Supreme Court E-Library

WHEREFORE, the challenged decision of Branch 35 of the Regional Trial Court of Manila in Criminal Cases Nos. 96-104529 to 33 is hereby *AFFIRMED* with the modification that the awards of moral and exemplary damages are hereby reduced from ₱500,000 to ₱50,000 each.

SO ORDERED.

Puno, Kapunan, Pardo, and *Ynares-Santiago, JJ.*, concur.

FIRST DIVISION

[A.C. No. 2519. August 29, 2000]

TEODORO R. RIVERA, ANTONIO D. AQUINO and FELIXBERTO D. AQUINO, *complainants, vs.* **ATTY. SERGIO ANGELES,** *respondent.*

SYNOPSIS

Respondent was complainants' counsel of record in Civil Cases Nos. Q-12841 and Q-13128 .The then Court of First Instance of Rizal, Quezon City decided the said cases in favor of complainants. On March 25,1983, complainants filed a complaint for disbarment against respondent on the grounds of deceit and malpractice. Complainants alleged that respondent did not inform them nor remit to them the amount he received from one of the defendants in the said cases as partial settlement of the judgment obtained by complainants from the trial court. Respondent denied the accusations and claimed that he has the right to retain the said amount and to apply the same to professional fees due him under the subsequent agreement with complainants as embodied in the Deed of Assignment. Complainants denied the assignment of their rights to respondent.

Supreme Court E-Library

The Board of Governors of the Integrated Bar of the Philippines found respondent guilty of practicing deceit in dealing with his client and recommended his suspension from the practice of law for one (1) year.

The Supreme Court found merit in the recommendation of the Integrated Bar of the Philippines. Respondent's act of deceit and malpractice indubitably demonstrated his failure to live up to his sworn duties as a lawyer. The Court is not oblivious of the right of a lawyer to be paid for the legal services he has extended to his client, but such right should not be exercised whimsically by appropriating to himself the money intended for his clients. There should never be an instance where the victor in litigation loses everything he won to the fees of his own lawyer.

SYLLABUS

LEGAL ETHICS; ATTORNEY'S FEES; RIGHT OF LAWYER TO BE PAID FOR LEGAL SERVICES SHOULD NOT BE EXERCISED WHIMSICALLY BY APPROPRIATING TO HIMSELF MONEY INTENDED FOR HIS CLIENTS. — Respondent's act of deceit and malpractice indubitably demonstrated his failure to live up to his sworn duties as a lawyer. The Supreme Court repeatedly stressed the importance of integrity and good moral character as part of a lawyer's equipment in the practice of his profession. For it cannot be denied that the respect of litigants for the profession is inexorably diminished whenever a member of the Bar betrays their trust and confidence. The Court is not oblivious of the right of a lawyer to be paid for the legal services he has extended to his client but such right should not be exercised whimsically by appropriating to himself the money intended for his clients. There should never be an instance where the victor in litigation loses everything he won to the fees of his own lawyer.

R E S O L U T I O N

YNARES-SANTIAGO, *J.*:

On March 25, 1983, complainants filed a Complaint for Disbarment against Atty. Sergio Angeles on the grounds of

Supreme Court E-Library

Deceit and Malpractice. The Affidavit-Complaint[1] reads as follows:

"1. The undersigned are plaintiffs in Civil Cases Nos. Q-12841 and Q-13128 of the Court of First Instance of Rizal, Branch V at Quezon City;

2. Atty. Sergio Angeles is their counsel of record in the said cases and his office is located at Suite 335, URC Building, 2123 España, Manila;

3. That after receiving favorable decision from the CFI on May 21, 1973 and sustained by the Court of Appeals and the Supreme Court an *alias* writ of execution was issued in said cases;

4. That in the first week of January 1983 we obtained from the CFI a sheriff's return, dated November 10, 1982, stating that no leviable property can be found in the premises of the defendants;

5. That on or before January 13, 1983, we learned that Mr. Rodolfo M. Silva, one of the defendants in said cases had already given Atty. Angeles a partial settlement of the judgment in the amount of ₱42,999.00 (as evidenced by xerox copies of Partial Settlement of Judgment dated September 21, 1982 and Receipt of Payment dated September 22, 1982, hereto attached as Annexes "A" and "B", respectively), without our knowledge.

6. That Atty. Sergio Angeles never informed the undersigned of the amount of ₱42,999.00 he received from Mr. Silva nor remitted to them even a part of that amount;

7. That a demand letter was sent to Atty. Sergio Angeles which was received by him on February 17, 1983, but as of this date the undersigned have not yet received any reply. (See Exhibit "C" and "D" attached)."

In his Comment filed on June 21, 1983, respondent denied the accusations and stated that he has the right to retain the

---

[1] *Rollo*, p. 1.

Supreme Court E-Library

said amount of ₱42,999.00 and to apply the same to professional fees due him under the subsequent agreement first with complainant Teodoro Rivera and later with Mrs. Dely Dimson Rivera as embodied in the Deed of Assignment (Annex "8")[2] or under the previous agreement of 20% of ₱206,000.00.

Complainants, in their Reply,[3] vehemently denied the assignment of their rights to respondent.

Thereafter, this case was referred to the Solicitor General for investigation, report and recommendation in our Resolution dated November 21, 1983. The Office of the Solicitor General considered this case submitted for resolution on April 30, 1985 by declaring respondent's right to present evidence as considered waived due to the latter's failure to appear on the scheduled hearings. However, the records from said Office do not show any resolution.

In October 1998, the Integrated Bar of the Philippines issued an Order requiring the parties to manifest whether or not they are still interested in prosecuting this case, or whether supervening events have transpired which render this case moot and academic or otherwise. The copy of said Order sent to the complainants was received by their counsel on October 30, 1998 while the copy to the respondent was returned unclaimed.

Investigating Commissioner Julio C. Elamparo submitted his report on April 29, 1999 finding respondent Atty. Sergio Angeles guilty of violating the Code of Professional Responsibility specifically Rule 1.01, Canon 16 and Rule 16.01 thereof and recommends his indefinite suspension from the practice of law.

The Board of Governors of the Integrated Bar of the Philippines on June 19, 1999, issued a resolution, the decretal portion of which reads:

---

[2] Annex "7", Unsigned Deed of Assignment; *Rollo*, p. 45.

[3] Reply, *Rollo*, pp. 62 and 88.

Supreme Court E-Library

"RESOLUTION NO. XIII-99-151
Adm. Case No. 2519
Teodoro R Rivera, et al. vs.
Atty. Sergio Angeles

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution/Decision as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, *with an amendment* that Atty. Sergio Angeles is *SUSPENDED* from the practice of law for ONE (1) YEAR for his having been found guilty of practicing deceit in dealing with his client."

The Court finds merit in the recommendation of the Integrated Bar of the Philippines. Respondent's act of deceit and malpractice indubitably demonstrated his failure to live up to his sworn duties as a lawyer. The Supreme Court repeatedly stressed the importance of integrity and good moral character as part of a lawyer's equipment in the practice of his profession.[4] For it cannot be denied that the respect of litigants for the profession is inexorably diminished whenever a member of the Bar betrays their trust and confidence.[5]

The Court is not oblivious of the right of a lawyer to be paid for the legal services he has extended to his client but such right should not be exercised whimsically by appropriating to himself the money intended for his clients. There should never be an instance where the victor in litigation loses everything he won to the fees of his own lawyer.

WHEREFORE, respondent Atty. Sergio Angeles, is *SUSPENDED* from the practice of law for ONE (1) YEAR for having been found guilty of practicing deceit in dealing with his client.

---

[4] *Fernandez v. Grecia*, A.C. No. 3694, June 17, 1993, 223 SCRA 425.

[5] *Busiños v. Ricafort,* A.C. No. 4349, December 22, 1997, 283 SCRA 407.

Supreme Court E-Library

This Resolution shall take effect immediately and copies thereof furnished the Office of the Bar Confidant, Integrated Bar of the Philippines and appended to respondent's personal record.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and *Pardo, JJ.*, concur.

SECOND DIVISION

[Adm. Case No. 4680. August 29, 2000]

AQUILINO Q. PIMENTEL, JR., *complainant, vs.* **ATTYS. ANTONIO M. LLORENTE and LIGAYA P. SALAYON,** *respondents.*

SYNOPSIS

This is a complaint for disbarment against respondents for gross misconduct, serious breach of trust, and violation of the lawyer's oath in connection with the discharge of their duties as members of the Pasig City Board of Canvassers in the May 8, 1995 elections.

Complainant alleged that respondents tampered with the votes received by him in violation of R.A. No. 6646, §27(b). He contended that, by signing the Statement of Votes (SoVs) and Certificate of Canvass (CoC) despite respondents' knowledge that some of the entries therein were false, the latter committed a serious breach of public trust and of their lawyers' oath. Complainant likewise averred that respondents should be held responsible for the illegal padding of the votes considering the nature and extent of the irregularities and the fact that the canvassing of the election returns was done under their control and supervision. Respondents, on the other hand,