SPS. ANTONIO AND NORMA SORIANO, COMPLAINANTS, VS. ATTY. REYNALDO P. REYES, RESPONDENT.

A.C. NO. 4676. May 04, 2006

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a-c-no-4676/

CHICO-NAZARIO, J.:

For alleged gross negligence in handling two civil cases, a complaint[1] for disbarment was filed by complainant spouses Antonio and Norma Soriano against Atty. Reynaldo P. Reyes.

Complainants alleged that sometime in the latter part of 1990, they engaged the services of respondent in a case they filed against Peninsula Development Bank entitled, "Norton Resources and Development Corporation, et al. v. Peninsula Development Bank." The case was for Declaration of Nullity with Injunction and/or Restraining Order before the Regional Trial Court (RTC) of Davao City, Br. 13, docketed as Civil Case No. 20-465-90.[2] While the case was pending, respondent reassured complainants that he was diligently attending to the case and will inform them of the status of their case.

In 1994, complainants again engaged the services of respondent in a case they filed against the Technology and Livelihood Resource Center entitled, "Spouses Antonio M. Soriano and Norma Soriano v. Technology and Livelihood Resource Center" for Declaration of Nullity with Injunction and Temporary Restraining Order before the RTC of Davao City, Br. 16, docketed as Civil Case No. 22-674-94.[3] During the pendency of the second case, complainants inquired from respondent the status of the earlier Civil Case No. 20-465-90, the latter informed them that the same was still pending and/or ongoing.

Later, complainants learned that Civil Case No. 20-465-90 was dismissed[4] on 16 December 1991 for failure of the respondent to file a pre-trial brief. The dismissal reads:

> On record is a pre-trial brief filed by defendant, thru counsel, Atty. Marlon B. Llauder, and this morning a supplemental pre-trial brief was submitted by defendant's counsel. Atty. Reynaldo Reyes, counsel for the plaintiffs is present in Court but he moved for a suspension of the pre-trial conference this morning for the reason that plaintiffs are proposing to amicably settle this case. Defendant's counsel vehemently objected to the postponement of the pre-trial conference and instead moved for a declaration of plaintiffs as non-suited for the reason that up to this time, plaintiffs have not submitted their pre-trial brief in violation of the Order of the Court, dated October 11, 1991, wherein plaintiffs' counsel was afforded five (5) days from said date within which to submit to Court plaintiffs' pre-trial brief.
>
> The said motion is well-taken for the reason that the records failed to show that plaintiffs filed pre-trial brief. They are thus, declared as non-suited.
>
> This case is hereby ordered dismissed.[5] (Underscoring supplied.)

A motion[6] for reconsideration was filed but the same was denied in an Order dated 27 April 1992.

As to Civil Case No. 22-674-94, complainants likewise found out that the case was dismissed for failure to

prosecute. The order reads:

> The records show that summons with a copy of the complaint have been served upon the defendant on May 11, 1994, but plaintiffs did not file the necessary pleadings in order to prosecute the same.
>
> IN VIEW HEREOF, for failure to prosecute this case is ordered DISMISSED.
>
> Furnish copy of this order, Atty. Reynaldo P. Reyes, plaintiffs' counsel and defendant's counsel, Atty. Francisco Figura.[7] (Underscoring supplied.)

Upon filing of a Motion for Reconsideration, though, the case was reconsidered and reinstated[8] on 15 August 1995.

Claiming that the acts of respondent greatly prejudiced and damaged them, complainants filed a Complaint for disbarment against respondent before this Court.

On 20 October 1997, the Supreme Court referred[9] the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation or decision.

In his Comment,[10] respondent admitted that he was hired by the complainants in the case against the Peninsula Development Bank in the latter part of 1990. He averred that Peninsula Development Bank foreclosed the property of the complainants for failure to pay monetary obligations amounting to several millions of pesos. He said that some of the properties of the complainants were foreclosed in 1989, and the one-year redemption period was to expire in the latter part of 1990. About one week before the expiration of the redemption period, the complainants, through the respondent, filed a case against the Peninsula Development Bank before the RTC of Davao City, which was docketed as Civil Case No. 20-465-90. From the time of the filing of the complaint up to the present, herein complainants are in continuous possession of the already foreclosed properties, consisting of a Ford Econovan and farm tractors. According to respondent, complainants are still holding office in the real properties subject of the foreclosure and a portion thereof is being rented by a big taxi company. He disclosed that at the time he was hired in 1990, the agreement was that he would be paid the amount of Three Hundred Thousand Pesos (P300,000.00) as attorney's fees in five years. Respondent claimed that he assisted complainants in applying for a loan to pay off their obligations with Peninsula Development Bank but because of the numerous estafa cases filed against complainants, said loans did not materialize. Respondent further claimed that their agreed strategy was to arrange a settlement with regard to Civil Case No. 20-465-90. Respondent said he later realized that the complainants had no interest in paying their obligations to Peninsula Development Bank, and his attorney's fees. Respondent added that they differed in opinion with regard to the handling of the case and that complainants did not understand that the filing of the case had already helped them gain time to negotiate with the bank especially on the matter of interest incurred by their loans. Finally, respondent concluded by saying that his attorney's fees, paid in meager installments, remain outstanding and unpaid.

In their reply,[11] complainants refuted respondent's allegation of the alleged "numerous estafa cases" filed against them. Complainants averred that the certification attached by respondent showing that there were estafa cases filed against them has no bearing insofar as the disbarment case is concerned. They likewise denied that respondent assisted them in their loan application. They engaged the services of the respondent to prevent them from losing their properties to the Peninsula Development Bank and for no other reason. Finally, complainants maintained that respondent was paid his attorney's fees.

As early as 27 June 2000, the case had already been scheduled for hearing by Commissioner Agustine V. Gonzaga of the Commission on Bar Discipline. On 18 January 2002, after several hearings, the Commission admitted the documentary evidence offered as part of the testimony of complainants. On 1 March 2002, the day

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

respondent was ordered to present his defense evidence, he failed to appear. Counsel for the complainants moved that the respondent be deemed to have waived his right to present his evidence for failure to appear on scheduled hearing despite due notice. In the interest of substantial justice, respondent was given a period of 10 days to comment on the complainants' motion and scheduled the case for hearing on 19 April 2002. Despite due notice, however, respondent again failed to appear, thus, the Hearing Commissioner declared that respondent was considered to have waived his right to present his defense evidence. The parties were given 20 days from 19 April 2002 to file their respective memoranda, after which the case will be deemed submitted for resolution.

Only complainants filed a memorandum.

On 28 May 2003, Investigating Commissioner Milagros V. San Juan found respondent negligent in handling the cases of complainants; hence, said Investigating Commissioner recommended that he be disbarred. The pertinent portions of the report read:

> There is no question that the respondent was engaged by the complainants as their counsel in two cases, namely Civil Case No. 20-465-90 and Civil Case No. 22-674-94. The respondent accepted both cases by filing a case of Nullity with Injunction and/or Restraining Order before the Regional Trial Court Br. 13, Davao City, against Peninsula Development Bank and against Livelihood Resource Center for Declaration of Nullity with Injunction and/or Temporary Restraining Order docketed as 22-674-94, Br. 16 RTC Davao City. The failure and negligence of respondent in handling the aforementioned cases is fully reflected in the Order of the Court re: Civil Case No. 20-465-90 which reads:
>
> On record is a pre-trial brief filed by defendant thru counsel, Atty. Marlon B. Llander and this morning a supplemental pre-trial brief was submitted by defendants' counsel, Atty. Reynaldo Reyes, counsel for the plaintiff is present in court but he moved for a suspension of the pre-trial conference this morning for the reason that plaintiffs are proposing to amicably settle this case. Defendants' counsel vehemently objected to the postponement of the pre-trial conference and instead moved for a declaration of plaintiff's as non-suited for the reason that up to this time, plaintiff have not submitted their pre-trial brief in violation of the Order of the Court, dated October 11, 1991 wherein plaintiff's counsel was afforded five (5) days time from date within which to submit to court plaintiff's pre-trial brief.
>
> The motion is well taken for the reason that the records failed to show that plaintiffs filed pre-trial brief. They are thus declared as non-suited.
>
> This case is hereby ordered dismissed. "x x x Regarding Civil Case No. 22-674-94, Regional Trial Court Br. 16, Davao City in the case filed against Technology and Livelihood Resource Center the court issued an Order dated May 5, 1995 which reads:
>
> "The record show that summons with a copy of the Complaint have been served upon the defendant on May 11, 1994, but plaintiffs did not file the necessary pleadings in order to prosecute the same."
>
> In view hereof, for failure to prosecute this case is ordered Dismissed. "x x x The records show that the real status of the cases were kept from the complainants by respondent. Despite the dismissal of both cases due to respondent's negligence and irresponsibility he continued receiving compensation from complainants are evidenced by the receipts and vouchers which respondent acknowledged with his signatures. (Exhibits "F", "G", "H", "H-1" and "I"). Likewise, the respondent deceived the complainant by giving them false hopes that everything was alright and there was no problem regarding the cases.
>
> All the foregoing show that there is clear violation of his oath as a lawyer particularly Canon 17 and Canon 18 of the Code of Professional Responsibility. Thus, it is submitted that Atty. Reynaldo P. Reyes be meted the penalty of Disbarment.[12]

On 21 June 2003, the IBP Board of Governors adopted and approved[13] the recommendation of the Investigating

Commissioner.

In the interregnum, a Motion to Withdraw Testimony and Evidence[14] was filed by complainant Norma B. Soriano before this Court, stating that:

> - That although the complainant in this case names the spouses Antonio Soriano and Norma B. Soriano as the complainants, it is only complainant Norma B. Soriano who has testified and presented evidence during the hearing of this case due to the untimely demise of her husband, complainant Antonio Soriano;
>
> - That subsequently to the undersigned complainants testimony and presentation of evidence, she has come upon information and facts that need to be reviewed and re-examine[d] in the highest interests of justice;
>
> - That before going into those information and facts that she came to learn after she gave her testimony before this Honorable Board, it is important to stress the following antecedent circumstances:
>
> (a) That it was undersigned complainant's late husband who conferred constantly with respondent Atty. Reynaldo P. Reyes;
>
> (b) That herein complainant was not present in a conference with Atty. Reyes at the time his professional services were hired. So, it was only the deceased complainant Antonio Soriano who was familiar with the scope of professional engagement;
>
> (c) That undersigned complainant did not participate in the conference between her late husband and respondent counsel on the agreed strategy because the late husband was the one actively managing the affairs of the family. Moreover, herein complainant was not really knowledgeable of the facts and details involved in the cases handled by respondent counsel;
>
> (d) That for example, it was only later after her testimony that she learned that respondent was also attending to and handling the other cases of the late complainant Antonio Soriano, especially those cases filed in Makati, Complainant herein had the mistaken impression that the complainant-decedent had availed of the services of lawyers in Makati. Hence, the fees that respondent Atty. Reyes received after the cases below were for those cases in Makati;
>
> (e) That it was a surprise for herein undersigned complainant to also learn that respondent Atty. Reyes went out of his way to accompany her late husband to a financier, who was an intimate friend of respondent, in Quezon City for the purpose (sic) sourcing the necessary funds to pay off our obligations to some creditors as the agreed strategy at the very start. Thus, it appears that respondent counsel went out of his way to help the late complainant Antonio Soriano solve his problems; and
>
> (f) That I likewise subsequently learned that when respondent counsel became a city councilor of Davao City, he did what he can to help the late complainant Antonio Soriano have a council clearance over a parcel of land that he was selling for a memorial park.
>
> - That the foregoing facts and information that herein undersigned complainant learned after she gave her testimony seriously prompts her to seek the withdrawal of her testimony and her evidence in order that she can re-evaluate the same; and
>
> - That complainant herein is filing the instant motion in the interests of truth and justice as it is farthest from her intention to have this case resolved through an inadvertent presentation of facts that do not exactly reflect the entirety of the story and the truth, no matter how innocently and in good faith they were presented.[15]

The above quoted motion is tantamount to a withdrawal or desistance of the complaint.

As we have previously ruled, the affidavit of withdrawal of the disbarment case executed by a complainant does not automatically exonerate the respondent.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

A case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant.[16] What matters is whether, on the basis of the facts borne out by the record, the charge of negligence has been duly proved. This rule is premised on the nature of disciplinary proceedings. A proceeding for suspension or disbarment is not in any sense a civil action where the complainant is a plaintiff and the respondent lawyer is a defendant. Disciplinary proceedings involve no private interest and afford no redress for private grievance. They are undertaken and prosecuted solely for the public welfare. They are undertaken for the purpose of preserving courts of justice from the official ministration of persons unfit to practice in them. The attorney is called to answer to the court for his conduct as an officer of the court. The complainant or the person who called the attention of the court to the attorney's 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 administration of justice. Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of complainant or his withdrawal of the charges.[17] Accordingly, notwithstanding the motion to withdraw evidence and testimony, the disbarment proceeding should proceed.

Looking into the merits of the complaint against respondent, we decide to modify the findings of the IBP.

As to Civil Case No. 20-465-90, records show that it was dismissed for failure of respondent to file the pre-trial brief.

Respondent's failure to file the pre-trial brief constitutes inexcusable negligence.[18] The importance of filing a pre-trial brief cannot be gainsaid. For one, the lawyers are compelled to prepare their cases in advance. They eliminate haphazard preparation. Since pre-trial is a serious business of the court, preparation of the lawyers and parties for the pre-trial in both questions of fact and of law cannot be overemphasized as an essential requirement for a pre-trial conference. They enable both parties to view the documentary evidence of the other even before they are presented in court. They enable the parties to know the testimonies of each other's witnesses. Pre-trial briefs also apprise the courts of the additional points the parties are willing to stipulate upon, or the additional points which could be inquired into for the purpose of additional stipulations. They also apprise the court of the respective demands of the parties, thus, enabling the court to discuss more intelligently an amicable settlement between or among the parties.[19] The failure to submit a pre-trial brief could very well, then, be fatal to the case of the client as in fact it is a ground for dismissal of the case. [20] For this reason, respondent's failure to submit the pre-trial brief to the court within the given period constitutes negligence which entails disciplinary action. Not only is it a dereliction of duty to his client but to the court as well. Hence, this Court, in Spouses Galen v. Atty. Paguirigan,[21] explained:

> An attorney is bound to protect his client's interest to the best of his ability and with utmost diligence. A failure to file brief for his client certainly constitutes inexcusable negligence on his part. 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.

In this case, respondent did not only fail to file the pre-trial brief within the given period. Worse, he had not submitted the required pre-trial brief even at the time he filed a motion for reconsideration of the order of dismissal several months later. Expectedly, the motion for reconsideration was denied by the court. Respondent's negligence is apparent in the trial court's denial of the motion for reconsideration, to wit:

> The court, in the exercise of sound discretion, afforded the plaintiffs who were then present, five (5) days from October 11, 1991, within which to submit to the Court plaintiff pre-trial brief, but despite the order, and until December 16, 1991, a period of more than two (2) months has elapsed, yet herein plaintiffs still failed to file or submit the required pre-trial brief, which to the mind of this Court, is an obstinate refusal on the part of the plaintiffs to file said pre-trial brief, despite counsel's knowledge of the importance of the same.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> The plaintiffs, even in the filing of their Motion for reconsideration did not even care to attach pre-trial brief if indeed they are sincere in their intention to do so.

Clearly, respondent was not able to protect his client's interest through his own fault.

A lawyer is expected to be familiar with the rudiments of law and procedure and anyone who acquires his service is entitled to, not just competent service, but also whole-hearted devotion to his client's cause. It is the duty of a lawyer to serve his client with competence and diligence and he should exert his best efforts to protect, within the bounds of law, the interest of his client. A lawyer should never neglect a legal matter entrusted to him, otherwise his negligence in fulfilling his duty will render him liable for disciplinary action.[22]

Canon 18, 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. In this case, by reason of Atty. Reyes's negligence, complainant suffered actual loss. He should have given adequate attention, care and time to his cases. This is why a practicing lawyer may accept only so many cases that he can efficiently handle. Otherwise, his clients will be prejudiced. Once he agrees to handle a case, he should undertake the task with dedication and care. If he should do any less, then he is not true to his lawyer's oath.[23]

Respondent's excuse that complainants, from the time of filing of the complaint up to the time of filing his comment, were in continuous possession of the foreclosed property is flimsy. It only shows the cavalier attitude which respondent took towards his client's cause.

Anent Civil Case No. 22-624-94, the case was indeed dismissed for failure to prosecute although the said dismissal was later on reconsidered. However, this does not detract to the conclusion that, truly, respondent failed to demonstrate the required diligence in handling the case of complainants.[24]

Quite apart from the above, respondent also lacked candor in dealing with his clients as he omitted to apprise complainants of the status of the two cases and even assured the complainants that he was diligently attending to said cases.[25]

In Garcia v. Atty. Manuel,[26] this Court found therein respondent lawyer in bad faith for failing to inform his client of the status of the case. In said decision, the court has adamantly stressed that the lawyer-client relationship is highly fiduciary.[27] There is always a need for the client to receive from the lawyer periodic and full updates on developments affecting the case. The lawyer should apprise the client on the mode and manner that the lawyer is utilizing to defend the client's interests.[28]

In failing to inform his clients of the status of their cases, respondent failed to exercise such skill, care, and diligence as men of the legal profession commonly possess and exercise in such manners of professional employment.[29]

Time and again we have stated that disbarment is the most severe form of disciplinary sanction, and, as such, the power to disbar must always be exercised with great caution for only the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the bar. Accordingly, disbarment should not be decreed where any punishment less severe - such as a reprimand, suspension, or fine - would accomplish the end desired.[30]

The appropriate penalty on an errant lawyer depends on the exercise of sound judicial discretion based on the surrounding facts. The penalties for a lawyer's failure to file the required brief or pleading range from reprimand, warning with fine, suspension and in grave cases, disbarment. In one case,[31] the penalty for a lawyer's failure to file a pre-trial brief and other pleadings such as position papers leading to the dismissal of the case, is suspension of six months. Therefore, we find the penalty of disbarment as recommended by the IBP to be unduly harsh and

we deem it appropriate to impose the penalty of one (1) year suspension, taking into account that this appears to be his first offense.

Wherefore, in view of the foregoing, respondent Atty. Reynaldo Reyes is found GUILTY of violating Canons 17 and 18 of the Code of Professional Responsibility and is SUSPENDED from the practice of law for one (1) year effective upon finality hereof with WARNING that a repetition of the same negligent act charged in this complaint will be dealt with more severely.

Let copies of this Decision be furnished the Office of the Bar Confidant, to be appended to respondent's personal records as attorney; the

Integrated Bar of the Philippines; and all courts of the country for their information and guidance.

SO ORDERED.

Panganiban, C. J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Callejo, Sr., JJ., concur.

---

[1]Rollo, pp. 3-6.

[2] Written in the Rollo as Civil Case No. 20,465-90.

[3] Written in the Rollo as Civil Case No. 22,674-94.

[4] Rollo, p. 7.

[5] Rollo, Vol. I, p. 7.

[6] Rollo, Vol. III, pp. 55-56.

[7] Id., p. 10.

[8] Rollo, Vol. I, p. 23.

[9]Id., p. 35.

[10] Id., pp. 27-31.

[11] Rollo, Vol. II, pp. 1-4.

[12]Rollo, Vol. V, pp. 7-9.

[13] Id., p. 2.

[14] Id., p. 28-29.

[15] Id., pp. 28-29.

[16] Go v. Candoy, 128 Phil. 461, 465 (1967).

[17] Rayos-Ombac v. Rayos, 349 Phil. 7, 15 (1998).

[18]Heirs of Tiburcio F. Ballesteros, Sr. v. Apiag, A.C. No. 5760, 30 September 2005, 471 SCRA 111, 124.

[19] R.J. Francisco, Civil Procedure (First Ed., 2001) p. 607.

[20] Rule 18, Section 6 x x x Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial; and Rule 18, Section 5. Effect of failure to appear. - The failure of the plaintiff to appear when so

required pursuant to the next preceding section shall be cause for dismissal of the action. x x x

[21] 428 Phil. 590, 596 (2002), citing Tan v. Lapak, G.R. No. 93707, 23 January 2001, 350 SCRA 74, 83 and In Re: Santiago F. Marcos, A.C. No. 922, 29 December 1987, 156 SCRA 844, 847.

[22] Spouses Galen v. Atty. Paguirigan, 428 Phil. 590, 597 (2002).

[23] Moton v. Atty. Cadiao, 377 Phil. 1, 5 (1999).

[24] Rollo, Vol. I, p. 11.

[25] Rule 18.04. - A lawyer should keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

[26] 443 Phil 479, 486 (2003).

[27] Espiritu v. Atty. Cabredo IV, 443 Phil. 24, 30 (2003).

[28] Macarilay v. Seriña, A.C. No. 6591, 4 May 2005, 458 SCRA 12, 22-23.

[29] Godofredo C. Pineda v. Atty. Teddy C. Macapagal, A.C. No. 6026, 29 November 2005.

[30]Amaya v. Tecson, A.C. No. 5996, 7 February 2005, 450 SCRA 510, 516.

[31] Heirs of Tiburcio F. Ballesteros, Sr. v. Apiag, supra note 18.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.