be taking undue advantage of his client for his own profit and advantage in any dealing with the adverse party. At any rate, with complainant having been satisfied with the explanation of respondent, he could not be justly charged of being recreant to his trust for personal gain. The dismissal of this case is therefore warranted.

WHEREFORE, the administrative case filed by Pedro Oparel, Sr. against respondent Dominador Abaria is dismissed.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Teehankee, Barredo, and *Makasiar, JJ.*, concur.

Villamor, J., took no part.

Dizon, J., is on official leave.