

Title: Francisco, Tan, and Joaquin vs. Atty. Jaime Juanito P. Portugal

Facts:

On March 21, 1994, SPO1 Ernesto C. Francisco, SPO1 Donato F. Tan, and PO3 Rolando M. Joaquin were involved in a shooting incident which resulted in two deaths and serious injuries to another person. As a result, they were charged with murder and frustrated murder before the Sandiganbayan where they were eventually found guilty of two counts of homicide and one count of attempted homicide.

Upon their conviction, the complainants, who are related to the accused, engaged the services of Atty. Jaime Juanito P. Portugal to appeal the case. Respondent Atty. Portugal filed a Motion for Reconsideration with the Sandiganbayan which was denied on August 21, 2001. Unfazed, Atty. Portugal filed an Urgent Motion for Leave to File Second Motion for Reconsideration but also filed a Petition for Review on Certiorari (Ad Cautelam) with the Supreme Court on May 3, 2002.

After the filing, the complainants lost contact with Atty. Portugal who allegedly moved without a forwarding address. A year later, complainants discovered that the Petition for Review was denied by the Supreme Court for late filing and non-payment of docket fees, which had become final, and warrants of arrest were issued against the accused.

Respondent stated he was not the original counsel for the accused, expressed that there was no formal engagement, and claimed he filed the pleadings out of his sincere effort, professional duty without adequate remuneration. Atty. Portugal maintained that the Petition was filed timely and mentioned informing PO3 Joaquin about his intent to withdraw as counsel.

On February 9, 2004, the Supreme Court referred the matter to the Integrated Bar of the Philippines for investigation. The IBP, through Commissioner Leland R. Villadolid Jr., recommended a suspension from practice for six months. The IBP Board of Directors adopted the recommendation on November 12, 2005.

Issues:

Whether Atty. Portugal committed gross negligence or misconduct in handling the case leading to the dismissal of the ad cautelam petition.

Court's Decision:

The Supreme Court agreed with the IBP's recommendation to suspend Atty. Portugal from

the practice of law but reduced the suspension to three months. It emphasized the importance of diligence, fidelity, and transparency in the attorney-client relationship, which Atty. Portugal neglected.

1. Regarding the timely filing of the petition, the Court determined Atty. Portugal filed the petition late, invalidating his effort for an extension as the Second Motion for Reconsideration, was a prohibited pleading.
2. On handling the case, Atty. Portugal did not adequately inform the clients regarding the case updates and was unresponsive to their attempts to contact him, contrary to standard ethical obligations.
3. His explanation regarding withdrawal of services was deemed inadequate. As a practicing attorney, he should have ensured formal and proper withdrawal via filing in court, instead of deferring on the accused to perform it.
4. The Court addressed his claim of non-payment by noting that remuneration or lack thereof does not absolve a lawyer from client obligations once representation is undertaken.

Doctrine:

The case reiterates the duty of a lawyer to act with competence and diligence towards a client and emphasizes the importance of transparency and accountability, pursuant to Canon 17 and Canon 18 of the Code of Professional Responsibility.

Class Notes:

- Canon 17: A lawyer owes fidelity to their client.
- Canon 18: A lawyer must serve their client with competence and diligence.
- The lawyer-client relationship obligates the attorney to represent a client's interests zealously and competently until formal disengagement is executed via stipulated court procedures.
- Rule 18.04 necessitates regular communication and updates to clients about their cases.

Historical Background:

This case is set within the judicial system of the Philippines, highlighting the procedural rigor and ethical conduct expected from legal practitioners. It reflects on the responsibilities of defending clients in criminal cases, underscoring the severe implications of attorney negligence in capital offenses. The procedural lapses in handling cases exemplify the critical nature of attorney diligence to avoid miscarriage of justice and safeguard the liberties subjected to criminal prosecution.