

****Title:****

Bergonia vs. Merrera, A.C. No. 446 Phil. 1 (2002)

****Facts:****

Complainant Arsenia T. Bergonia, together with her relatives, initially filed a case for quieting of title (Civil Case No. U-4601) against Josephine Bergonia and Spouses Rodolfo and Remedios Parayno, with their minor daughter Gretchen, in the Regional Trial Court (RTC) of Urdaneta, Pangasinan, Branch 49. The trial court ruled in favor of the Paraynos, a decision affirmed by the Court of Appeals (CA), making it final and executory.

Despite the adverse decisions, Bergonia retained possession of the disputed property, prompting the Paraynos to file a separate case (Civil Case No. U-6061) to recover possession. After due trial, the RTC ordered Bergonia to vacate the premises. Bergonia then appealed this decision, engaging Atty. Arsenio A. Merrera as her counsel. Merrera received a Notice to File Brief on December 17, 1997.

Merrera filed a Motion for Extension to submit the appellant's brief, which the CA granted until March 17, 1998. Before this period lapsed, Merrera sought a second extension until April 16, 1998, which was also granted by the CA. Despite these extensions, Merrera failed to file the appellant's brief, leading the CA to dismiss the appeal on June 25, 1998, upon the appellees' motion.

On March 2, 1999, Bergonia filed an Affidavit-Complaint seeking Merrera's disbarment for violating Canons 12 and 18 of the Code of Professional Responsibility based on his failure to file the appellate brief. The Supreme Court referred this complaint to the Integrated Bar of the Philippines (IBP) for investigation.

****Issues:****

1. Whether Atty. Arsenio A. Merrera violated Canon 12 Rule 12.03 of the Code of Professional Responsibility by failing to file the appellant's brief after obtaining two extensions.
2. Whether Merrera's failure to file the brief constitutes inexcusable negligence and a breach of the duty owed to his client under Canon 18 of the Code of Professional Responsibility.

****Court's Decision:****

The Supreme Court upheld the findings of the IBP, concluding that Merrera exhibited negligence and a lack of diligence expected of a lawyer.

1. **Violation of Canon 12 Rule 12.03:**

The Court emphasized that attorneys must either submit pleadings within granted extensions or notify the court if unable to do so, providing a valid reason. Merrera did neither, resulting in the appeal's dismissal. His justifications, such as health issues and a heavy workload, did not exempt him from his professional obligations.

2. **Inexcusable Negligence under Canon 18:**

The Court found Merrera guilty of inexcusable negligence for not properly handling Bergonia's appeal. Despite claiming that he advised the complainant against pursuing the appeal, his actions (filing oppositions and motions for extension) contradicted this defense. His negligence in failing to submit the brief caused substantial harm to Bergonia's case.

Doctrine:

1. **Canon 12 Rule 12.03 of the Code of Professional Responsibility:** A lawyer must not let the period lapse without submitting required pleadings or providing a reasonable explanation for not doing so, especially after obtaining extensions.
2. **Canon 18 of the Code of Professional Responsibility:** A lawyer must not neglect a legal matter entrusted to them, and any negligence renders them liable administratively.

Class Notes:

- **Canon 12 Rule 12.03:** Mandates the submission of pleadings within the period granted or immediate notification with a valid reason if failing to do so.
- **Canon 18:** Lawyers must avoid neglecting their clients' cases and are administratively liable for any form of negligence.
- **Procedural Requirement under Section 12 of Rule 44:** Requires good and sufficient cause for any extension request on filing briefs.
- **Role of IBP in Disciplinary Actions:** Investigates complaints against lawyers for unethical conduct and recommends actions to the Supreme Court.

Historical Background:

This case highlights the stringent adherence required by Philippine lawyers to professional standards and court deadlines. Moreover, it underscores the legal system's mechanisms, like the Integrated Bar of the Philippines' role in lawyer discipline, ensuring that ethical breaches by legal professionals are adequately addressed to uphold justice and client interests.