

OCA CIRCULARS NO. 54-2002, September 24, 2002

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TO:

THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI' A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, SHARI' A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

SUSPENSION OF ATTY. ANTONIO B. PAGUIRIGAN FOR SIX (6) MONTHS

For the information and guidance of all concerned, quoted hereunder is the decision of the Second Division of the Supreme Court in Administrative Case No. 5558 entitled "Sps Lolita and Romy Galen et al., vs. Atty. Antonio B. Pangilinan" dated 7 March 2002, to wit:

"xxx

Respondent was clearly negligent in the performance of his duties as complaints' counsel. He admits that he failed to file the appellee's brief. He admits that he failed to do so because he was confident that the trial court's decision would be affirmed is flimsy. It shows the cavalier attitude which respondent took forward his client's cause. While the failure to file the appellee's brief in a case is not a ground for an adverse ruling against the appellee, unlike the failure to file the appellant's brief which may result in the dismissal of an appeal, nonetheless, the importance of filing an appellee's brief cannot be gainsaid. As the Court has pointed out, 'Upon appeal, the appellate court, not being in the position to hear firsthand the testimony of parties, can only place great reliance on the briefs and memoranda of the parties. The failure to submit these pleadings could very well be fatal to the cause.'^[4] For this reason, this Court held that '[r]espondent's failure to submit the brief to the appellate court within reglamentary period entails disciplinary action. Not only it is dereliction of duty to his client but also to the court as well.'^[5]

xxx

A lawyer is expected to be familiar with these rudiments of law and procedure and anyone who acquires his service is entitled to not just competent service but also whole-hearted devotion to his client's cause.^[7] It is duty of a lawyer to serve his client with competence and diligence and he should exert his best efforts to protect within the bounds of law the interest and his client.^[8] A lawyer should never neglect a legal matter entrusted to him, otherwise his negligence in fulfilling his duty will render him liable for disciplinary action.^[9] For failing to render competent service to complainants, respondent should refund to them the amount of P10,000.00 which he received from them for litigation expenses.

WHEREFORE, in view of the foregoing, respondent Atty. Antonio B. Paguirigan, is SUSPENDED from the practice of law for six (6) months effective upon finality hereof and ORDERED to refund to complainants the

amount of P10,000.00 with WARNING that a repetition of the same negligent act charged in this complaint will be dealt with even more same negligent act charged in this complaint will be dealt with even more severely."

Copy of the decision was received by Atty. Paguirigan on 26 March 2002 as per Registry Return Receipt No. 27098.

24 September 2002

PRESBITERO J. VELASCO, JR.

Court Administrator

[4]Torres v. Orden, 330 SCRA1, 5 (2000)

[5]Id.

[6]Tan v. Lapak, G. R. No. 93707, Jan. 23, 2001 citing In Re: Santiago F. Marcos, 156 SCRA 844, 847 (1987) (citations omitted)

[7]In re: Vicente Y. Bayani, 337 SCRA 451(2000)

[8] In Re: Atty. David Briones, Adm. Case No. 5486, Aug. 15, 2001.

[9]CODE OF PROFESSIONAL RESPONSIBILITY, Rule 18.03

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