

### Title: **\*\*Dizon et al. vs. Trinidad-Radoc: Supreme Court Disbars Attorney for Misappropriation and Gross Negligence\*\***

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### Facts:

Mary Rose E. Dizon, Randolph Stephen G. Pleyto, and Jonash Belgrade C. Tabanda hired Atty. Maila Leilani B. Trinidad-Radoc to handle a lease dispute with Nemesio Peralta, Jr. and his spouse. Multiple meetings and text exchanges occurred between the parties from November 2016 to February 2017 to discuss legal strategies, including filing complaints and obtaining attachments on the Peraltas' properties.

- **\*\*Nov 11, 2016\*\***: Atty. Trinidad-Radoc met Jonash and Randolph, showing them a complaint draft. Paid P20,000 in cash and an P80,000 check (acceptance and filing fees).
- **\*\*Nov 15, 2016\*\***: Complainants signed a complaint document presented by Atty. Trinidad-Radoc.
- **\*\*Nov 21, 2016\*\***: Atty. Trinidad-Radoc texted that she would file the attachment case on Wednesday.
- **\*\*Nov 23, 2016\*\***: Atty. Trinidad-Radoc claimed to file the attachment case, asking for reimbursement of P98,000, half of which (P49,000) was paid by December 14.
- **\*\*Dec 20, 2016\*\***: Claimed filing a complaint with Bureau of Immigration regarding the spouses' departure, requesting another P150,000 which Randolph paid.
- **\*\*Feb 1, 2017\*\***: Communicated expectancy of case decision.
- **\*\*Feb 3, 2017\*\***: Sought an additional P150,000 for "claims and damages fee;" paid on the same day.
- **\*\*Feb 6, 2017\*\***: Informed the clients of winning the case and a P5 million award, claiming future steps involving a Sheriff's sale.
- **\*\*Feb 18, 2017\*\***: Cited a successful sheriff's sale, eventually asking for P200,000 for her bidder, which was not paid as the complainants had no remaining funds.
- **\*\*Mar 13, 2017\*\***: Provided hopeful updates on the release of award.

Pressures on Atty. Trinidad-Radoc for updates grew but remained unanswered leading Jonash to search Quezon City Hall records to find no case filed under any involved party.

- **May 19, 2017**: Stated the award check was ready but failed to provide it.

Jonash found no credit reflecting in his bank subsequently. Multiple follow-ups led to acknowledgment of deception and a written promise to return P450,000. Multiple requests for repatriation failed, compelling a criminal complaint and disbarment case filed by the complainants.

- **June 23, 2017**: Atty. Trinidad-Radoc confessed to the fraud and misappropriation.

IBP recommended a 3-year suspension and penalties against Atty. Trinidad-Radoc for non-compliance with the investigation.

- **June 25, 2022**: IBP issued a suspension order.

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### ### Issues:

1. Did Atty. Trinidad-Radoc violate the Code of Professional Responsibility (CPR)?
2. What set of actions were taken by Atty. Trinidad-Radoc that led to the administrative liability?
3. What is the appropriate penalty for the violations committed by Atty. Trinidad-Radoc?

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### ### Court's Decision:

The Supreme Court found Atty. Trinidad-Radoc guilty of violating the CPR and misappropriating her clients' funds. The Court's analysis is as follows:

1. **Violation of CPR and Accountability**: Atty. Trinidad-Radoc's deceitful actions, fake case filings, demands for additional unnecessary fees, and eventual misappropriation of P450,000 constitute multiple gross violations of her duty of integrity, independence, competence, and diligence.
2. **Non-compliance with IBP**: Ignored IBP directives for filing answers and attending mandatory hearings.
3. **Misrepresentation**: Claimed to have filed phantom cases, provided sham updates, fake

wins, and intentionally led clients into believing progress was being made, thus demonstrating gross negligence.

4. **Failed to Return Funds**: After promising restitution in her written Undertaking, Atty. Trinidad-Radoc failed to replenish the misappropriated client funds.

The Supreme Court ruled the ultimate penalty was disbarment based on:

- Gross negligence and reckless mandatory duty deprivation.
- Misappropriation as a serious offense under Sections 33(d) and 33(g) of the CPRA.

Moreover, Atty. Trinidad-Radoc was directed to return P450,000 with 6% per annum interest until full payment.

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### ### Doctrine:

The primary doctrines cited involve violations of the Code of Professional Responsibility and Accountability (CPRA), emphasizing:

- Integrity and fiduciary duty (Sections 49 and 50 of Canon III).
- Ensuring independent, efficient, diligent legal service.
- Serious offenses leading to disbarment for misrepresentation, fraud, and misappropriation (Section 33).

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### ### Class Notes:

1. **Fiduciary Duty**: Lawyers must uphold integrity and handle client funds with utmost fidelity.
2. **Misappropriation**: Unauthorized use of client funds is grounds for severe penalties, including disbarment.
3. **Gross Negligence**: Reckless client neglect leading to deprivation of day in court equates to misconduct.
4. **Professional Diligence**: Constant upkeep communication, accurate actions based on legal advice and timeliness.

### ### Relevant Statutes:

- **Canon I, IV, of CPRA**: Independence, dignity, diligence, accountability.

- **Sections 33(d), 33(g)**: Gross negligence and misappropriation as serious offenses.
- **Sections 49, 50, Canon III**: Addresses fiduciary relationships and fund management during engagements.

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### ### Historical Background:

The case aligns with historical precedence where lawyers exploiting client trust for personal benefit are met with stringent professional sanctions. This reminds Bar members to adhere to ethical practices due to their role in the justice system, safeguarding public trust. The advent of the CPRA re-emphasizes comprehensive legal ethics reinforcing the profession's morality and accountability.