

SC CIRCULAR NO. 16, July 15, 1987

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

THE COURT OF APPEAL'S, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT:

Disbarment of Atty. PATRICIO A. ASOY

Quoted hereunder, for the information and guidance of all concerned, is the pertinent portion of the Resolution of the Court En Banc, "In re: Complaint against Atty. Patricio. A. Asoy, Leonard W. Richards, Complainant, versus Atty. Patricio A. Asoy, Respondent", promulgated on July 9, 1987:

"Respondent is guilty of grave professional misconduct. "He received from Complainant, his client, compensation to handle his case in the Trial Court, but the same was dismissed for lack of interest and failure to prosecute. He had abandoned his client in violation of his contract ignoring the most elementary principles of professional ethics.[8] That Respondent had ignored the processes of this Court and it was only after he was surfaced, is highly indicative of his disregard and circumstances taken into consideration, Respondent has proven himself unworthy of the trust reposed in him by law as an officer of the Court.

"Consistent with the policy to maintain the high traditions and standards of the legal profession, insure the observance of legal ethics, protect the interests of clients and help keep their faith in attorney-at-law, the Supreme Court is constrained to disbar a member of the bar who violates his lawyer's oath for failure to properly attend to a client's case not only once, but on two occasions, with results highly prejudicial to the interests of the latter.[9]

"Furthermore, since Complainant's rights as Respondent's client have been prejudiced by the latter's failure to take the steps necessary for the prosecution of the case Complaint may recover as a result of such gross negligence and grave professional misconduct.[10]

If a judgment is obtained against a party upon a complaint which is radically defective, and he desires to appeal, and procure bondsmen, but his attorney neglects to do so until the time for appeal expires, the attorney is guilty of gross negligence/ and is liable for the loss sustained by the client.[11]

"ACCORDINGLY, for malpractice and violation of his oath as a lawyer, 1) respondent Atty. Patricio A. Asoy is hereby ordered DISBARRED; and 2) he is hereby ordered to reimburse complainant, Leonard W. Richards, in the

sum of P16,300.00 (P15,000.00 + P1,300.00), the only sums substantiated by the evidence on record,[12] within thirty (30) days from notice hereof."

July 15, 1987.

(Sgd.) CLAUDIO TEEHANKEE

Chief Justice

[8] In re: J. F. Yeager, 56 Phil. 691 (1932)

[9] In re: Atty. Celso T. Olivia, 103 Phil. 312 (1958)

[10] In re: Filart, 40 Phil. 205 (1919)

[11] Drais vs. Hogan [1875] , 50 Cal., 121, cited in re: Filart, supra.

[12] pp. 20-21 and 94, Rollo.

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