

****Title:**** Maria Cristina G. Dayos vs. Atty. Grace C. Buri, Disbarment Complaint

****Facts:****

1. GB Global Exprez, Inc., represented by Maria Cristina G. Dayos (Dayos), hired Atty. Grace C. Buri (Atty. Buri) to handle its case entitled Albert M. Lugtu v. GB Global Exprez, Inc., and Benson Chua before the National Labor Relations Commission (NLRC Case No. RAB-III-02-25312-17).
2. On January 3, 2018, Atty. Buri personally received P135,501.00 from GB Global to be posted as the company's appeal cash bond for the said case. Atty. Buri assured Dayos that she was preparing the pleadings and documents for the appeal.
3. Despite multiple demands from GB Global for copies of the pleadings and the appeal document, as well as the receipt for the cash bond, Atty. Buri failed to file the appeal within the reglementary period. Consequently, the decision of the labor arbiter lapsed into finality on February 9, 2018.
4. GB Global had to engage a new counsel due to Atty. Buri's failure. Additionally, Atty. Buri had received P625,000.00 from GB Global for a separate case, which she also failed to return.
5. GB Global filed a disbarment complaint against Atty. Buri for her failures.
6. Proceedings before the Integrated Bar of the Philippines (IBP) commenced, but Atty. Buri failed to attend any of the mandatory conferences or submit required documents.
7. Despite GB Global manifesting disinterest in pursuing the case after Atty. Buri settled her monetary obligations in 2021, the IBP Investigating Commissioner recommended disbarment due to her history of previous administrative infractions.

****Issues:****

1. Whether a disbarment case can proceed despite the complainant's withdrawal or lack of interest.
2. Whether Atty. Buri is liable for violations of Canons 1, 16, 17, and 18 of the Code of Professional Responsibility (CPR).

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

****1. Disbarment Case Continuation:****

The Court ruled that a disbarment case, being sui generis, continues despite a complainant's desistance or lack of interest. The primary issue is whether the respondent

remains fit to practice law and be an officer of the court, and thus the case can proceed without the complainant's further involvement.

****2. Atty. Buri's Liability under the CPR:****

- ****Canon 1, Rule 1.01 - Unlawful, Dishonest Conduct:****

- Atty. Buri's failure to account for the appeal cash bond and her failure to file the appeal constituted deceitful and dishonest conduct.

- ****Canon 16, Rule 16.01 - Duty to Account for Client Money:****

- Atty. Buri violated her duty to account for money received from GB Global. Her failure to return the P135,501.00 until after filing of the disbarment complaint demonstrated her breach of fiduciary duty.

- ****Canon 17 - Fidelity to Client's Cause:****

- Atty. Buri's non-filing of the appeal despite her assurances showed a lack of fidelity and commitment to her client's cause.

- ****Canon 18, Rules 18.03 and 18.04 - Competence and Diligence:****

- Atty. Buri's lack of action on the appeal and failure to keep her client informed constituted neglect and indiligence.

****Doctrine:****

- A lawyer must uphold the highest standards of honesty, fidelity, and integrity. Failure to live by these principles can result in disciplinary action regardless of the complainant's subsequent desistance.

- Disbarment proceedings can continue irrespective of the complainant's will to pursue the case further, because the objective is to determine the lawyer's fitness to practice law.

****Class Notes:****

- ****Canon 1, Rule 1.01:**** Unlawful, dishonest, immoral or deceitful conduct (applied to misappropriation of client's funds).

- ****Canon 16, Rule 16.01:**** Duty to account for all money or property received from the client (managing client funds appropriately).

- ****Canon 17:**** Lawyer's fidelity to client (properly representing client's case).

- ****Canon 18, Rule 18.03 and 18.04:**** Competence and diligence (actual management and communication regarding client's case).

****Historical Background:****

This case occurs in a context where the Philippine legal profession has been actively maintaining and enforcing ethical standards. Disbarment serves as a mechanism to purge unfit members who undermine public trust in the legal system. Atty. Buri's repeated infractions and previous sanctions established a pattern of unethical behavior, prompting the final and harsh measure of disbarment to protect the integrity of the legal profession and uphold public confidence.