

FELICIDAD TOLENTINO, COMPLAINANT, VS. ATTY. VICTORIA C. MANGAPIT, RESPONDENT.

Adm. Case No. 2251. September 29, 1983

Ponente: CONCEPCION JR., J.

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CONCEPCION JR., J.:

This is an administrative case for disbarment against Atty. Victoria C. Mangapit, a member of the Philippine Bar for unethical practice and flagrant violation of her oath as a lawyer.

The records of the case show that Atty. Victoria C. Mangapit's services were engaged by complainant for the purpose of reopening Civil Case No. 2654 in order to present NBI agent Segundo Tabayoyong to testify in the genuineness of signatures appearing in some questioned documents inasmuch as complainant's lawyers Attys. Eligir and Bautista were not available; that it was their agreement that complainant and her other lawyers would take care of the case after said witness had been presented and the case submitted again for decision; that by virtue of said agreement, respondent filed the case; that respondent later presented said NBI agent; that for the purpose of preparing the supplemental memorandum with respect to the testimony of the NBI agent, respondent filed a manifestation with the trial court praying for a remarking of exhibits; that respondent then filed a motion requesting for a resolution on said manifestation which the trial court granted; that respondent then filed her supplemental memorandum after which the case was deemed submitted for decision; that later, respondent was furnished with a copy of the decision, which, at first, she refused to accept alleging that she was no longer the lawyer of the complainant in the case but accepted just the same relying upon the assurance of the process server that the other lawyers of complainant would receive their own copies; that respondent failed to inform the complainant or her other counsels of the adverse decision and as a result of which, complainant lost her right to appeal within the reglementary period.

Respondent alleged that she was no longer duty bound to inform complainant nor her other lawyers of the adverse decision on the ground that she was only hired to make a special appearance and that their relationship per their agreement had ceased.

The contention of respondent is untenable.

There is nothing in the records to show that respondent ever informed the court that her appearance is for a limited purpose only. The order issued by the trial court in dismissing the appeal of complainant reads:

"From the records of the case, it appears that there were three lawyers who actually prosecuted the case for the plaintiff. Atty. Jose Eligir was the one who filed the complaint on May 15, 1974 and then later Atty. Edgardo Bautista filed several pleadings and appeared in some stages of the proceedings. On April 29, 1978, Atty. Bautista filed a motion with this Court alleging therein that he is on vacation for a certain length of time because of a personal problem which needed his attention and that in view of this circumstance, he prayed that the plaintiff be given the privilege to look for another lawyer to handle and represent her in this case. It was after this that Atty. Victoria Mangapit filed a motion on April 29, 1978 praying that the Order of this Court submitting the case for decision be reconsidered or set aside and that a hearing be set for the reception of

additional evidence for the plaintiff particularly that of the testimony of Mr. Segundo Tabayoyong of the NBI regarding his findings on some questioned documents. Despite the opposition of the defendants, the motion was granted and the hearing held on May 30, 1978 whereat the plaintiff was represented by Atty. Victoria Mangapit. The Court on the same date issued an order granting the prayer of both counsel that they be given ten days from receipt of a copy of the transcript of stenographic notes to submit simultaneously their supplemental memorandum after which the case is deemed submitted for decision. Thereafter, on June 20, 1978 and July 6, 1978, Atty. Victoria Mangapit filed two separate pleadings, the first being a manifestation praying for a remarking of exhibits for the plaintiff and then a motion requesting for a resolution of her manifestation which the Court granted on July 7, 1978. On July 17, 1978, Atty. Victoria Mangapit filed her supplemental memorandum and on July 25, 1978, counsel for the defendants, likewise, filed his supplemental memorandum."^[1]

The attorney-client relationship commences from the time the lawyer is retained by the client and continues until the lawyer's authority to represent the interest of the client is sooner revoked or withdrawn by the client. The records do not show that respondent's authority was ever withdrawn by her client nor did she withdraw such authority before the trial court. As such, respondent continued as counsel of record until the record reflected her discharge as such.

Also, the authority of a lawyer cannot be limited by any private agreement between complainant and respondent. Any private agreement between them is limited only with respect to themselves and cannot affect the records of the court.

As an officer of the court, it is the duty of an attorney to inform her client of whatever information she may have acquired which it is important that the client should have knowledge of. She should notify her client of any adverse decision to enable her client to decide whether to seek an appellate review thereof. Keeping the client informed of the developments of the case will minimize misunderstanding and loss of trust and confidence in the attorney.^[2]

An attorney should also take such precaution as to safeguard the interest of her client. In the event of neglect of duty on the part of government employees, it is her duty to act.^[3] Thus, when respondent was furnished with the notice of the adverse decision she should have taken steps to find out that the process server actually sent copies of the decision to the other counsel of record of complainant. She should have not simply relied on the assurance of the process server that copies of the decision would be sent to the other lawyers of complainant.

While the records of the case show that there is merit in the complaint of complainant, this Court, however, should not disregard its findings after examining the records and the report of the Solicitor General that respondent's errors and omissions may be traced to her inexperience - the said case and decision being the first she handled and received after passing the bar; that respondent acted under an honest mistake in the exercise of her duty as a lawyer.^[4] This Court agrees with the findings of the Solicitor General that:

"There was therefore no malice, bad motive, deceit or deliberate intent on the part of respondent when she failed to give notice of the adverse decision to complainant."^[5]

Considering the same and the fact that the error was the first committed by respondent, this Court resolves to admonish respondent. We cannot accept the Solicitor General's recommendation that respondent be suspended from the practice of law for at least one month, the same being too harsh and severe to be imposed on respondent.^[6]

WHEREFORE, IN VIEW OF THE FOREGOING, respondent is hereby **ADMONISHED** with a **WARNING** that a repetition of the same offense will be dealt with more severely.

SO ORDERED.

Makasiar, (Chairman), Aquino, Guerrero, Abad Santos, and Escolin, JJ., concur.
De Castro, J., on sick leave.

[1] Rollo, p. 5.

[2] O. Parel vs. Abaria, AC 959, July 30, 1971, 40 SCRA 128.

[3] Pagtanac vs. CA, G.R. No. L-26922, March 21, 1968, 22 SCRA 1227.

[4] Rollo, pp. 58-59.

[5] Id., p. 59.

[6] Id.

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