

PERLA COMPANIA DE SEGUROS, INC., COMPLAINANT, VS. ATTY.BENEDICTO G. SAQUILABON, RESPONDENT.

A.C. No. 3907. April 10, 1997

Ponente: VITUG, J.

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VITUG, J.:

Perla Compania de Seguros, Inc., through its Senior Vice-President James O. Lim, has charged Atty. Benedicto G. Saquilabon with having violated his oath of office and, in particular, his commitment to "conduct himself as a lawyer according to the best of (his) knowledge and discretion with all good fidelity as well to the Courts as to (his) clients."^[1]

In its resolution, dated 25 January 1993, the Court referred the matter to the Integrated Bar of the Philippines ("IBP") for investigation, report and recommendation.

In its letter, dated 24 September 1996, addressed to Chief Justice Andres R. Narvasa, the IBP^[2] transmitted to the Court, along with the records of the case, its "Notice and Copy of Decision," among other things, recommending an imposition of a six-month suspension on respondent.

Atty. Saquilabon was the legal counsel of complainant in Civil Case No. 8058 ("Spouses Marcelino Bucu and Cecilia Bucu vs. Perla Compania de Seguros, Inc."), hereinafter also referred to as the "Bucu" case, and in Civil Case No. 480-G ("Philip Natividad vs. Antonio Padron and Perla Compania de Seguros") or the "Natividad" case.

An adverse decision was rendered against complainant in Bucu. Not satisfied with the decision, complainant, through respondent, sought relief from the Court of Appeals. On 24 November 1988, the appeal was dismissed for failure to file the required appeal brief. Complainant moved for reconsideration of the dismissal. The appellate court reconsidered and gave complainant a non-extendible period of fifteen days within which to finally submit the brief. Respondent lawyer again failed to comply constraining anew the Court of Appeals to dismiss, on 14 April 1989, the appeal. Complainant's subsequent motions for reconsideration were denied. The complainant was ultimately made to pay certain amounts to the spouses Bucu.^[3]

Atty. Saquilabon was the legal counsel for herein complainant in the Natividad case. Here, respondent filed with the trial court a motion for an extension to file an answer to the complaint but he failed, nevertheless, to file the answer on time. The complainant (the defendant therein) was declared in default, thus allowing the plaintiff to present his evidence ex-parte. Respondent lawyer's subsequent compliance was merely noted by the trial court. After an adverse judgment was rendered against complainant, respondent, acting on his own, filed a notice of appeal with the Court of Appeals. The appeal, however, was dismissed on 10 February 1981 for non-payment of the required docket fee.

In the Bucu case, respondent attributed his failure to file the appellant's brief to an oversight or negligence of the complainant's manager, Dionisio Quinto, at its Cabanatuan City branch. Quinto, a law graduate, allegedly undertook the printing of the brief, which respondent had prepared and submitted to Quinto, and the filing thereof

with the Court of Appeals.

The failure to file an answer in the Natividad case was said to be due to the fault of complainant's branch manager, Bienvenido S. Pascual, of Santiago, Isabela. According to respondent, not only did Pascual fail to give respondent a copy of the complaint but Pascual also neglected to provide the docket fees required on appeal to the Court of Appeals.

The IBP Commission on Bar Discipline ("CBD")[4] exonerated respondent in the Natividad case but concluded that there was gross negligence on his part in Buco, warranting a six month suspension from the practice of the legal profession. The report and recommendations of CBD were approved by the IBP.

We sustain the action of IBP.

In Natividad, it would indeed appear that Bienvenido Pascual was unable to furnish respondent with a copy of the complaint. What Pascual did was merely to refer the case and to give the summons, as well as a copy of the complaint, to Quinto. The latter could not even recall the date when he delivered the complaint to respondent lawyer. The dismissal of the appeal due to non-payment of the docket fees, upon the other hand, had been reconsidered by the appellate court.

In Buco, however, respondent lawyer truly was negligent in handling the case. It had behooved him to make certain that the appeal brief was filed on time. His excuse that he relied instead on an employee, albeit a branch manager, of his client is unacceptable. The Code of Professional Responsibility mandates:

"Canon 12 —

"Rule 12.03 — A lawyer shall not, after obtaining extensions of time to file pleadings, memoranda or briefs, let the period lapse without submitting the same or offering an explanation for his failure to do so.

"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."

In *Ford vs. Daitol*,[5] a lawyer's failure to file brief for his client was held to amount to inexcusable negligence; thus:

"An attorney is bound to protect his client's interest to the best of his ability and with utmost diligence. (*Del Rosario vs. Court of Appeals*, 114 SCRA 159) A failure to file brief for his client certainly constitutes inexcusable negligence on his part. (*People vs. Villar*, 46 SCRA 107) The respondent has indeed committed a serious lapse in the duty owed by him to his client as well as to the Court not to delay litigation and to aid in the speedy administration of justice. (*People vs. Daban*, 43 SCRA 185; *People vs. Estocada*, 43 SCRA 515)"[6]

His arrangements with Quinto did not relieve respondent from his responsibility to ensure that his client's cause is not unnecessarily put to possible jeopardy. The dismissal of the appeal on 24 November 1988 for Quinto's failure to submit the appeal brief on time should have been enough warning for respondent not to entrust to anyone else, definitely not to Quinto, the filing of the brief following the reconsideration of the dismissal by the appellate court and the grant of the non-extendible period of fifteen days.

Atty. Saquilabon appears to have been short of scrupulous candor. In asking for the reconsideration of the 1989 resolution dismissing the appeal for the second time, he did not blame Quinto but has averred that the non-filing of the brief on the extended period granted to have been due to the fault of his secretary, "whose poor physical health forced her to render services to counsel intermittently."[7]

The recommendation of the IBP for respondent's suspension from the practice of law for a period of six (6) months is more than justified.

WHEREFORE, the Court has resolved, as it hereby resolves, to SUSPEND Atty. Benedicto G. Saquilabon from the practice of law for a period of six (6) months from notice hereof, with a WARNING that a repetition of a similar misconduct will be most severely dealt with.

Let a copy of this Resolution be spread on the personal records of respondent in the Office of the Bar Confidant, Supreme Court of the Philippines, with copies thereof furnished to the Integrated Bar of the Philippines and duly circularized to all courts in the Philippines.

SO ORDERED.

Padilla, (Chairman), Bellosillo, and Kapunan, JJ., concur.
Hermosisima, Jr., J., on leave.

[1] Rollo, Vol. 1, p. 2.

[2] Through Atty. Benjamin B. Bernardino, Director for Bar Discipline.

[3] CBD Report and Recommendation, p. 3.

[4] Through Commissioner Victor C. Fernandez.

[5] 250 SCRA 7; see also In re: Santiago F. Marcos, 156 SCRA 844.

[6] At page 12.

[7] CBD Report and Recommendation, p. 5.

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