

### Title:

**\*\*Caparas vs. Racelis, A.C. No. 12835\*\***

### Facts:

1. **\*\*Initial Engagement and Payment\*\***: On December 5, 2017, Crisente L. Caparas (complainant) approached Atty. Alwin P. Racelis (respondent) to file an ejectment case against the occupants of his land in Calamigan, Tiaong, Quezon Province. Respondent accepted the engagement, for which the complainant paid a total of PHP 35,000.00—PHP 20,000.00 in cash and PHP 15,000.00 via money remittance after the complainant returned to Canada.
2. **\*\*Communication\*\***: The complainant sent an email on December 20, 2017, informing the respondent about the remitted PHP 15,000.00. Respondent acknowledged receipt on December 21, 2017.
3. **\*\*Lack of Response and Follow-ups\*\***: By February 27, 2018, complainant sent an email for updates and authorized his sister-in-law, Guia Lindo, as his representative. No response was received. Multiple attempts were made via Facebook Messenger on March 15, 2018, and June 27, 2018.
4. **\*\*Prolonged Inaction\*\***: Complainant sent another email on December 24, 2018, mentioning a year had passed without updates. No response from the respondent. A further message was sent in March 2019 through Messenger, still without reply.
5. **\*\*Formal Complaint\*\***: Complainant escalated the issue to the Commission on Bar Discipline (IBP) on January 11, 2019. IBP instructed complainant to file a verified complaint, leading to this disbarment case.
6. **\*\*Counterargument by Respondent\*\***: Respondent claimed delays were due to complainant's representative, Cecilia Pangan, failing to provide necessary documents and not returning the PHP 2,000.00 she requested from him.
7. **\*\*IBP Proceedings\*\***: The Investigating Commissioner found respondent negligent, recommending a one-month suspension and refund. The IBP Board of Governors modified this to a three-month suspension with interest on the refund.

### Issues:

1. **\*\*Did respondent violate the Lawyer's Oath and the Code of Professional Responsibility (CPR)?\*\***
2. **\*\*Was the respondent's failure to communicate and update the complainant on the status of the ejectment case a breach of fiduciary duty and professional conduct?\*\*\***

### Court's Decision:

1. **Violation of Lawyer's Oath and CPR**:

The Court affirmed that respondent violated the Lawyer's Oath, Canon 17, and Rules 18.03 and 18.04 of Canon 18 of the CPR by not acting with competence and diligence and failing to keep his client informed.

- **Canon 17 and 18**: Emphasize a lawyer's duty to be faithful to the client's cause and to provide competent and diligent service.
- **Rules 18.03 and 18.04**: Stress the necessity for a lawyer to not neglect legal matters and to inform clients of case status promptly.

2. **Lack of Communication**:

- The respondent did not adequately communicate with the complainant despite the client's repeated follow-ups via email and messenger. Respondent's preference for text or call was deemed insufficient given he originally communicated via email.
- Respondent's claim of waiting for documents was found untenable as he failed to inform the complainant of said requirements promptly.

The Supreme Court ordered:

- The suspension of Atty. Alwin P. Racelis from legal practice for six months, stressing the obligation to return PHP 35,000.00 with 6% interest per annum from decision finality until fully paid. Repetition of similar conduct would invoke more severe penalties.

**### Doctrine:**

1. **Lawyer's Fiduciary Responsibility**: Lawyers must demonstrate utmost diligence and competence from the moment they accept a client's case until its conclusion.
2. **Duty of Communication**: Lawyers have an imperative duty to keep their clients informed about the progress and status of their legal matters, using all reasonable means of communication.

**### Class Notes:**

- **Elements of Legal Negligence**: Failure to act with competence and diligence as stipulated in Canon 18; neglect and failure to inform clients as per Rules 18.03 and 18.04.
- **Fiduciary Nature of Lawyer-Client Relationship**: Trust, confidence, and a duty to update and communicate effectively.
- **Verbatim Statutes**:
  - Canon 17 CPR: A lawyer owes fidelity to the cause of his client.
  - Canon 18 CPR: A lawyer shall serve his client with competence and diligence.
  - Rule 18.03 CPR: Neglect of a legal matter renders a lawyer liable.

- Rule 18.04 CPR: A lawyer shall keep the client informed of the status of his case.

### Historical Background:

This case situates within the broader context of professional accountability in the Philippine legal system, especially highlighting the judiciary's vigilance in upholding the standards of legal practice and protecting client interests. The Supreme Court's consistent imposition of disciplinary measures reiterates its zero-tolerance for negligence and unprofessional conduct by attorneys, strengthening trust in legal institutions.