

LILIA C. RONCAL, COMPLAINANT, VS. ATTY. ORLANDO C. PARAY, RESPONDENT.*A.C. NO. 3882. July 30, 2004*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-3882/>**TINGA, J.:**

On August 10, 1992, Lilia C. Roncal filed with the Court a Letter[1] seeking the disbarment of Atty. Orlando C. Paray (Atty. Paray) and damages on account of the latter's alleged dereliction of his duties as counsel. Accompanying the Letter is an Affidavit[2] dated August 7, 1992 executed by the complainant claiming that the dismissal of her appeal in C.A.-G.R. SP No. 28051 was due to Atty. Paray's failure to file a memorandum on appeal, thereby putting to naught all the time, money and effort she spent to have her case elevated to the Court of Appeals.

Atty. Paray filed a Comment[3] dated November 12, 1992 narrating the events that led to the dismissal of the complainant's petition as follows:

The complainant and her husband initially retained Atty. Paray as counsel in a civil suit for ejectment[4] filed against them by Conrado F. Estrella and Sergia B. Estrella with the Municipal Trial Court (MTC) of Rosales, Pangasinan. After due proceedings, the MTC rendered judgment against the defendants.

They then appealed[5] to the Regional Trial Court (RTC) of Rosales, Pangasinan, which affirmed the MTC's decision in toto. Subsequently, the complainant and her husband hired another lawyer, a certain Atty. Teodoro P. Regino, to prepare and file a petition for relief from judgment on their behalf. During the pendency of the said petition, the complainant and her husband retained Atty. Paray anew.

The RTC granted the petition for relief from judgment and allowed the complainant and her husband to pursue their petition for review with the Court of Appeals.[6]

On June 4, 1992, Atty. Paray filed a motion for extension with the Court of Appeals asking for an extension of 15 days, from June 5, 1992 or until June 20, 1992, within which to file the petition.[7] The appellate court granted the motion. However, Atty. Paray found out that the copies of the decisions of the MTC and the RTC which were entrusted to him were lost.[8] Hence, on June 6, 2002, he sent his liaison officer to Rosales, Pangasinan to ask the complainant and her husband to secure copies of the decisions from the MTC and the RTC. Unfortunately, the complainant and her husband failed to secure the needed documents.

Because he had to attend his son's graduation from high school in the United States, Atty. Paray filed on June 19, 2002 another motion for extension, this time asking for an extension of 45 days from June 20, 1992 within which to file the petition.[9] The motion was denied and the case was dismissed.[10]

In view of the foregoing circumstances, Atty. Paray argues that he was not responsible for the dismissal of the case. Rather, he ascribes fault to the complainant and her husband for their failure to secure copies of the decisions of the MTC and the RTC.

On May 5, 1993, the Court issued a Resolution[11] referring the case to the Integrated Bar of the Philippines

(IBP) for investigation, report and recommendation within ninety (90) days from notice.

The case was assigned to a commissioner who set the case for hearing on various dates,[12] all of which Atty. Paray failed to attend.[13] The records reveal that the notices of hearing were all returned unserved for the reason that Atty. Paray kept on moving to new addresses without informing the IBP.

During the hearing on June 20, 2000,[14] the investigating commissioner issued an order requiring Atty. Paray to explain why he continued to fail to notify the IBP of his new address, and the parties to file their respective position papers within twenty (20) days from notice.[15]

In compliance with this order, the complainant filed her Position Paper[16] on August 14, 2000 praying that Atty. Paray be required to pay her the actual value of the lot subject of Civil Case No. 601, but that he be exonerated from the administrative charges she filed against him out of sympathy for the latter. On the other hand, Atty. Paray filed his Position Paper[17] on August 18, 2000[18] reiterating his prayer for the dismissal of the complaint.

In her Report and Recommendation[19] dated June 19, 2002, the investigating commissioner found that Atty. Paray failed to fulfill his duties as counsel for the complainant and her husband and accordingly recommended that he be suspended from the practice of law for three (3) months. The investigating commissioner also recommended that the complaint be dismissed insofar as it prays for the payment of the value of the lot subject of Civil Case No. 601.

We agree with the findings of the investigating commissioner.

Rule 18.03 of the Code of Professional Responsibility provides that “a lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.” Hence, the Court, in *Guiang v. Antonio*[20] and *Villaluz v. Armenta*,[21] suspended lawyers from the practice of law for failing to appeal their respective client’s cases within the prescribed period. These cases are squarely applicable herein.

The excuses offered by Atty. Paray, i.e., that he lost the copies of the decisions of the MTC and the RTC which he needed for the petition and that the complainant was uncooperative when requested to secure copies of these documents, are unpersuasive, trivial, and unsatisfactory. Atty. Paray should be reminded of the Court’s pronouncement in *Guiang v. Antonio*, supra, that a diligent lawyer should obtain copies of the needed decisions himself. More so in this case because Atty. Paray admitted that the copies of the decisions were entrusted to him, only that he lost them.

Atty. Paray’s transgression is compounded by his utter disrespect for the authority of the IBP as manifested by his repeated failure to appear before the investigating commissioner. In *Priscila L. Toledo v. Erlinda Abalos*,[22] the Court suspended a lawyer for a period of one (1) month solely for failing to acknowledge the orders of the Commission in deference to its authority over her as a member of the IBP. A commensurate penalty must be imposed on Atty. Paray.

On the other hand, the Court is not unmindful of the fact that the complainant now asks the Court to exonerate Atty. Paray from the administrative charges she filed against him and prays that he be required to pay the actual value of the lot subject of Civil Case No. 601 instead.

Both prayers should be denied.

In administrative proceedings, the complainant or the person who calls the attention of the court to the alleged misconduct is in no sense a party, and has generally no interest in the outcome except as all good citizens may have in the proper management of justice. Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of the complainant or his withdrawal of the charges. [23]

In the instant case, the Court is convinced that Atty. Paray violated the Code of Professional Responsibility and should be subjected to disciplinary action notwithstanding the complainant's change of heart.

Anent the issue of damages, the Court has repeatedly ruled that it is not a collecting agency. Besides, disciplinary proceedings involve no private interest and afford no redress for private grievances.[24] Hence, the prayer for damages should be denied.

The investigating commissioner recommended that Atty. Paray be suspended from the practice of law for three (3) months. However, in *Guiang v. Antonio*, supra, and *Villaluz v. Armenta*, supra, we suspended the lawyers involved for a period of six (6) months for failing to perfect their appeal within the prescribed period. We see no reason to divert from these rulings. In fact, we have more reason to sanction Atty. Paray for his disrespect of the authority of the IBP.

WHEREFORE, in view of the foregoing, Atty. Orlando O. Paray is **SUSPENDED** from the practice of law for six (6) months effective immediately, with a **WARNING** that the repetition of a similar violation will be dealt with more severely. He is further **DIRECTED** to report the date of his receipt of this Decision to the Court within five (5) days from such receipt.

Let a copy of this Decision be entered in the personal records of respondent as a member of the Bar, and copies furnished the Bar Confidant, the Integrated Bar of the Philippines, and the Court Administrator for circulation to all courts in the country.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1]Rollo, p. 1.

[2]Id. at 2.

[3]Id. at 23.

[4]Docketed as Civil Case No. 576.

[5]The appeal was docketed as Civil Case No. 601-R.

[6]Supra, note 1 at 36-39.

[7]Id. at 40-42.

[8]Id. at 26, Comment of Atty. Paray.

[9]Id. at 44-45.

[10]Id. at 47.

[11]Id. at 60.

[12]December 3, 1997, January 17, 2000, February 25, 2000 and April 18, 2000, June 20, 2000, October 29, 2001; December 3, 2001 and January 16, 2002; Rollo, pp. 113, 119, 120, 126, 161,167 and 169.

[13]Supra, note 1 at 131, 166, 168, 217, 216, 217.

[14]Prior to the June 20, 2000 scheduled hearing, the investigating commissioner learned that Atty. Paray's new

address is 2017 A and E Building, Ortigas Avenue, Greenhills, San Juan, Metro Manila and sent a notice there for the subsequent hearing.

[15]Supra, note 1 at 132.

[16]Id. at 139-140.

[17]Id. at 142-147.

[18]After requesting and being granted two (2) extensions of time on July 15, 2000 and August 2, 2000.

[19]Supra, note 1 at 214-220.

[20]A.C. No. 2473, February 3, 1993, 218 SCRA 381, 384.

[21]A.M. No. RTJ-98-1397, 348 Phil. 784, 776 (1998).

[22]A.C. No. 5141, September 29, 1999, 315 SCRA 419, 422.

[23]Fernando C. Cruz, et al. v. Ernesto C. Jacinto, A.C. No. 5235, March 22, 2000, 328 SCRA 636, citing Rayos-Ombac v. Rayos, A.C. No. 2884, 285 SCRA 93 (1998).

[24]Monica A. Villaseñor v. Patricia S.J. De Leon, A.M. No. P-03-1685, March 20, 2003, 399 SCRA 342, citing Martinez v. Munoz, A.M. No. P-94-1006, 249 SCRA 14 (1995), and Taboada v. Cabrera, A.M. No. 980-CTJ, 78 SCRA 235 (1977).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.