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Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

EN BANC

[A.C. No. 5574. February 1, 2002]

(Formerly A.C. CBD No. 99-618)

TEODOLFO REYES, *complainant, vs.* **ATTY. ROLANDO JAVIER,** *respondent.*

SYNOPSIS

The Integrated Bar of the Philippines Commission on Bar Discipline found Atty. Rolando Javier guilty of negligence and deceit in deceiving his client Teodolfo Reyes that he had already filed the petition in the annulment case when in fact, the petition was filed on a later date. It recommended that Atty. Javier be suspended for a period of one year.

The Board of Governors passed a resolution adopting and approving the report and recommendation of the Investigating Commissioner.

The Supreme Court agreed with the Integrated Bar of the Philippine Board of Governors that the respondent was indeed guilty of grave misconduct. For his neglect in handling the case, he promised to return half of the amount he was paid for but never did. Such misconduct clearly betrayed the confidence reposed in him by his client. Respondent has dismally failed to do his duty to his client and has already violated the Code of Professional Responsibility. The Court cannot tolerate any misconduct that tended to besmirch the fair name of an honorable profession.

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SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; ATTORNEYS; ATTORNEY-CLIENT RELATIONSHIP; PRESENT IN CASE AT BAR.**— There is no question that a lawyer-client relationship was established between the complainant and respondent Atty. Rolando Javier. In fact, the latter accepted the amount of ₱22,500.00 to file and handle the case for annulment of marriage for the complainant.

2. **ID.; ID.; NEGLIGENCE OF ATTORNEY; PRESENT IN CASE AT BAR.**— However, instead of living up to his commitment to file the petition, as agreed upon, in March 1998, respondent Atty. Rolando Javier neglected his obligation and filed the petition only in September 1998, or six (6) months later. Worse, respondent Atty. Rolando Javier deliberately misled his client, complainant herein, that the petition was filed on 2 March 1998, by giving the latter a machine copy of a petition with date of receipt appearing thereon as "2 March 1998," when in truth and in fact, the petition was only filed on 2 September 1998, as evidenced by the certified xerox copy of the petition furnished the complainant by the Office of the Clerk of Court of the Regional Trial Court of Malolos, Bulacan (*Exhibit "D"*) and the certification issued by the same Office (*Exhibit "C"*). The complainant was willing to forget the misconduct of respondent Atty. Rolando Javier only on the condition that the latter would refund to him the amount of ₱10,000.00, which is less than half of the total amount respondent was paid for his services. But even on this, respondent Atty. Rolando Javier reneged. From the evidence on record, respondent Atty. Rolando Javier should be held liable for misconduct and for violation of ***Canon 18*** of the **Code of Professional Responsibility**. We can not overstress the duty of a lawyer to at all times uphold the integrity and dignity of the legal profession. He can do this by faithfully performing his duties to society, to the bar, to the courts and to his clients. We fault respondent for deceiving his client that he has already filed the petition in the annulment case when in fact, the petition was filed on later date. For his neglect in handling the case, he promised to return half of the amount he was paid for but never did. Such misconduct clearly betrays the confidence reposed in him by his client. Respondent has dismally failed to do his duty to his client and has clearly violated

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the Code of Professional Responsibility. The Court can not tolerate any misconduct that tends to besmirch the fair name of an honorable profession.

DECISION

KAPUNAN, *J.*:

This refers to the complaint filed by Teodolfo Reyes against Atty. Rolando Javier with the Integrated Bar of the Philippines on March 17, 1999 for negligence and deceit in handling his case.

In his complaint, Teodolfo Reyes alleged that sometime in February, 1998, he asked Atty. Javier to handle the case for the annulment of his marriage to Ma. Sanita Reyes. For his legal services, a total amount of ₱22,500.00 was given. It was agreed that the petition for annulment shall be filed in March, 1998. Sometime in April, 1998, complainant inquired from the respondent if the petition has already been filed in court. Respondent answered in the affirmative but no copy of the petition was furnished to the complainant. Every time the complainant asked for a copy of the petition, respondent gave him excuses, *i.e.*, his secretary was absent; copy of the petition will just be sent to him through a friend; complainant need not worry about the case. He was assured that the case will be over after three (3) months from its filing. In May, 1998, complainant made another follow-up with the respondent but he was asked to wait until after the May 14 Elections as respondent was busy campaigning for a candidate then.

On September 1, 1998, complainant went again to respondent's residence to demand a copy of the petition but was asked to give the messenger ₱200.00 for the purpose. On September 2, 1998, complainant was given a copy of the petition bearing a stamped receipt of the Regional Trial Court of Bulacan dated March 2, 1998. Considering that there was no action on the case as promised by the respondent, complainant personally went to the Office of the Clerk of Court in Bulacan to follow-up his case. He discovered that the petition was filed only on

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September 2, 1998. Complainant confronted the respondent on the discrepancy. Respondent merely remarked, "*Ewan ko sa mga tao ko.*" As a result, complainant decided to withdraw the services of the respondent from his case and demanded a refund of at least half of the amount given to him. Respondent promised to return ₱10,000.00 on the second week of September but never did. Several demands were made but still, respondent failed to comply with his commitment.

Pursuant to Rule 139-B, Section 6 of the Rules of Court, respondent was required to comment on the complaint filed against him.[1] Subsequently, a hearing was scheduled on October 1, 1999.

On said date, only the complainant appeared for the hearing. Respondent failed to appear despite his receipt of the Notice for Hearing dated August 19, 1999. It was also noted that the respondent failed to submit his answer to the complaint within the reglementary period which prompted the IBP Commission to hear the case *ex-parte*. In said hearing, evidence for the complainant was received after which, the Commission considered the case submitted for decision.

In a Report dated April 26, 2000, the IBP Commission on Bar Discipline found the respondent guilty of the charges filed against him by complainant. The Commission also noted his deliberate disregard of the orders of the Commission as respondent did not file his answer to the complaint nor appeared for the hearing despite receipt of the notices. It was recommended that Atty. Rolando Javier be suspended for a period of one year.

On May 26, 2001, the Board of Governors passed a resolution adopting and approving the report and recommendation of the Investigating Commissioner. The resolution reads as follows:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this

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[1] Records, p. 12.

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Resolution/Decision as Annex "A"; and finding the same fully supported by the evidence on record and the applicable laws and rules, Respondent is ***SUSPENDED*** *from the practice of law for ONE (1) year for violation of Canon 18 of the Code of Professional Responsibility with additional requirement for Atty. Rolando Javier to return the amount of ₱10,000.00 within 30 days from affirmation of this Order.*

We agree with the IBP Board of Governors that respondent is indeed guilty of grave misconduct. Its findings are hereby adopted as follows:

There is no question that a lawyer-client relationship was established between the complainant and Respondent Atty. Rolando Javier. In fact, the latter accepted the amount of ₱22,500.00 to file and handle the case for annulment of marriage for the complainant. However, instead of living up to his commitment to file the petition, as agreed upon, in March 1998, Respondent Atty. Rolando Javier neglected his obligation and filed the petition only in September 1998, or six (6) months later. Worse, Respondent Atty. Rolando Javier deliberately misled his client, complainant herein, that the petition was filed on 2 March 1998, by giving the latter a machine copy of a petition with date of receipt appearing thereon as "2 March 1998," when in truth and in fact, the petition was only filed on 2 September 1998, as evidenced by the certified xerox copy of the petition furnished the complainant by the Office of the Clerk of Court of the Regional Trial Court of Malolos, Bulacan (*Exhibit "D"*) and the certification issued by the same Office (*Exhibit "C"*). The complainant was willing to forget the misconduct of Respondent Atty. Rolando Javier only on the condition that the latter would refund to him the amount of ₱10,000.00, which is less than half of the total amount respondent was paid for his services. But even on this, Respondent Atty. Rolando Javier reneged.

From the evidence on record, Respondent Atty. Rolando Javier should be held liable for misconduct and for violation of ***Canon 18*** of the **Code of Professional Responsibility**, *particularly the following rules:*

"Rule 18.03 — A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

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"Rule 18.04 — A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information."

We can not overstress the duty of a lawyer to at all times uphold the integrity and dignity of the legal profession. He can do this by faithfully performing his duties to society, to the bar, to the courts and to his clients.

We fault respondent for deceiving his client that he has already filed the petition in the annulment case when in fact, the petition was filed on later date. For his neglect in handling the case, he promised to return half of the amount he was paid for but never did. Such misconduct clearly betrays the confidence reposed in him by his client. Respondent has dismally failed to do his duty to his client and has clearly violated the Code of Professional Responsibility. The Court can not tolerate any misconduct that tends to besmirch the fair name of an honorable profession.

WHEREFORE, respondent Atty. Rolando Javier is hereby *SUSPENDED* for one (1) year from the practice of law with a warning that a repetition of the same or similar act will be dealt with more severely. He is also directed to restitute to the complainant, Teodolfo Reyes the sum of ten thousand pesos (₱10,000.00) from notice, otherwise he shall remain under suspension until he paid the complainant the amount. He shall submit to the Court proof of payment of the above-stated amount within ten (10) days from payment.

This resolution shall take effect immediately. Let copies thereof be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and all courts throughout the country.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.