

FLORENTINA V. PABLO-TIJING, COMPLAINANT, VS. ATTY. EDUARDO O. CAUSAPIN, RESPONDENT.*A.C. No. 11617 [Formerly CBD Case No. 11-3170], January 14, 2026*

Ponente: CAGUIOA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-11617/>**CAGUIOA, J.:**

This disbarment proceeding was initiated by complainant Florentina V. Pablo-Tijing (Florentina) against her former lawyer, respondent Atty. Eduardo O. Causapin (Atty. Causapin), in relation to the legal services that Atty. Causapin purportedly failed to perform. In particular, Florentina charges Atty. Causapin with serious misconduct, fraud, and violation of several canons of the Code of Professional Responsibility (CPR, now, the Code of Professional Responsibility and Accountability [CPRA]).[1]

The records establish that Florentina engaged the services of Atty. Causapin for the purpose of initiating an action for the declaration of nullity of her marriage with her estranged husband, Rolando Tijing (Rolando). She also intended to claim support and custody over their minor child.[2]

On January 14, 2010, Atty. Causapin filed a "Complaint"[3] for the declaration of nullity of marriage, support, and custody of minor with the Regional Trial Court (RTC) of Malolos City (First Petition). The First Petition was eventually dismissed by the RTC of Malolos City for improper venue, as Florentina was purportedly not a resident of Bulacan at the time of the filing of the First Petition, having attained permanent resident status in Japan.[4]

Following the dismissal of the First Petition, Atty. Causapin filed another petition in Cabanatuan City, where Rolando was reportedly cohabiting with another woman (Second Petition). However, the summons was returned unserved because Rolando was allegedly not a resident of Cabanatuan City. Frustrated with the lack of progress, Florentina decided to terminate the services of Atty. Causapin.[5]

In her complaint, Florentina attributes the dismissal of the First and Second Petitions to the fault and negligence of Atty. Causapin.

With respect to the First Petition, she alleges that the trial court ordered its dismissal not only because of improper venue, but her failure to personally appear during the hearing scheduled on April 28, 2010. She also claims that Atty. Causapin deliberately misrepresented the reasons for the dismissal of the First Petition, that Atty. Causapin purportedly advised her not to attend the hearing,[6] that Atty. Causapin himself failed to attend said hearing,[7] and that Atty. Causapin did not justify his absence during said date.[8]

With respect to the Second Petition, Florentina alleges that Atty. Causapin unduly delayed its filing, and when he finally did, Atty. Causapin again erred on the venue. According to Florentina, Atty. Causapin insisted on filing the Second Petition before the RTC of Cabanatuan City despite his knowledge that Florentina's estranged husband does not reside in Cabanatuan City.[9] Lastly, Atty. Causapin neglected to include the prayer for custody of Florentina's minor child.[10]

Given these, Florentina asserts that Atty. Causapin should be disciplined as a Member of the Bar for neglecting to handle the legal matter entrusted to him with competence and diligence, for dishonesty, and for delaying the filing of the Second Petition. She argues that Atty. Causapin took advantage of her trust, and that he violated the following Canons of the CPR: (i) Rule 1.01,[11] Canon 1; (ii) Rule 12.04,[12] Canon 12; and (iii) Rules 18.02,[13] 18.03,[14] and 18.04,[15] Canon 18.[16]

In an Order[17] dated September 20, 2011, the Integrated Bar of the Philippines (IBP)-Commission on Bar Discipline (CBD) directed Atty. Causapin to file his answer to the complaint. Atty. Causapin complied,[18] and denied the accusations of Florentina. According to him, he was not negligent in fulfilling his engagement for legal services. He denies misrepresenting the grounds for the dismissal of the First Petition. He also justifies the delay in the filing of the Second Petition to the challenges he encountered in locating Florentina's estranged husband. As for the prayer for custody, Atty. Causapin argues that he believed in good faith that this was no longer an issue, as actual custody of the child has always been with Florentina.[19]

Florentina failed to appear during the mandatory conference before the Investigating Commissioner. As such, she was deemed to have waived her right to participate.[20]

Report and Recommendation of the Investigating Commissioner

On December 18, 2013, the Investigating Commissioner issued a Report and Recommendation[21] finding Atty. Causapin liable for simple misconduct with the following penalty:

WHEREFORE, PREMISES CONSIDERED, it is most respectfully recommended that a penalty of SIX (6) MONTHS SUSPENSION from the practice of law be imposed against the respondent.

Respectfully [s]ubmitted.[22] (Emphasis in the original)

The Investigating Commissioner found Atty. Causapin negligent in failing to verify the status of his client and the circumstances of the parties prior to the filing of the petitions before the trial court. Atty. Causapin was also deemed liable for failing to provide Florentina with the real status of the cases he was handling on her behalf.[23]

Resolution of the IBP Board of Governors

The IBP Board of Governors issued a Resolution on October 11, 2014 resolving to adopt and approve the Report and Recommendation of the Investigating Commissioner, but modifying the recommended penalty by increasing the period of suspension from the practice of law to one year.[24]

Atty. Causapin moved for the reconsideration of this Resolution.[25]

On April 29, 2016, the IBP Board of Governors issued a Resolution denying Atty. Causapin's prayer for reconsideration, there being no new arguments advanced to warrant the reversal of its earlier findings.[26]

Ruling of the Court

Prefatorily, the Court notes that the IBP Board of Governors recommended to hold Atty. Causapin for simple misconduct for violating Rule 18.03[27] of the CPR. However, the findings relate to Atty. Causapin's negligence, as he was supposedly remiss in handling Florentina's declaration of nullity of marriage case against her estranged husband. While the difference between misconduct and negligence may be considered semantics, the Court deems it necessary to clarify the distinction between these offenses in order to accurately rule on the liability of Atty. Causapin.

Gross misconduct is defined as "improper or wrong conduct, the transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, willful in character, and implies a wrongful intent and not a mere error in judgment." [28] Without the element of corruption, clear intent to violate the law, or flagrant

disregard of an established rule, the misconduct is only considered simple misconduct. These additional elements must be manifest and established by substantial evidence.[29]

Meanwhile, gross negligence is defined as "conduct that is reckless and inexcusable, which results in the client being deprived of his or her day in court." [30] As such, if there is no deprivation of the client's day in court, the offense is only simple negligence.[31]

This distinction was further underscored upon the effectivity of the CPRA, which provides for separate penalties for either misconduct or negligence. Given these, misconduct and negligence cannot be treated interchangeably, especially when the gravity of the respondent's acts is material to qualify the offense from less serious to serious.

Having established the difference between these offenses, the Court now turns to the liability of Atty. Causapin under the CPRA.

At this point, it must be reiterated that the burden of proof in administrative disciplinary cases lies with complainant who must prove with substantial evidence the allegations against respondent.[32] As an officer of the Court, the lawyer is presumed to have performed his duties in accordance with his oath.[33] Verily, Florentina bears the burden of proving that Atty. Causapin must be disciplined for his alleged misconduct or negligence. This includes proof of the elements of corruption or wrongful intent to qualify the offense as gross misconduct, or that she lost any procedural recourse or remedy to qualify the offense as gross negligence. Mere allegations do not suffice.

An examination of the records reveals that Florentina failed to discharge this burden. The records further belie the presence of the additional elements of corruption or wrongful intent in gross misconduct, and of deprivation of Florentina's day in court in gross negligence. Thus, the Court dismisses the complaint against Atty. Causapin for lack of merit.

Florentina failed to establish that the First Petition was dismissed through the fault of Atty. Causapin

Florentina argues that the dismissal of the First Petition was due to her non-appearance during the hearing scheduled on April 28, 2010. According to her, the RTC of Malolos City ruled that her absence during this hearing violated the requirement that petitioner must personally appear during pre-trial.[34] Florentina also alleges that Atty. Causapin deliberately omitted this ground among the reasons for the dismissal of the First Petition, as it was upon his advice that Florentina opted not to attend.[35]

These allegations are unsubstantiated and are, in fact, belied by the records.

First, the April 28, 2010 hearing was not a pre-trial as Florentina believed it to be. The hearing was on the issue of improper venue, which the trial court set after Rolando alleged that neither he nor Florentina were residents of Bulacan at the time of the filing of the complaint.[36]

Second, Atty. Causapin was present during this hearing, and it was Rolando and his counsel who were actually absent despite notice. The Minutes and the Order issued on the same date noted Atty. Causapin's appearance as the only party who attended the April 28, 2010 hearing.[37]

Third, the First Petition was dismissed on improper venue. The RTC of Malolos City clearly stated in the Resolution[38] dated June 8, 2010 that the First Petition was dismissed because Florentina was not a resident of Bulacan for at least six months prior to the date of the filing of the petition.[39] No other reason was cited by the RTC of Malolos City, viz.:

WHEREFORE, in view of the foregoing, the present petition for judicial declaration of nullity of marriage with support and custody of minor, is hereby DISMISSED for failure to comply with Section 4 of A.M. No. 02-11-10-SC dated March 4, 2003, without prejudice.

SO ORDERED.[40]

In simple terms, and contrary to the self-serving allegations of Florentina, the First Petition was not dismissed for Florentina's non-appearance. Accordingly, there was no misrepresentation or omission on the part of Atty. Causapin when he informed Florentina that the First Petition was dismissed for improper venue. There is simply no truth to the claim that Atty. Causapin did not divulge to Florentina the actual reason why the First Petition did not prosper.

There is also no evidence that Atty. Causapin committed any wrongdoing that resulted in the dismissal of the First Petition. While the resolution of the First Petition did not come out in Florentina's favor, the records do not show that Atty. Causapin deliberately caused its dismissal. To the opposite, Atty. Causapin exerted earnest efforts to oppose the dismissal of the First Petition. Aside from appearing in the April 28, 2010 hearing on the issue of Florentina's residence, he immediately filed a Memorandum[41] on May 31, 2010 and an Opposition to Motion to Dismiss[42] on June 23, 2010. When the RTC of Malolos City dismissed[43] the First Petition for improper venue, Atty. Causapin immediately moved for its reconsideration,[44] which was later denied by the trial court.[45] The allegation that Atty. Causapin did not serve Florentina with competence and diligence, or that he acted with corrupt intent, is therefore patently without merit.

Atty. Causapin was not negligent when he filed the First Petition with the RTC of Malolos City

As well, the Court does not find Atty. Causapin liable for negligence, whether simple or gross, for his supposed failure to verify the residence of Florentina.

In his submissions before the IBP, Atty. Causapin honestly believed that Florentina's residence in Japan was merely temporary, and that she did not abandon her residence in the Philippines. His understanding was supported by Florentina's actions since she regularly returned to the Philippines, particularly, in Hagonoy, Bulacan where she maintained a house. Florentina and Rolando's common child was also enrolled in a local private school in Hagonoy, Bulacan.[46] Atty. Causapin, thus, had good reason to file the First Petition before the RTC of Malolos City, as Florentina maintained her residence in Bulacan.

It must be noted that prior to the amendment of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages[47] (Rule), which was governing at the time material to this case,[48] petitioner had the option to file the petition in the province or city where petitioner or respondent resided at least six months prior to the date of filing.[49] The Rule further provided that in the case of a non-resident respondent, the petition may be initiated where non-resident respondent may be found in the Philippines, at the election of petitioner.[50] In the case of a non-resident petitioner, such as Florentina, the Rule was silent.

On October 2, 2018, the Court issued a Resolution[51] approving the Proposed Guidelines to Validate Compliance with the Jurisdictional Requirement Set Forth in A.M. No. 02-11-10-SC (Guidelines). Among other things, the Guidelines required the counsel of record to attach a sworn statement that he or she personally verified petitioner's residency, and that petitioner had indeed been residing thereat for at least six months prior to the filing of the petition.

Acting on the recommendation of the Court's Committee on Family Courts and Juvenile Concerns-Technical

Working Group to lessen the burden on the counsel for petitioner, the Court issued another Resolution on January 24, 2023, approving the amendments to both the Guidelines and the Rule.[52] Instead of requiring the counsel of record to certify the petitioner's residence, the counsel is now required to submit a sworn statement stating that he or she has verified the authenticity of the petitioner's proof of residency, and that petitioner was made aware of the rationale for the residency requirement. The Rule was also amended to clarify that if both petitioner and respondent are residing abroad for employment, business, education or any other purpose, the petition shall be filed in the Family Court: (i) in the habitual residence of either party, at the election of petitioner; or (ii) in the place where petitioner and respondent last resided as husband and wife in the Philippines. If only petitioner resides abroad, the venue should be the place of residence of respondent in the Philippines.[53]

From the foregoing, it is evident that the duty of the petitioner's counsel vis-à-vis the verification of the petitioner's actual residence is not as stringent prior to the amendments in 2018 and 2023. More importantly, the Rule, as amended in 2023, clarified the appropriate venue for filing the petition when petitioner is abroad. This was not explicit in the text of the Rule prior to its amendment—or, during the period that Atty. Causapin initiated the First Petition.

There being no information as to the residence of Florentina's estranged husband, Atty. Causapin reasonably relied on his assessment that the petition may be filed in Hagonoy, Bulacan, the place where Florentina habitually returned to when she was not working in Japan. There was also no evident and manifest intention on the part of Florentina to abandon her residence, especially since her child was enrolled in the local school. The Rule itself has evolved to clarify any ambiguity. Therefore, Atty. Causapin should not be faulted for his good faith interpretation of the then prevailing rule on venue when the First Petition was filed.

Lastly, it must be emphasized that Florentina was not unfairly prejudiced by the dismissal of the First Petition. The cause of action against Rolando in the First Petition was the discovery of his prior subsisting marriage to one Jean C. Sebastian.[54] The dismissal of the First Petition was also explicitly without prejudice to the refile of another petition for declaration of nullity of marriage before the appropriate court.[55] Thus, there was no violation of Florentina's right to due process; there was no procedural recourse lost. In other words, Florentina was not deprived of her day in court. She may still seek the same relief, especially since an action to declare the absolute nullity of her bigamous marriage does not prescribe.[56]

There is no evidence that Atty. Causapin deliberately filed the Second Petition late and in the wrong venue

Florentina further alleges that Atty. Causapin did not promptly file the Second Petition, and when he did, Atty. Causapin erred once again in initiating the petition at the wrong venue. Florentina also argues that Atty. Causapin deliberately filed the Second Petition in Cabanatuan City, despite his knowledge that Florentina's estranged husband is not a resident thereof.[57]

As with the allegations relating to the First Petition, the purported misconduct of Atty. Causapin relative to the Second Petition is belied by the records.

While Atty. Causapin mentioned that he needed to ensure he was compliant with the Mandatory Continuing Legal Education (MCLE) requirement prior to filing the Second Petition, the belated filing was attributable to the difficulties he encountered in verifying the residence address of Rolando. He eventually had to resort to verifying Rolando's address with the Land Transportation Office (LTO), where he was able to secure the driver's license application form indicating that Rolando is in Masagana Street, Daan Sarile, Cabanatuan City.[58] Notably,

Florentina herself admitted that this was the address where Rolando and his new partner are cohabiting.[59]

Evidently, in filing the Second Petition, there was no bad faith or malice on the part of Atty. Causapin. On the contrary, he exerted diligent efforts to ensure that the Second Petition would not be summarily dismissed, in keeping with his duty to render competent and diligent service to his client. To be sure, Atty. Causapin obtained the relevant documents from the LTO in May 2011. He obtained his MCLE compliance certificate shortly thereafter, or on June 6, 2011. On July 8, 2011, Atty. Causapin filed the Second Petition with the RTC of Cabanatuan City. Thus, there was no unjustifiable delay on Atty. Causapin's part.

The belated compliance of Atty. Causapin constitutes a violation of the Courts issuances on Bar Matters

The foregoing notwithstanding, the Court acknowledges that Atty. Causapin himself admitted to belatedly complying with the MCLE requirement for the Third Compliance Period, which ended on April 14, 2010. Since his compliance certificate was issued only on June 6, 2011,[60] the pleadings he filed relative to the First Petition, such as the Memorandum and Opposition to Motion to Dismiss, indicate Atty. Causapin's expired MCLE compliance number.[61]

Given this, the Court finds Atty. Causapin liable for one count of violation of Supreme Court rules and issuances in relation to Bar Matters, for belatedly complying with the Third Compliance Period of the MCLE, pursuant to Bar Matter No. 850.

Proper penalty

The violation of Supreme Court rules and issuances in relation to Bar Matters is a less serious offense under Section 34(c), Canon VI of the CPRA, which is punishable by: (i) suspension from the practice of law for a period within the range of one month to six months, or revocation of notarial commission and disqualification as notary public for less than two years; or (ii) a fine within the range of PHP 35,000.00 to PHP 100,000.00.[62]

In imposing the appropriate penalty, several mitigating circumstances may be appreciated in favor of Atty. Causapin, particularly, his advanced age, and the mitigating circumstance of first offense. Jurisprudence also provides that in cases involving noncompliance with the MCLE requirement, the proportionate penalty should be imposed according to the severity of the violation:

The severity of the penalty imposed on non-compliant attorneys depends on the circumstances obtaining in the case. In *Arnado v. Adaza*, the respondent attorney was suspended from the practice of law for a period of six months for [noncompliance] with the MCLE requirements for the first, second, third, and fourth compliance periods. In the cited ruling in *Intestate Estate of Jose Uy v. Maghari III*, the penalty was suspension from the practice of law for two years for deliberately using a false IBP official receipt number, professional tax receipt number, Roll of Attorneys number, and MCLE compliance, and for using another lawyer's details seven times. In *Mapalad, Sr. v. Echanez*, the attorney was disbarred for using a false MCLE compliance number in his pleadings, and for disobeying legal orders, taking into consideration that he had already been sanctioned twice in other cases.[63] (Emphasis supplied, citations omitted)

Here, Atty. Causapin is only liable for his delayed compliance with the MCLE requirement. He did not use a false MCLE certificate, nor did he remain a delinquent member for more than one compliance period. Furthermore, Atty. Causapin endeavored to comply with the Third Compliance Period, albeit belatedly. Given these, and in line with jurisprudence on imposing the proportionate penalty depending on the severity of the noncompliance with the MCLE requirement, the Court deems it appropriate to only reprimand Atty. Causapin.

ACCORDINGLY, the complaint against respondent Atty. Eduardo O. Causapin is DISMISSED for lack of merit. However, he is REPRIMANDED for his delayed compliance with the requirement of Mandatory Continuing Legal Education and is STERNLY WARNED against the repetition of the same or similar offense.

Let copies of this Decision be attached to respondent Atty. Eduardo O. Causapin's personal record in the Office of the Bar Confidant, the Integrated Bar of the Philippines National Office and the local chapter to which respondent Atty. Eduardo O. Causapin belongs, for information and guidance, and to the Office of the Court Administrator for dissemination to all courts nationwide.

SO ORDERED.

Gesmundo, C.J., Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., Singh, and Villanueva, JJ., concur.
Leonen, SAJ., I dissent. See separate opinion.

[1] Following Section 1 of the General Provisions of the Code of Professional Responsibility and Accountability, the CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

[2] Rollo, p. 2.

[3] Id. at 120-123.

[4] Id. at 155-156, Resolution dated June 8, 2010 of the RTC of Malolos City.

[5] Id. at 3-4.

[6] Id. at 4.

[7] Id.

[8] Id. at 5.

[9] Id.

[10] Id. at 4.

[11] RULE 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

[12] RULE 12.04 – A lawyer shall not unduly delay a case, impede the execution of a Judgment or misuse Court processes.

[13] RULE 18.02 – A lawyer shall not handle any legal matter without adequate preparation.

[14] RULE 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

[15] 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.

[16] Rollo, pp. 5.

[17] Id. at 17. Rendered by Atty. Alicia A. Risos-Vidal, Director for Bar Discipline.

[18] Id. at 18-28.

[19] Id. at 20-22.

[20] Id. at 48-49. The IBP-CBD Order dated March 20, 2012 was rendered by Commissioner Jaime G. Oracion.

[21] Id. at 100-101. Rendered by Commissioner Eldrid C. Antiquiera of the IBP-CBD.

[22] Id. at 101.

[23] Id.

[24] Id. at 99.

[25] Id. at 102-119.

[26] Id. at 178.

[27] Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

[28] *Paez v. Atty. Debuque*, 955 Phil. 1, 8 (2024) [Per J. Dimaampao, En Banc].

[29] *Justice Lampas-Peralta v. Atty. Ramon*, 848 Phil. 277, 286 (2019) [Per Curiam, En Banc].

[30] CPRA, Canon VI (Accountability), sec. 33(d).

[31] CPRA, Canon VI (Accountability), sec. 34(b).

[32] CPRA, Canon VI (Accountability), sec. 32.

[33] *Tan v. Atty. Alvarico*, 888 Phil. 345, 355 (2020) [Per C.J. Peralta, First Division].

[34] Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC, March 4, 2003, sec. 13(a), in relation to sec. 11 (2)(b).

[35] Rollo, p. 4.

[36] Id. at 135.

[37] Id. at 137 and 138, respectively.

[38] Id. at 8-9. Rendered by Presiding Judge Victoria C. Fernandez-Bernardo of Branch 18, RTC, City of Malolos, Bulacan.

[39] Id. at 8; Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC, March 4, 2003, sec. 4.

[40] Rollo, pp. 8-9.

[41] Id. at 150-152.

[42] Id. at 153-154.

[43] Id. at 155-156.

[44] Id. at 157-159.

[45] Id. at 165.

[46] *Id.* at 150-151.

[47] A.M. No. 02-11-10-SC, March 4, 2003.

[48] See Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC and Re: Rule on Legal Separation, A.M. No. 02-11-11-SC, April 25, 2023 [Notice of Resolution, En Banc]; see also Affidavit of Residency as Sufficient Compliance with Paragraph 3(a) of the 2023 Amended Guidelines to Validate Compliance with the Jurisdictional Requirements in Petitions for Declaration of Absolute Nullity of Marriage and Annulment of Voidable Marriage or Petitions for Legal Separation, OCA Circular No. 284-2023, August 15, 2023.

[49] Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC, March 4, 2003, sec. 4.

[50] *Id.*

[51] Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC and Re: Rule on Legal Separation, A.M. No. 02-11-11-SC [Notice of Resolution, En Banc].

[52] See Report dated October 1, 2022 from the Committee on Family Courts and Juvenile Concerns-Technical Working Group (A.M. No. 02-11-10-SC).

[53] Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC and Re: Rule on Legal Separation, A.M. No. 02-11-11-SC, January 24, 2023 [Notice of Resolution, En Banc].

[54] Rollo, pp. 121, 125.

[55] *Id.* at 9.

[56] Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, A.M. No. 02-11-10-SC, March 4, 2003, sec. 2(c).

[57] Rollo, p. 4.

[58] *Id.* at 110.

[59] *Id.* at 3-4.

[60] *Id.* at 171.

[61] *Id.* at 12-14, 15-16.

[62] CPRA, Canon VI (Accountability), sec. 37(b).

[63] *Atty. Gustilo v. Atty. De la Cruz*, 865 Phil. 237, 244-245 (2019) [Per Curiam, En Banc].

DISSENTING OPINION

LEONEN, SAJ.:

This case involves an Administrative Complaint for Disbarment^[1] filed with the Commission on Bar Discipline of the Integrated Bar of the Philippines by complainant Florentina Pablo-Tijing against respondent Atty. Eduardo O. Causapin.

According to the ponencia, complainant failed to prove that respondent is guilty of misconduct or negligence.

Respondent was only held liable for his delayed compliance with the Mandatory Continuing Legal Education requirement. For this offense, and due to the presence of mitigating circumstances, the ponencia opted to reprimand him.[2]

I disagree.

Complainant engaged respondent as her counsel in Petitions for Declaration of Nullity, Support (First Petition) and Support Pendente Lite and Custody of Minor Child (Second Petition) filed against her husband, Rolando Tijing.[3]

Complainant alleges that respondent mishandled her cases. In particular, respondent allegedly filed the First Petition before the Regional Trial Court of Malolos City, Bulacan,[4] which was dismissed upon motion of complainant's husband because the court could not acquire jurisdiction over his person as he permanently resides in Japan.[5] Respondent also allegedly advised complainant to not attend a mandatory conference for the First Petition.[6] The Regional Trial Court then dismissed the petition due to complainant's non-attendance during the mandatory conference, and because the case was not filed in the proper venue owing to complainant's permanent resident status in Japan.[7]

Complainant further alleges that when respondent informed her of the dismissal of the First Petition, he only told her about improper venue being the ground for its dismissal, and failed to inform her of the fact that it was also dismissed due to her non-attendance of the mandatory conference.[8] It took over a year before respondent questioned the dismissal of the First Petition by filing the Second Petition before the Regional Trial Court of Cabanatuan City, where complainant's estranged husband was purportedly residing with a paramour.[9]

Complainant also asserts that respondent's choice of venue was peculiar because her husband had been residing in Caloocan City since abandoning their family.[10] The process server failed to serve her husband the summons and a copy of the Second Petition at the address given by respondent.[11]

Frustrated, complainant terminated the engagement with respondent.[12] Given all the foregoing lapses, she alleges that he committed serious misconduct and fraud, violating Canon 1, Rule 1.01;[13] Canon 12, Rule 12.04;[14] and Canon 18, Rules 18.02,[15] 18.03,[16] and 18.04[17] of the Code of Professional Responsibility.[18]

According to respondent,[19] he committed a mistake in filing the First Petition with the Malolos court as complainant had not informed him of her permanent resident status in Japan,[20] leading him to think she resided in Hagonoy, Bulacan.[21] He asserts that the hearing complainant did not attend was for the Motion to Dismiss filed by her husband, thus her attendance was not mandatory.[22] The dismissal based on failure to appear was unfounded because the case had not yet been set for pre-trial.[23]

Furthermore, respondent asserts that the Second Petition was belatedly filed due to delays in obtaining information regarding complainant's husband's present residence, and because respondent could not validly sign any pleadings pending completion of his Mandatory Continuing Legal Education at the time.[24]

This Court released the Code of Professional Responsibility and Accountability (Code) during the pendency of this case. Section 1 of the Code's General Provisions states that the Code shall be applied to all pending cases.[25] Accordingly, respondent's alleged transgressions should be scrutinized using the provisions of this Code.

Being *sui generis* and to protect public interest, disciplinary cases serve as avenues for this Court to determine whether the lawyer in question is still fit to be a member of the legal profession.[26] The penalty imposed must be equivalent to the extent that said lawyer's transgression erodes the public's confidence in the legal profession and

in the rule of law.[27]

Upon review of the records, I opine that respondent must be held liable for violating Canon II, Section 11; Canon III, Section 2; and Canon IV, Sections 1, 2, 3, 4, and 6 of the Code.

As officers of the court, lawyers are required to observe "the highest degree of morality[,] and [faithfully comply] with the rules of the legal profession[.]"[28] Every lawyer must serve their clients with utmost diligence and competence.[29] The legal profession is a "a privilege given to lawyers who meet the high standards of legal proficiency and morality, including honesty, integrity[,] and fair dealing,"[30] in accordance with the legal profession's values and norms as embodied in the Code. In the exercise of its sound judicial discretion, this Court will not hesitate to discipline a lawyer who falls short of these standards.[31]

Canon IV of the Code mandates that a lawyer shall, "to the best of [their] ability, observe competence, diligence, commitment, and skill consistent with the fiduciary nature of the lawyer-client relationship."

Similarly, Canon III, Section 2 of the Code states that "[a]s an officer of the court, a lawyer shall . . . conscientiously assist in the speedy and efficient administration of justice."

Canon IV, Section 1 of the Code states that a "lawyer shall be thorough in research, preparation, and application of the legal knowledge and skills necessary for an engagement." Section 3 additionally mandates a lawyer to "diligently and seasonably act on any legal matter entrusted by a client" and "be punctual in all appearances, submissions of pleadings and documents before any court." In the same vein, a lawyer must appear for trial adequately familiar not only with the law but also with the facts of the case.[32]

Canon IV, Section 2 further mandates that "a lawyer shall only undertake legal services he or she can deliver." In case the lawyer engaged cannot undertake a legal service, he may secure the services of a collaborating counsel upon prior written consent of the client.[33]

Canon II, Section 11 of the Code also prohibits lawyers from making false representations, and to correct any false or inaccurate statements and information made in relation to any pleading or document submitted to the court as soon as it is discovered or made known to them. Additionally, a lawyer must "regularly inform the client of the status and the result of the matter undertaken, and any action in connection thereto."[34]

Falling short of these tenets, the Court will not hesitate to discipline an erring lawyer by imposing an appropriate penalty based on the exercise of sound judicial discretion in consideration of the surrounding facts.[35] Even so, while the Court does not hesitate to disbar an erring attorney, the Court will also not disbar him where a lesser penalty will suffice to accomplish the desired end. The consequence of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court.[36]

Based on the records, respondent failed to serve complainant to the best of his abilities.

First, respondent admits failing to verify complainant's true status regarding her permanent residence in Japan.[37] This negligence led to the dismissal of the First Petition and his withdrawal of appearance as counsel[38] in the Second Petition.[39]

Second, respondent admits only sporadically communicating with complainant.[40] He boldly attempts to exculpate himself from this lapse by saying that complainant had been staying in Japan most of the time, and even brazenly stated that their communications were coursed through complainant's uncle and cousin because "they had always been the ones contacting [him]" and that he "does not use [a] cell phone for personal reasons and matters of convenience." [41]

Respondent also admits that he might not have been able to provide complainant a copy of the pleading through

oversight, because his communications with her were often done over international calls.[42]

As Investigating Commissioner Antiquiera stated:

A close scrutiny of the evidence on record would show that respondent has not been forthright and honest in all his dealings with complainant. He should have verified the true status of his client and the circumstances of the parties before filing the case in court. His negligence in handling the case was more evident when the petition for declaration of nullity of marriage was dismissed by the Malolos Regional Trial Court and later by the Regional Trial Court of Cabatuan City. Worse, he was not honest in giving an update to the complainant as to the real status of the case in violation of Rule 18.03 of the Code of Professional Responsibility for Lawyers. These circumstances all point to respondent's culpability for simple misconduct and negligence as a counsel of record.[43]

Third, respondent admits omitting to explain to complainant that one of the grounds for dismissal of the case was her non-attendance in a hearing.[44]

Fourth, respondent expressly admits belatedly filing the Second Petition due to his noncompliance with the Mandatory Continuing Legal Education requirements under Bar Matter No. 850, series of 2001.[45] He admits knowing that he could not practice law and sign pleadings because of this noncompliance. In light of Canon IV, Section 2, this noncompliance cannot be used to justify any delay in the filing of pleadings.[46]

Lastly, respondent admits filing motions containing numerous typographical errors, as they were filed without proofreading.[47]

Canon VI, Section 33 of the Code provides that serious offenses include gross misconduct, or any inexcusable conduct, as well as serious dishonesty, fraud, or deceit, including making untruthful statements.

Jurisprudence defines misconduct as "a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior." [48] The misconduct is grave if it tends to disregard established rules.[49]

On the other hand, gross negligence in the performance of a duty is defined as negligence characterized by "acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected." [50]

In this case, respondent's acts constitute gross misconduct, if not gross negligence, in the performance of his duty as counsel, each of which is considered a serious offense under Canon VI, Section 33 of the Code.

In this regard, Canon VI, Section 40 of the Code states:

Section 40. Penalty for multiple offenses. — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or [PHP] 1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment.

In turn, under Canon VI, Section 37(a) of the Code provides that a respondent who is found guilty of committing a serious offense may be meted with any or a combination of the following penalties:

- (1) Disbarment;
- (2) Suspension from the practice of law for a period exceeding six (6) months;
- (3) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
- (4) A fine exceeding [PHP] 100,000.00. (Emphasis supplied)

In the case of *Carandang v. Atty. Obmina*,^[51] Atty. Obmina failed to exert efforts to notify Carandang regarding his case, which resulted in Carandang losing the case and getting evicted. Thus, this Court stated that Atty. Obmina violated Rules 18.03 and 18.04 of the Code of Professional Responsibility.^[52]

In *Spouses Montecillo v. Atty. Gatchalian*,^[53] this Court found that Atty. Gatchalian failed to immediately notify spouses Montecillo about the adverse decision of the trial court. He was therefore held administratively liable for negligence under Rule 18.04 of the Code of Professional Responsibility.^[54]

In *In Re: Order Dated October 27, 2016 Issued by Branch 137, Regional Trial Court, Makati in Criminal Case No. 14-765 v. Atty. Ramon*,^[55] this Court found respondent therein liable for engaging in dishonest and deceitful conduct for failing to inform her clients of her capacity to assist in a legal proceeding, as well as for misleading them as regards the legal services rendered.^[56]

In *Barbuco v. Atty. Beltran*,^[57] this Court found Atty. Beltran guilty of inexcusable negligence for belatedly filing an appellant's brief.

Alcantara v. Atty. Salas^[58] also states:

Once a lawyer consents to defend the cause of his client, he owes fidelity to such cause and must at all times be mindful of the trust and confidence reposed in him. He is bound to protect his client's interest to the best of his ability and perform his duties to his client with utmost diligence. Nothing less can be expected from a member of the Philippine Bar. For having neglected a legal matter entrusted to him by his client, respondent did not serve his client with diligence and competence. His inexcusable negligence on such matter renders him liable for violation of Canons 17 and 18 of the Code of Professional Responsibility.^[59] (Citations omitted)

Here, respondent's infractions have a direct connection to the discharge of his official duties^[60] and clearly show his utter disrespect for the law and for legal processes; for the mandate of the Code of Professional Accountability and Responsibility; and for the trust and confidence reposed to him by complainant.

ACCORDINGLY, I vote that respondent Atty. Eduardo O. Causapin be DISBARRED from the practice of law and his name be ordered STRICKEN OFF from the Roll of Attorneys, effective immediately.

[1] Rollo, pp. 2-6.

[2] Ponencia p. 11.

[3] Id. at 2.

[4] Id.

[5] Id. at 2, 6.

[6] Id. at 3.

[7] Rollo, pp. 8-9.

[8] Id. at 4.

[9] Id. at 3, 44.

[10] Id. at 44.

[11] Id.

[12] *Id.*

[13] CODE OF PROF. RESPONSIBILITY, Canon 1, Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral[,] or deceitful conduct.

[14] CODE OF PROF. RESPONSIBILITY, Canon 12, Rule 12.04 – A lawyer shall not unduly delay a case, impede the execution of a judgment[,] or misuse Court processes.

[15] CODE OF PROF. RESPONSIBILITY, Canon 18, Rule 18.02 – A lawyer shall not handle any legal matter without adequate preparation.

[16] CODE OF PROF. RESPONSIBILITY, Canon 18, Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

[17] CODE OF PROF. RESPONSIBILITY, Canon 18, 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.

[18] *Rollo*, p. 11.

[19] *Id.* at 19.

[20] *Id.* at 19, 144-148.

[21] *Id.*

[22] *Id.* at 18.

[23] *Id.* at 19.

[24] *Id.* at 20.

[25] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, General Provisions, sec. 1 provides:

The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

[26] *In re Almacen v. Yaptinchay*, 142 Phil. 353 (1970) [Per J. Castro, First Division].

[27] J. Leonen, Dissenting Opinion in *Manaus-Taggug v. Atty. Taggug*, 945 Phil. 25, 35 (2023) [Per Curiam, En Banc].

[28] *Angeles v. Atty. Lina-ac*, 845 Phil. 464, 475 (2019) [Per J. Leonen, En Banc], citing *Bernardo v. Atty. Mejia*, 558 Phil. 398, 402 (2007) [Per J. Nachura, En Banc].

[29] *Spouses Montecillo v. Atty. Gatchalian*, 811 Phil. 636 (2017) [Per J. Perlas-Bernabe, First Division].

[30] *United Coconut Planters Bank v. Atty. Noel*, 833 Phil. 354, 357 (2018) [Per J. Gesmundo, En Banc].

[31] *Del Mundo v. Atty. Capistrano*, 685 Phil. 687, 693 (2012) [Per J. Perlas-Bernabe, Third Division].

[32] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon IV, sec. 4.

[33] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon IV, sec. 2.

[34] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon IV, sec. 6.

[35] *United Coconut Planters Bank v. Atty. Noel*, 833 Phil. 354 (2018) [Per J. Gesmundo, En Banc].

[36] *Spouses Saburnido v. Atty. Madroño*, 418 Phil. 241 [Per J. Quisumbing, Second Division].

[37] *Rollo*, p. 168.

[38] *Id.* at 11.

[39] *Id.* at 19, 144-148.

[40] *Id.* at 113.

[41] *Id.*

[42] *Id.*

[43] *Id.* at 101.

[44] *Id.* at 19.

[45] *Id.* at 20.

[46] *Id.*

[47] *Id.* at 18, 107.

[48] *Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug of Reynard B. Castor*, 719 Phil. 96, 100 (2013) [Per Curiam, En Banc].

[49] *Id.*

[50] *Office of the Ombudsman v. De Guzman*, 819 Phil. 282, 306-307 (2017) [Per J. Leonen, Third Division].

[51] 604 Phil. 13 (2009) [Per J. Carpio, First Division].

[52] *Id.* at 23.

[53] 811 Phil. 636, (2017) [Per J. Perlas-Bernabe, First Division].

[54] *Id.* at 643.

[55] 882 Phil. 45 (2020) [Per J. Lopez, En Banc].

[56] *Id.* at 48-50.

[58] 867 Phil. 676 (2019) [Per J. J. Reyes, Jr., First Division].

[59] *Id.* at 683.

[60] *Office of the Provincial Prosecutor of Cavite v. Mas*, 946 Phil. 474, 481 (2023) [Per J. Dimaampao, En Banc], citing *Abella v. Parfan*, 922 Phil. 85, 89 (2022) [Per Curiam, En Banc].

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