

IN RE J. F. YEAGER

. March 28, 1932

Ponente: MALCOLM, J.

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MALCOLM, J.:

Lorenzo Catalan employed Attorney J. F. Yeager to handle the appeals in the Supreme Court in three criminal cases in which Catalan had been convicted in the lower court. Attorney Yeager received from Catalan the sum of P1,700, P1,200 of which was for professional services to be rendered, P400 for the transcription of the stenographic record, and P100 for the printing of the briefs. The appeals in these cases were dismissed in the Supreme Court through the failure of counsel to file the briefs. Notwithstanding repeated demands made on Attorney Yeager, the amounts received by him have not been returned to his client. The reasons offered by the attorney during the investigation for thus abandoning his client are entirely unsatisfactory in nature.

The foregoing statement of the facts is taken from the report of the provincial fiscal of Zamboanga, dated May 11, 1931, and received in this court on September 17, 1931. thereafter. Attorney Yeager was given repeated opportunities to defend himself; in fact the proceedings were continued from time to time for the presentation of his answer and arguments at the hearing, the court even going to the extent of having to utilize the provincial sheriff of Davao to make service on Attorney Yeager. But no defense was forthcoming. We are forced, therefore, to take action on the record before us.

The recommendation of the provincial fiscal, with which the Attorney-General concurs, is that the respondent be either disbarred or suspended. Regretfully, this will have to be done. The abandonment of a client in violation of the attorney's contract ignores the most elementary principles of professional ethics. (Code of Civil Procedure, sees. 21, 32; *In re Montagne and Dominguez* [1904], 3 Phil., 577; *In re Filart* [1919], 40 Phil., 205.)

All facts and circumstances of the case being taken into consideration, it is the order of the court that Attorney J. F. Yeager be suspended from the practice of his profession as a lawyer for a term of one year, with the privilege after the expiration of three months, to make a showing of reimbursement of the client of the moneys received, and to make application for reinstatement as a member of the Philippine Bar.

Avanceña, C. J., Street, Villamor, Ostrand, Romualdez, Villa-Real, and Imperial, JJ., concur.

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