

TEODORO R. RIVERA, ANTONIO D. AQUINO AND FELIXBERTO D. AQUINO, COMPLAINANTS, VS. ATTY. SERGIO ANGELES, RESPONDENT.

A.C. No. 2519. August 29, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On March 25, 1983, complainants filed a Complaint for Disbarment against Atty. Sergio Angeles on the grounds of Deceit and Malpractice. The Affidavit-Complaint[1] reads as follows:

“1.....The undersigned are plaintiffs in Civil Cases Nos. Q-12841 and Q-13128 of the Court of First Instance of Rizal, Branch V at Quezon City;

2.....Atty. Sergio Angeles is their counsel of record in the said cases and his office is located at Suite 335, URC Building, 2123 España, Manila;

3.....That after receiving favorable decision from the CFI on May 21, 1973 and sustained by the Court of Appeals and the Supreme Court an alias writ of execution was issued in said cases;

4.....That in the first week of January 1983 we obtained from the CFI a sheriff’s return, dated November 10, 1982, stating that no leviable property can be found in the premises of the defendants;

5.....That on or before January 13, 1983, we learned that Mr. Rodolfo M. Silva, one of the defendants in said cases had already given Atty. Angeles a partial settlement of the judgment in the amount of P42,999.00 (as evidenced by xerox copies of Partial Settlement of Judgment dated September 21, 1982 and Receipt of Payment dated September 22, 1982, hereto attached as Annexes “A” and “B”, respectively), without our knowledge.

6.....That Atty. Sergio Angeles never informed the undersigned of the amount of P42,999.00 he received from Mr. Silva nor remitted to them even a part of that amount;

7.....That a demand letter was sent to Atty. Sergio Angeles which was received by him on February 17, 1983, but as of this date the undersigned have not yet received any reply. (See Exhibit “C” and “D” attached).”

In his Comment filed on June 21, 1983, respondent denied the accusations and stated that he has the right to retain the said amount of P42,999.00 and to apply the same to professional fees due him under the subsequent agreement first with complainant Teodoro Rivera and later with Mrs. Dely Dimson Rivera as embodied in the Deed of Assignment (Annex “8”)[2] or under the previous agreement of P20% of P206,000.00.

Complainants, in their Reply,[3] vehemently denied the assignment of their rights to respondent.

Thereafter, this case was referred to the Solicitor General for investigation, report and recommendation in our Resolution dated November 21, 1983. The Office of the Solicitor General considered this case submitted for resolution on April 30, 1985 by declaring respondent’s right to present evidence as considered waived due to the

latter's failure to appear on the scheduled hearings. However, the records from said Office do not show any resolution.

In October 1998, the Integrated Bar of the Philippines issued an Order requiring the parties to manifest whether or not they are still interested in prosecuting this case, or whether supervening events have transpired which render this case moot and academic or otherwise. The copy of said Order sent to the complainants was received by their counsel on October 30, 1998 while the copy to the respondent was returned unclaimed.

Investigating Commissioner Julio C. Elamparo submitted his report on April 29, 1999 finding respondent Atty. Sergio Angeles guilty of violating the Code of Professional Responsibility specifically Rule 1.01, Canon 16 and Rule 16.01 thereof and recommends his indefinite suspension from the practice of law.

The Board of Governors of the Integrated Bar of the Philippines on June 19, 1999, issued a resolution, the decretal portion of which reads:

“RESOLUTION NO. XIII-99-151

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Atty. Sergio Angeles

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution/Decision as Annex “A”; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, with an amendment that Atty. Sergio Angeles is SUSPENDED from the practice of law for ONE (1) YEAR for his having been found guilty of practicing deceit in dealing with his client.”

The Court finds merit in the recommendation of the Integrated Bar of the Philippines. Respondent's act of deceit and malpractice indubitably demonstrated his failure to live up to his sworn duties as a lawyer. The Supreme Court repeatedly stressed the importance of integrity and good moral character as part of a lawyer's equipment in the practice of his profession.[4] For it cannot be denied that the respect of litigants for the profession is inexorably diminished whenever a member of the Bar betrays their trust and confidence.[5]

The Court is not oblivious of the right of a lawyer to be paid for the legal services he has extended to his client but such right should not be exercised whimsically by appropriating to himself the money intended for his clients. There should never be an instance where the victor in litigation loses everything he won to the fees of his own lawyer.

WHEREFORE, respondent Atty. Sergio Angeles, is SUSPENDED from the practice of law for ONE (1) YEAR for having been found guilty of practicing deceit in dealing with his client.

This Resolution shall take effect immediately and copies thereof furnished the Office of the Bar Confidant, Integrated Bar of the Philippines and appended to respondent's personal record.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Rollo, p. 1.

[2] Annex “7”, Unsigned Deed of Assignment; Rollo, p. 45.

[3] Reply, Rollo, pp. 62 and 88.

[4] *Fernandez v. Grecia*, A.C. No. 3694, June 17, 1993, 223 SCRA 425.

[5] *Busiños v. Ricafort*, A.C. No. 4349, December 22, 1997, 283 SCRA 407.

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