LEA P. PAYOD, PETITIONER, VS. ATTY. ROMEO P. METILA, RESPONDENT.

A.C. NO. 3944. July 27, 2007

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Lea P. Payod (Lea) charges Atty. Romeo P. Metila (respondent) with "willful neglect and gross misconduct" in connection with this Court's dismissal of her petition in G.R. No. 102764, "Lea P. Payod v. Court of Appeals," by Resolution dated February 3, 1992, reading:

> Acting on the pleadings filed in this case, the Court resolved: to DENY: (a) petitioner's second motion for extension of time to file petition for review on certiorari, as petitioner's first motion for extension was denied in the resolution of December 16, 1991 for failure to comply with the requirement of No. two (2) of Revised Circular 1-88. Moreover, the said second motion for extension still fails to comply with the same requirement of Revised Circular 1-88, and (b) the petition itself, for having been filed late and for failure to comply with requirement No. four (4) of Revised Circular 1-88, and for failure to submit the certification required under Circular 28-91 on forum shopping.[1]

Petitioner submits that:

> It is difficult to believe that practicing lawyers cannot submit very important documents considered regular pieces of information in their practice of law leading to default with serious consequences prejudicial to the client if the said counsel is not ill motivated or not due to gross misconduct and willful negligence inimical to the best interest of the client.
>
> Together with my mother Mrs. Restituta Peliño and my sister Mrs. Portia P. Velasco, I have found difficulty making follow-up with Atty. Romeo P. Metila for him to comply with the submission of required documents to the Supreme Court because of his unreasonable excuses for non-performance despite our persistent follow-ups, payments of expenses and attorney's fees, and willingness to supply him with materials and needed facts. More often, we got lame excuse[s] and had his no-shows in appointed meetings at the Supreme Court.[2]

Respondent denies the charges and gives his side of the case as follows:

The case was referred to him by Lea's mother on November 29, 1991, six days before the period to perfect an appeal to this Court expired, without supplying him with any document bearing on the case other than the Court of Appeals resolution denying Lea's motion for reconsideration.[3]

He thus told Lea's mother that he would only file a motion to stay the running of the prescriptive period of appeal and advised her to look for another lawyer who could assist her in getting the complete certified records of the case from the Court of Appeals and in filing a petition for review with this Court.

Neither Lea nor her mother communicated with him, however, until January 21, 1992, forcing him to finance and defray all the expenses for the initiation of the appeal.

He concludes there was no attorney-client relationship between him and Lea, there being no Special Power of Attorney authorizing her mother to hire him as a lawyer in her behalf.[4]

After investigation, the Integrated Bar of the Philippines (IBP) Committee on Bar Discipline, to which the complaint was referred, found respondent guilty of simple negligence and recommended that he be seriously admonished and required to undergo three units of Mandatory Continuing Legal Education in Remedial law for his failure to update himself with the developments in the legal profession and for the cavalier manner by which he denied the existence of an attorney-client relationship when one in fact existed.[5]

The IBP Board of Directors adopted the Report and Recommendation of the Investigating Commissioner that respondent be seriously admonished.

This Court upholds the finding and recommendation of the IBP.

In failing to comply with the requirements in initiating complainant's appeal before this Court in G.R. No. 102764 even after his attention to it was called by this Court, respondent fell short of the standards required in the Canon of Professional Responsibility for a lawyer to "keep abreast of legal developments"[6] and "serve his client with competence and diligence."[7]

That Lea's mother did not have a Special Power of Attorney to hire respondent on Lea's behalf is immaterial, given that he actually initiated the appeal, albeit unsuccessfully.

It need not be underlined that a lawyer who accepts a case must give it his full attention, diligence, skill, and competence,[8] and his negligence in connection therewith renders him liable.[9]

The circumstances attendant to respondent's initial handle of Lea's case do not warrant a finding of gross negligence, or sheer absence of real effort on his part to defend her cause.[10]

Respondent accepted Lea's case upon her mother's insistence, with only six days for him to file a petition for review before this Court, and without her furnishing him with complete records, not to mention money, for the reproduction of the needed documents. Despite these constraints, respondent exerted efforts, albeit lacking in care, to defend his client's cause by filing two motions for extension of time to file petition. And he in fact filed the petition within the time he requested,[11] thus complying with the guideline of this Court that lawyers should at least file their pleadings within the extended period requested should their motions for extension of time to file a pleading be unacted upon.[12]

Neither do the circumstances warrant a finding that respondent was motivated by ill-will. In the absence of proof to the contrary, a lawyer enjoys a presumption of good faith in his favor.[13]

WHEREFORE, respondent, Atty. Romeo Metila, is SERIOUSLY ADMONISHED with WARNING that similar charges will be severely dealt with.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

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[1] Rollo, Vol. 1, p. 15.

[2] Id. at 2.

[3] Id. at 67.

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[4] Id. at 66.

[5] Id. at 488-489.

[6] Canon 5, Code of Professional Responsibility.

[7] Canon 18, Code of Professional Responsibility.

[8] Vide Santiago v. Fojas, Adm. Case No. 4103, September 7, 1995, 248 SCRA 68, 75.

[9] Canon 18, Rule 18.03, Code of Professional Responsibility.

[10] Vide Salonga v. Court of Appeals, 336 Phil. 514, 527 (1997).

[11] In his Second Motion for Extension of Time to File Petition, Atty. Metila prayed for "an extension of 15 days from January 4, 1992 or up to January 19, 1992 within which to file [the] petition," and the petition was filed on January 17, 1992. Rollo, pp. 215-216.

[12] Vide Roxas v. Court of Appeals, G.R. No. L-76549, December 10, 1987, 156 SCRA 252, 256-257; Antonio v. Jacinto, 121 Phil. 1128, 1131 (1965).

[13] Vide Maligaya v. Doronila, Jr., A.C. No. 6198, September 15, 2006, 502 SCRA 1, 8.

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