

OBDULIA L. PRADO, COMPLAINANT, VS. ELISEO A. RAZON, RESPONDENT.

Adm. Case No. 1411. August 24, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

Obdulia L. Prado charged lawyer Eliseo A. Razon (admitted to the Bar in 1954) with gross negligence in not seasonably informing her of the lower court's decision.

The record shows that Obdulia Prado appealed to the Court of First Instance of Manila her conviction for slander by the city court of Manila which sentenced her to pay a fine of P50, with subsidiary imprisonment in case of insolvency.

For that appeal, her compadre engaged the services of respondent Razon who submitted a memorandum for her. The trial court rendered a decision dated November 6, 1974, affirming the judgment of the city court. The decision was received on November 8, 1974 by the clerk of Councilor Fernandez at Room 204, Manila City Hall, which respondent Razon was occupying as his office, and delivered to him on November 14, 1974 or six days later.

Respondent Razon had until November 23, 1974 within which to file a motion for reconsideration or to appeal. However, that reglementary period elapsed without any action by the respondent. It was only on November 25, or two days later, when Prado received a copy of the decision by mail sent by lawyer Razon.

Obdulia L. Prado filed the instant administrative case for disbarment. In his answer, respondent Razon claims that Prado took from him all the papers of the case and never came back to inquire about the status of her appeal. Prado denied this allegation.

When respondent receive a copy of the decision, he waited for Prado to come but she never did. He then went to the Court of First Instance to ascertain her address. Thereafter, he mailed the decision to her.

The credibility of respondent's explanation is destroyed by his admission that he had really committed a mistake in handling his client's case because he was beset with his own problem regarding the ejectment suit filed against him by the owner of the house at 297 Shaw Boulevard, Mandaluyong, which he was renting. His mind was then occupied with locating a place where he could transfer. He begged the indulgence of this Court.

After due investigation, the Solicitor General recommended respondent's suspension for not less than two months because his negligence prejudiced his client.

It is obvious that the attorney-client relationship between Prado and respondent arose merely out of accommodation through a mutual friend. There was no formal professional agreement between counsel and client. That fact notwithstanding, respondent cannot justifiably claim that when Prado got the papers from him, his services were being dispensed with. If that was his surmise, he should have formally withdrawn from the case

with Prado's consent. Since he did not withdraw, he was not relieved of the obligation of apprising Prado immediately of the decision.

WHEREFORE, respondent is censured for his negligence. A copy of this decision should be attached to his personal record in the Bar Confidant's Office.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos, Escolin, and Cuevas, JJ., concur.

Makasiar, J., (Chairman), on official leave.

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