

**JUAN M. FRANCISCO, JR. AND JORAM M. FRANCISCO,
COMPLAINANTS, VS. ATTY. ANTONIO B. BOSA AND ATTY. JESUS N.
BANDONG, RESPONDENTS.**

Adm. Case No. 2925. February 04, 1992

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7010c066e587/>

GUTIERREZ, JR., J.:

Brothers Juan and Joram Francisco initiated before this Court the instant proceedings for the disbarment of Attorneys Antonio Bosa and Jesus Bandong.

Initially, we referred the case docketed as Administrative Matter No. R-776-P for investigation, report and recommendation to Executive Judge Protacio C. Sto. Tomas, Presiding Judge of the Regional Trial Court of Masbate, Masbate.

In a resolution dated January 11, 1988, however, the case was referred to Executive Judge Senecio O. Ortille, Regional Trial Court, Branch 55, Irosin, Sorsogon.

In another resolution dated June 8, 1988, we directed Judge Ortille to proceed with the trial of the case and to terminate the same within thirty (30) days from receipt of the resolution. In the meantime, the Court, through the Bar Confidant, wrote a letter dated September 9, 1986, addressed to complainant Joram Francisco stating therein that since the prayer of the complaint includes Atty. Bandong in the disbarment proceedings in his capacity as a member of the Bar and considering that as far as Atty. Bosa who is a practicing lawyer is concerned, the office of the Bar Confidant has jurisdiction over the complaint, the said office took jurisdiction over the disbarment proceedings against Atty. Bosa and Atty. Bandong. The case was docketed as Administrative Case No. 2925. Hence, in the resolution dated June 8, 1988, the Court referred the case to the IBP Board of Governors for investigation, report and recommendation.

On September 5, 1988, the Court issued a resolution dismissing Administrative Matter No. R-776-P based on the report of Judge Senecio Ortille. Apparently, the Franciscos never appeared during the scheduled hearings of the case and decided to adduce evidence instead before the IBP Board of Governors in Administrative Case No. 2925.

After due hearing, the IBP Board of Governors rendered a decision, the dispositive portion of which reads:

"WHEREFORE, the Board of Governors hereby reprimands Atty. Jesus Bandong and Atty. Antonio B. Bosa for being negligent in the performance of their professional responsibility as member of the Philippine Bar. Any repetition of the same shall be death (sic) with severely.

The Court now reviews the decision.

I

Atty. Bosa was the counsel for the complainants in Civil Case No. 2604 of the Regional Trial Court of Masbate, later docketed as CA-G.R. CV No. 04784 in the Court of Appeals. He is now being charged for his failure to notify his clients of the unfavorable decision of said appellate court. His negligence, they alleged, resulted in the loss of their right to appeal which eventually led to the loss of 28 hectares of land which should have been adjudicated to them.

Joram Francisco testified that in a telegram dated June 21, 1986, he was asked by his brother Juan to verify the status of their case pending before the Court of Appeals. At the Court of Appeals, he discovered to his consternation that a decision in their case was promulgated on April 30, 1986 and that a copy thereof was received by their counsel Atty. Antonio Bosa on May 13, 1986. Joram Francisco wired Atty. Bosa to appeal the case before the Supreme Court, otherwise administrative charges would be filed against him. Atty. Bosa wired back suggesting they engage the services of another lawyer. By this time, two (2) months had passed from the time Bosa received a copy of the decision. He again requested Atty. Bosa to file the petition for review before the Supreme Court. However, the latter ignored the request. Complainant Juan Francisco thus engaged the services of Atty. P. Moralde to take care of the case. The petition filed by the second lawyer was however denied due course by the Supreme Court for having been filed out of time.

The other complainant Juan Francisco said that after receiving notice from his brother regarding their defeat in the Court of Appeals, he immediately went to the office of Atty. Bosa. The clerk there told him that the respondent had left for Manila. The clerk also showed him the records of the case which confirmed the fact that they lost before the appellate court. He was also shown a copy of the telegram addressed to him, through his brother-in-law Teodoro Balerete, informing him of the status of their case.

Complainant Juan Francisco likewise presented Atty. Bosa's letters to him addressed at his residence in Masbaranon, Esperanza, Masbate to show that said lawyer used to communicate with him at his residence.

Juan Francisco further narrated that when he met Atty. Bosa, he asked him why he did not appeal the case to the Supreme Court. The respondent told him that he sent a telegram through Teodoro Balerete and since he received no reply, he presumed that the Franciscos were no longer interested in appealing the case. Juan Francisco told the respondent that he never received the telegram supposed to have been sent through Teodoro Balerete since the latter has transferred his residence to Manila.

No matter how much Atty. Antonio Bosa tries to disclaim negligence on his part in failing to appeal the case, the evidence indicates otherwise. It is true that the respondent counsel sent to his client by telegram the information on the adverse decision in the case, yet he never checked whether the telegram reached its intended addressee. In this regard, he failed to exercise due diligence required of a counsel. A lawyer handling the case must give his entire devotion to the interest of his client. (*Negros Stevedoring Co., Inc. v. Court of Appeals*, 162 SCRA 371 [1988]) He must not do acts detrimental to the cause of his client. Neither shall he neglect a legal matter entrusted to him for his negligence therewith shall render him liable. (Canon 18.03, Code of Professional Responsibility) Public interest requires that an attorney exert his best efforts and ability in the prosecution or defense of his client's cause. A lawyer who performs that duty with diligence and candor not only protects the interests of his client; he also serves the ends of justice, does honor to the bar and helps maintain the respect of the community to the legal profession. This is so because the entrusted privilege to practice law carries with it the correlative duties not only to the client but also to the court, to the bar and to the public. That circumstance explains the public concern for the maintenance of an untarnished standard of conduct by every attorney towards his client. (*Cantiller v. Potenciano*, 180 SCRA 246 [1989], citing *Agpalo*, Legal Ethics, 3rd ed., Law Publishing House, 1985, p. 153)

II

Atty. Bandong on the other hand is being charged for his failure to forward to the Court of Appeals with his letter of transmittal, the transcript of stenographic notes of the pre-trial proceedings and hearing on July 1, 1977 and June 25, 1981 in Civil Case No. 2604, which transcripts, according to complainants, were vital to their case.

Joram and Juan Francisco testified that Atty. Jesus Bandong as Clerk of Court of the Regional Trial Court of Cataingan, Masbate falsified the minutes of the pre-trial proceedings on July 1, 1977 because the signatures of Atty. Pecson and Atty. Almario were forged. They also alleged that the transcripts of stenographic notes of July 1, 1977 and June 25, 1981 were never included in the letter of transmittal of the records of their case to the Court of Appeals.

For his defense, Atty. Jesus Bandong said that since he did not prepare the minutes of the July 1, 1977 pre-trial of Civil Case No. 2604, it would be impossible for him to falsify said documents. He alleged that it is usually the court interpreter who prepares the minutes. He denied any knowledge of the missing transcripts of stenographic notes taken during the June 25, 1981 hearing when he prepared the letter of transmittal to the Court of Appeals. He said he came to know the case of the missing stenographic notes only when this administrative case was filed against him. He added that the venue of Civil Case No. 2604 was originally at Branch 2 of the Court of First instance of Masbate but the case was later transferred to Branch 49 with the advent of the Judiciary Reorganization Act of 1983. His participation in the upkeep of the records started only in 1983 when he received them as deputy clerk of court of Branch 49. It is understandable then that he overlooked the inclusion of the stenographic notes in his letter of transmittal because the paging of the early records was not done by him and no records of said transcript appeared in the minutes for that day.

We find unmeritorious the arguments of respondent Clerk of Court excusing himself from his responsibility.

An examination of the records shows that while not listed in the letter of transmittal, transcripts of stenographic notes of July 1, 1977 were actually part of the transcripts transmitted to the appellate court. Thus, complainants' cause could not have been affected by this slight error. However, the non-inclusion of the transcripts of stenographic notes of June 25, 1981 is an entirely different matter.

In appeals to the Court of Appeals from the Regional Trial Court, whether by record on appeal or by the original record, the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of the Trial Court, who must submit the transcripts of stenographic notes to the Clerk of Court of the Court of Appeals within a period of thirty (30) days from perfection of appeal. (Administrative Circular No. 24-90, July 12, 1990) Faithful compliance with this rule is enjoined. Had Atty. Jesus Bandong given the records a thorough examination, he would have come across the order of Judge Alfin S. Vicencio wherein the court noted the testimony of Juan Francisco taken on June 25, 1981. From such fact, he could have noted the absence of and he should have searched for the transcript of June 25, 1981. Not having done this, he failed to exercise the due care required of him.

Indeed, Attorneys Antonio B. Bosa and Jesus N. Bandong miserably failed to exercise due diligence in the performance of their professional responsibility.

IN VIEW OF THE FOREGOING, judgment is rendered as follows:

1. ATTY. ANTONIO B. BOSA is hereby suspended from the practice of law for THREE (3) MONTHS from the finality of this resolution; and
2. ATTY. JESUS N. BANDONG is hereby REPRIMANDED.

A repetition of the same offenses will warrant sterner penalties.

SO ORDERED.

Feliciano, Bidin, Davide, Jr., and Romero, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.