Supreme Court E-Library

THIRD DIVISION

[A.C. No. 10164. March 10, 2014]

STEPHAN BRUNET and VIRGINIA ROMANILLOS BRUNET, *complainants, vs.* **ATTY. RONALD L. GUAREN,** *respondent.*

SYLLABUS

1. LEGAL ETHICS; ATTORNEYS; PRACTICE OF LAW; A PROFESSION IN WHICH DUTY TO PUBLIC SERVICE IS THE PRIMARY CONSIDERATION.— The practice of law is not a business. It is a profession in which duty to public service, not money, is the primary consideration. Lawyering is not primarily meant to be a money-making venture, and law advocacy is not a capital that necessarily yields profits. The gaining of a livelihood should be a secondary consideration. The duty to public service and to the administration of justice should be the primary consideration of lawyers, who must subordinate their personal interests or what they owe to themselves.

2. ID.; ID.; DUTY TO SERVE THE CLIENT WITH COMPETENCE AND DILIGENCE; VIOLATED WHEN A LAWYER NEGLECTED A LEGAL MATTER ENTRUSTED TO HIM; CASE AT BAR.— In the present case, Atty. Guaren admitted that he accepted the amount of ₱7,000.00 as partial payment of his acceptance fee. He, however, failed to perform his obligation to file the case for the titling of complainants' lot despite the lapse of 5 years. Atty. Guaren breached his duty to serve his client with competence and diligence when he neglected a legal matter entrusted to him.

APPEARANCES OF COUNSEL

Jaynes C. Abarrientos for complainants.

Supreme Court E-Library

R E S O L U T I O N

MENDOZA, *J.*:

On August 9, 2002, complainant spouses Stephan and Virginia Brunet *(complainants)* filed a complaint against respondent Atty. Ronald L. Guaren *(Atty. Guaren)* before the Commission on Bar Discipline *(CBD)*, Integrated Bar of the Philippines *(IBP)*.

Complainants alleged that in February 1997, they engaged the services of Atty. Guaren for the titling of a residential lot they acquired in Bonbon, Nueva Caseres; that Atty. Guaren asked for a fee of Ten Thousand Pesos (₱10,000.00) including expenses relative to its proceeding; that it was agreed that full payment of the fee shall be made after the delivery of the title; that Atty. Guaren asked for an advance fee of One Thousand Pesos (₱1,000.00) which they gave; that Atty. Guaren took all the pertinent documents relative to the titling of their lot-certified true copy of the tax declaration, original copy of the deed of exchange, sketch plan, deed of donation, survey plan, and original copy of the waiver; that on March 10, 1997, Atty. Guaren asked for additional payment of Six Thousand Pesos (₱6,000.00) which they dutifully gave; that from 1997 to 2001, they always reminded Atty. Guaren about the case and each time he would say that the titling was in progress; that they became bothered by the slow progress of the case so they demanded the return of the money they paid; and that respondent agreed to return the same provided that the amount of Five Thousand Pesos (₱5,000.00) be deducted to answer for his professional fees.

Complainants further alleged that despite the existence of an attorney-client relationship between them, Atty. Guaren made a special appearance against them in a case pending before the Metropolitan Circuit Trial Court, Oslob, Cebu *(MCTC)*.

Atty. Guaren admitted that he indeed charged complainants an acceptance fee of ₱10,000.00, but denied that the amount was inclusive of expenses for the titling of the lot. He claimed, however, that he received the payment of ₱1,000.00 and ₱6,000.00; that their agreement was that the case would be

Supreme Court E-Library

filed in court after the complainants fully paid his acceptance fee; that he did not take the documents relative to the titling of the lot except for the photocopy of the tax declaration; and that he did not commit betrayal of trust and confidence when he participated in a case filed against the complainants in MCTC explaining that his appearance was for and in behalf of Atty. Ervin Estandante, the counsel on record, who failed to appear in the said hearing.

In the Report and Recommendation,[1] dated August 24, 2012, the Investigating Commissioner found Atty. Guaren to have violated the Canon of Professional Responsibility when he accepted the titling of complainants' lot and despite the acceptance of ₱7,000.00, he failed to perform his obligation and allowed 5 long years to elapse without any progress in the titling of the lot. Atty. Guaren should also be disciplined for appearing in a case against complainants without a written consent from the latter. The CBD recommended that he be suspended for six *(6)* months.

In its May 20, 2013 Resolution,[2] the IBP Board of Governors, adopted and approved with modification the Report and Recommendation of the CBD, suspending Atty. Guaren from the practice of law for three (3) months only.

The Court adopts the findings of the IBP Board of Governors on the unethical conduct of Atty. Guaren, except as to the penalty.

The practice of law is not a business. It is a profession in which duty to public service, not money, is the primary consideration. Lawyering is not primarily meant to be a money-making venture, and law advocacy is not a capital that necessarily yields profits. The gaining of a livelihood should be a secondary consideration. The duty to public service and to the administration of justice should be the primary consideration of lawyers, who must subordinate their personal interests or what they owe to themselves.[3]

---

[1] *Rollo,* pp. 122-126.

[2] *Id*. at 121.

[3] *Bengco v. Atty. Bernardo,* A.C. No. 6368, June 13, 2012, 672 SCRA 8.

Supreme Court E-Library

Canons 17 and 18 of the Code of Professional Responsibility provides that:

CANON 17 — A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

CANON 18 – A lawyer shall serve his client with competence and diligence.

In the present case, Atty. Guaren admitted that he accepted the amount of ₱7,000.00 as partial payment of his acceptance fee. He, however, failed to perform his obligation to file the case for the titling of complainants' lot despite the lapse of 5 years. Atty. Guaren breached his duty to serve his client with competence and diligence when he neglected a legal matter entrusted to him.

WHEREFORE, respondent Atty. Ronald L. Guaren is found **GUILTY** of having violated Canons 17 and 18 of the Code of Professional Responsibility and is hereby **SUSPENDED** from the practice of law for a period of **SIX *(6)* MONTHS** effective from receipt of this Resolution, with a warning that a similar infraction in the future shall be dealt with more severely.

Let a copy of this resolution be furnished the Bar Confidant to be included in the records of the respondent; the Integrated Bar of the Philippines for distribution to all its chapters; and the Office of the Court Administrator for dissemination to all courts throughout the country.

SO ORDERED.

Velasco, Jr. (Chairperson), Peralta, Abad, and *Leonen, JJ.,* concur.