

Title:

Angelito Cabalida vs. Atty. Solomon A. Lobrido, Jr. and Atty. Danny L. Pondevilla

Facts:

Angelito Cabalida, a high school undergraduate, owned a piece of real estate located in Rio Vista Homes, Barangay Tacoling, Bacolod City, covered by TCT No. T-227214. The property was gifted to him by an Australian national, Alan Keleher. They lived there until a minor misunderstanding led to Cabalida moving out.

Keleher committed suicide on April 4, 2005. Janeph Alpiere, Keleher's house help, was assigned by the Australian Embassy to dispose of Keleher's body and sell his personal items to fund the funeral. Alpiere absconded with the sale proceeds, leaving Cabalida to manage the funeral expenses himself.

Upon attempting to return to his property, Cabalida discovered that it was locked by Alpiere, who demanded unpaid wages from Keleher. Alpiere then leased the property to Reynaldo Salili. Cabalida's attempts through police and barangay assistance were futile, leading him to file a complaint for ejectment against Alpiere and Salili.

Cabalida hired Atty. Solomon Lobrido to represent him in MTCC in Civil Case No. 30337 filed for Ejectment with Damages on September 23, 2005. Alpiere and Salili, represented by Atty. Danny Pondevilla, claimed Cabalida was a dummy of Keleher and purportedly sold the property to Alpiere, who later transferred it to Pondevilla's sister, Emma Pondevilla-Dequito.

During the process, a series of negotiations for an amicable settlement occurred but resulted in a dubious Memorandum of Agreement. Atty. Pondevilla managed the negotiations, while Atty. Lobrido failed to assist Cabalida effectively.

The MTCC provisionally dismissed Civil Case No. 30337, which continued only against Salili until it was dismissed again due to non-appearance by Cabalida. Subsequently, Cabalida's property was foreclosed due to an unpaid mortgage loan under MLC.

Cabalida filed an administrative complaint asserting unethical behavior against both attorneys, who allegedly colluded to deprive him of his property. The IBP initially found fault with both attorneys but later dismissed the complaint, leading Cabalida to file a Petition for Review in the Supreme Court.

Issues:

1. Whether the IBP Board of Governors erred in exonerating Atty. Lobrido and Atty. Pondevilla despite alleged violations of the Code of Professional Responsibility.
2. Whether Atty. Lobrido failed to assist his client effectively during the settlement negotiation.
3. Whether Atty. Pondevilla engaged in unethical negotiations without properly notifying and consulting Cabalida's counsel, Atty. Lobrido.
4. Whether Atty. Pondevilla violated Republic Act No. 6713 by engaging in the unauthorized practice of law while serving as a City Legal Officer.

Court's Decision:

Issue 1:

The Supreme Court found that the IBP Board of Governors erred in fully exonerating both attorneys. The findings of Comm. Reyes were more consistent with the events and the obligations under the Code of Professional Responsibility.

Issue 2:

Atty. Lobrido was found liable for negligence. His failure to participate in the negotiations and represent Cabalida resulted in an agreement that did not bind all relevant parties, leading to legal and financial detriment to Cabalida. Canon 18 and Rule 18.03 were cited, emphasizing the need for lawyers to serve their clients with competence and diligence.

Issue 3:

Atty. Pondevilla breached Canon 8, Rule 8.02 by engaging directly with Cabalida without ensuring the proper representation and involvement of Atty. Lobrido. He failed to prevent conflicts of interest and did not consult Lobrido effectively.

Issue 4:

Atty. Pondevilla violated Republic Act No. 6713 and Canon 1, Rule 1.01 by engaging in private practice without authorization while holding a public office. His dual role constituted unauthorized practice of law, leading to an additional penalty.

Doctrine:

1. ****Canon 18:**** A lawyer must serve their client with competence and diligence.
2. ****Rule 18.03:**** A lawyer must not neglect a legal matter entrusted to them.
3. ****Canon 8, Rule 8.02:**** A lawyer must not encroach upon the professional employment of another lawyer.
4. ****Canon 1, Rule 1.01:**** Lawyers must uphold the Constitution and the laws of the land,

engaging only in lawful conduct.

Class Notes:

- **Competence and Diligence:** Lawyers must actively participate in all stages of legal proceedings to protect their client's interests.
- **Avoidance of Unauthorized Negotiations:** Lawyers must not negotiate with the opposing party's clients without consultation or notice to their counsel.
- **Dual Role Violation:** Public officers should not engage in private practice unless authorized, and must avoid conflicts of interest.
- **Importance of Full and Transparent Representation:** Ensuring that agreements are binding to all relevant parties is essential to avoid legal and financial repercussions.

Historical Background:

The case underscores persistent ethical issues within the legal profession, reflecting the need for strict adherence to the Code of Professional Responsibility. It serves as a reminder of the professional and ethical expectations from legal practitioners and the consequences of neglecting these duties.