

**ROSELYN A. OPALLA, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION, SEVENTH (7TH) DIVISION, CEBU CITY,
MANG TINAPAY (FORMERLY JULIE'S BAKESHOP-TABUNOK),
CEBU PRIMERA FOOD IN...**

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

In this Court's Resolution[1] dated July 30, 2014, We directed petitioner's counsel Atty. Bernardito Malabago to file his Comment on respondents' Manifestations[2] dated April 15, 2014 and June 10, 2014. The said Manifestations filed by the respondents intimated before the Court that petitioner, Roselyn Opalla herself, wrote them a letter signifying her decision not to pursue and continue the instant case as she knows for a fact that she was not illegally dismissed by respondents, and that she has executed an affidavit with quitclaim to that effect. Respondents also attached petitioner's Letter[3] and the Affidavit with Quitclaim,[4] both dated March 5, 2014, which they use as grounds for their prayer for the dismissal of the instant petition.

Before the July 30, 2014 Resolution was promulgated, however, Atty. Malabago had already filed his Emotional Comment and Strong Objection[5] on the Manifestation with Motion to Dismiss filed by the respondents. Hence, We note that Atty. Malabago already complied with the July 30, 2014 Resolution.

In his Emotional Comment and Strong Objection, Atty. Malabago, argued that the waiver signed by petitioner Opalla could not be considered valid because she was not assisted by any counsel, thus such waiver may have not been voluntarily entered by petitioner Opalla. He likewise emphasized that, contrary to what the affidavit of petitioner Opalla narrates, it is not true that he forced the latter to file the instant petition, and that it is petitioner Opalla herself who decided to pursue this action. Atty. Malabago also informed the Court that petitioner has not been contacting him anymore, and he tried to contact her upon receipt of respondents' Manifestation which contained her letter and affidavit, but she could not anymore be reached through the phone number and address she gave to him. Atty. Malabago then intimated that he heard news that respondents already gave a sum of money to petitioner Opalla, and he believes that petitioner may have written the letter and executed an affidavit in exchange for money. Accordingly, Atty. Malabago prayed for the denial of the Motion to Dismiss filed by the respondents.

Respondents, on the other hand, filed a Comment[6] on Atty. Malabago's Emotional Comment and Strong Objection. Respondents contended in such Comment that petitioner Opalla expressly admitted in her letter and affidavit that she voluntarily resigned from employment. They argued that petitioner Opalla was not assisted by counsel in executing her affidavit because it was her counsel herself who did not want to enter into a settlement. Thus, it prayed for the dismissal of the case.

Atty. Malabago filed his Reply with Continuing Objection[7] to the Comment of the Respondents. He reiterated therein that the letter and affidavit of petitioner Opalla, being invalid and illegal, should not cause the dismissal of the petition. He likewise pointed on the requirement under the 2011 NLRC Rules of Procedure that any

compromise agreement shall be approved by the Labor Arbiter, which was not followed by the respondents. Also according to Atty. Malabago, respondents and petitioner secretly negotiated, and respondents gave money to the petitioner and the latter signed the subject letter and affidavit, then petitioner used the money she received to put up a sari-sari store.

It is apparent from the pleadings filed by Atty. Malabago that his client, petitioner Opalla does not anymore communicate with him. It appears that petitioner herself refuses to be reached by her own counsel. And, with Atty. Malabago's intimation that respondents and petitioner Opalla may have secretly negotiated and that petitioner just accepted the money and did not anymore inform petitioner's own counsel, it is fair to conclude that petitioner herself already lost interest in pursuing the instant case.

Atty. Malabago, being the counsel of petitioner Opalla, acts in representation of his client's cause. As counsel, Atty. Malabago owes fidelity to the cause of his client^[8]; however, when the client, in this case petitioner Opalla, has shown lack of interest to her own cause, then what is there for the counsel to represent? Ultimately, the duty of the counsel to his client's cause ends when the client herself has already shown a lack of interest to her own cause. Indeed, a counsel, whose client lost interest in the case, cannot represent the latter and make his client's cause his own; doing so would be unethical.

Considering the apparent lack of interest by petitioner Opalla in pursuing her case, We are constrained to dismiss the instant petition and relieve Atty. Malabago of his duties as counsel for petitioner Opalla upon notice hereof.

A final word, respondents should have been prudent enough to inform Atty. Malabago of his client's action. Respondents cannot deny that petitioner Opalla filed a case against them before this Court with the assistance of her counsel Atty. Malabago, hence, when petitioner Opalla entered an agreement with respondents, prudence dictates that they should have informed Atty. Malabago, and the scenario and bickering discussed above would not have happened. Being informed of petitioner Opalla's action, Atty. Malabago could have taken steps to communicate with his client or to file his withdrawal of appearance, and all these would have been forestalled. Petitioner Opalla is also reminded that, having engaged a counsel of her own, she owes to her counsel prudence and good faith.

WHEREFORE, for petitioner Roselyn Opalla's lack of interest to pursue the instant action, We hereby DISMISS her petition for certiorari. Upon receipt of this Resolution, Atty. Bernardito Malabago is then relieved of his duties as counsel for petitioner Opalla. Thus, the instant case is considered CLOSED and TERMINATED and declared WITHDRAWN from the dockets of this Court.

SO ORDERED.

Hernando, J., Chairperson, and Azcarraga-Jacob, J., concur.

[1] Rollo, pp. 171-173.

[2] Rollo, pp. 141-143 and pp. 152-154.

[3] Rollo, pp. 144-145.

[4] Rollo, pp. 146-147.

[5] Rollo, pp. 160-168.

[6] Rollo, pp. 155-159.

[7] Rollo, pp. 179-182.

[8] Canon 17, Code of Professional Responsibility.

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