

**ANGELITO RAMISCAL AND MERCEDES ORZAME, COMPLAINANTS,
VS. ATTY. EDGAR S. ORRO, RESPONDENT.***A.C. No. 10945 (Formerly CBD 09-2507). February 23, 2016*

Ponente: BERSAMIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-10945/>**BERSAMIN, J.:**

The fiduciary duty of every lawyer towards his client requires him to conscientiously act in advancing and safeguarding the latter's interest. His failure or neglect to do so constitutes a serious breach of his Lawyer's Oath and the canons of professional ethics, and renders him liable for gross misconduct that may warrant his suspension from the practice of law.

Antecedents

Complainants Spouses Angelito Ramiscal and Mercedes Orzame (Ramiscals) engaged the legal services of respondent Atty. Edgar S. Orro to handle a case in which they were the defendants seeking the declaration of the nullity of title to a parcel of land situated in the Province of Isabela.[1] Upon receiving the P10,000.00 acceptance fee from them, the respondent handled the trial of the case until the Regional Trial Court (RTC) decided it in their favor. As expected, the plaintiffs appealed to the Court of Appeals (CA), and they ultimately filed their appellants' brief. Upon receipt of the appellants' brief, the respondent requested from the complainants an additional amount of P30,000.00 for the preparation and submission of their appellees' brief in the CA. They obliged and paid him the amount requested.[2]

Later on, the CA reversed the decision of the RTC. The respondent did not inform the Ramiscals of the adverse decision of the CA which they only learned about from their neighbors. They endeavored to communicate with the respondent but their efforts were initially in vain. When they finally reached him, he asked an additional P7,000.00 from them as his fee in filing a motion for reconsideration in their behalf, albeit telling them that such motion would already be belated. Even so, they paid to him the amount sought. To their dismay, they later discovered that he did not file the motion for reconsideration; hence, the decision attained finality, eventually resulting in the loss of their property measuring 8.479 hectares with a probable worth of P3,391,600.00.[3]

Consequently, the Ramiscals brought this administrative complaint against the respondent. The Court referred the complaint to the Integrated Bar of the Philippines (IBP) for appropriate evaluation, report and recommendation.[4]

Findings and Recommendation of the IBP

Despite due notice, the Ramiscals and the respondent did not appear during the scheduled mandatory conferences set by the IBP. Neither did they submit their respective evidence.

IBP Commissioner Hector B. Almeyda rendered his findings to the effect that the respondent had violated Canon 18, Rules 18.03 and 18.04 of the Code of Professional Responsibility, and recommended his suspension from the

practice law for one year.[5]

On October 11, 2014, the IBP Board of Governors issued Resolution No. XXI-2014-829,[6] whereby it adopted the report of IBP Commissioner Almeyda but modified his recommendation of the penalty by increasing the period of suspension to two years, to wit:

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED with modification the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A, " and for violation of Canon 18 of the Code of Professional Responsibility aggravated by his disregard of the notices from the Commission and considering the extent of the damage suffered by Complainant, Atty. Edgar S. Orro is hereby SUSPENDED from the practice of law for two (2) years.

Ruling of the Court

We agree with the IBP's findings that the respondent did not competently and diligently discharge his duties as the lawyer of the Ramiscals.

Every lawyer, upon becoming a member of the Philippine Bar, solemnly takes the Lawyer's Oath, by which he vows, among others, that: "I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients." If he should violate the vow, he contravenes the Code of Professional Responsibility, particularly its Canon 17, and Rules 18.03 and 18.04 of Canon 18, viz.:

CANON 17 - A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

CANON 18 - A lawyer shall serve his client with competence and diligence.

x x x x

Rule 18.03 - A lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.

Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

It is beyond debate, therefore, that the relationship of the lawyer and the client becomes imbued with trust and confidence from the moment that the lawyer-client relationship commences, with the lawyer being bound to serve his clients with full competence, and to attend to their cause with utmost diligence, care and devotion.[7] To accord with this highly fiduciary relationship, the client expects the lawyer to be always mindful of the former's cause and to be diligent in handling the former's legal affairs.[8] As an essential part of their highly fiduciary relationship, the client is entitled to the periodic and full updates from the lawyer on the developments of the case.[9] The lawyer who neglects to perform his obligations violates Rule 18.03 of Canon 18 of the Code of Professional Responsibility.[10]

As a member of the Law Profession in the Philippines, the respondent had the foregoing professional and ethical burdens. But he obviously failed to discharge his burdens to the best of his knowledge and discretion and with all good fidelity to his clients. By voluntarily taking up their cause, he gave his unqualified commitment to advance and defend their interest therein. Even if he could not thereby guarantee to them the favorable outcome of the litigation, he reneged on his commitment nonetheless because he did not file the motion for reconsideration in their behalf despite receiving from them the P7,000.00 he had requested for that purpose. He further neglected to

regularly update them on the status of the case, particularly on the adverse result, thereby leaving them in the dark on the proceedings that were gradually turning against their interest. Updating the clients could have prevented their substantial prejudice by enabling them to engage another competent lawyer to handle their case. As it happened, his neglect in that respect lost for them whatever legal remedies were then available. His various omissions manifested his utter lack of professionalism towards them.

We further underscore that the respondent owed it to himself and to the entire Legal Profession of the Philippines to exhibit due respect towards the IBP as the national organization of all the members of the Legal Profession. His unexplained disregard of the orders issued to him by the IBP to comment and to appear in the administrative investigation of his misconduct revealed his irresponsibility as well as his disrespect for the IBP and its proceedings. He thereby exposed a character flaw that should not tarnish the nobility of the Legal Profession.[11] He should always bear in mind that his being a lawyer demanded that he conduct himself as a person of the highest moral and professional integrity and probity in his dealings with others.[12] He should never forget that his duty to serve his clients with unwavering loyalty and diligence carried with it the corresponding responsibilities towards the Court, to the Bar, and to the public in general.[13]

There can be no question that a lawyer is guilty of misconduct sufficient to justify his suspension or disbarment if he so acts as to be unworthy of the trust and confidence involved in his official oath and is found to be wanting in that honesty and integrity that must characterize the members of the Bar in the performance of their professional duties.[14] Based on all the circumstances in this case, we approve the recommendation of the IBP for the respondent's suspension from the practice of law for a period of two years. Although the Court imposed a six-month suspension from the practice of law on lawyers violating Canons 17 and 18 of the Code of Professional Responsibility,[15] the recommended penalty is condign and proportionate to the offense charged and established because his display of disrespectful defiance of the orders of the IBP aggravated his misconduct.

ACCORDINGLY, the Court FINDS and DECLARES respondent ATTY. EDGAR S. ORRO guilty of violating Canon 17, and Rules 18.03 and 18.04 of the Code of Professional Responsibility; and SUSPENDS him from the practice of law for a period for TWO YEARS EFFECTIVE UPON NOTICE, with the STERN WARNING that any similar infraction in the future will be dealt with more severely.

Let copies of this decision be furnished to the Office of the Bar Confidant, to be appended to the respondent's personal record as an attorney; to the Integrated Bar of the Philippines; and to all courts in the Philippines for their information and guidance.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Del Castillo, Perez, Reyes, Perlas-Bernabe, Leonen, Jardeleza, and Caguioa, JJ., concur.
Mendoza, J., on leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on February 23, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on March 29, 2016 at 9:15 a.m.

Very truly yours,

(SGD)
FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] Rollo, pp. 8-24.

[2] Id. at 4.

[3] Id. at 5-6.

[4] Id. at 2.

[5] Id. at 52-55.

[6] Id. at 51.

[7] Voluntad-Ramirez v. Bautista, A.C. No. 6733, October 10, 2012, 683 SCRA 327, 333.

[8] Caranza Vda. de Saldivar v. Cabanas, Jr., A.C. No. 7749, July 8, 2013, 700 SCRA 734, 741.

[9] Credito v. Sabio, A.C. No. 4920, October 19, 2005, 473 SCRA 301, 310.

[10] Ylaya v. Gacott, A.C. No. 6475, January 30, 2013, 689 SCRA 452, 479.

[11] Meneses v. Macalino, A.C. No. 6651, February 27, 2006, 483 SCR A 212, 220.

[12] Ong v. Atty. Debs Santos, A.C. No. 10179 (Formerly CBD 1 1-2985), March 4, 2014.

[13] Camara v. Reyes, A.C. No. 612 1, July 3 1, 2009, 594 SCR A 484, 490.

[14] In Re Wells, 168 S.W. 2d 730, 732, 293 Ky. 201, 204 (1943).

[15] Bruet v. Guaren, A.C. No. 10164, March 10, 2014, 718 SCRA 224, 227; Penilla v. Alcid, Jr., A.C. No. 9149, September 4, 2013, 705 SCRA 1, 9.

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