

DOLORES D. PARIÑAS, COMPLAINANT, VS. ATTY. OSCAR P. PAGUINTO, RESPONDENT.

A.C. No. 6297. July 13, 2004

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

A lawyer has the duty to give adequate attention and time to every case he accepts. A lawyer impliedly warrants that he possesses the necessary diligence, learning and skill to handle each case. He should exert his best judgment and exercise reasonable and ordinary care and diligence in the pursuit or defense of his client's cause.

The Facts

Sometime in October 2001, complainant Dolores Dryden Pariñas ("Pariñas") engaged the services of respondent Atty. Oscar P. Paguinto ("Paguinto") to annul her marriage to Danilo Soriano. They agreed that for the legal services, Pariñas would pay Paguinto an acceptance fee of P25,000, the filing fee of P2,500 and other incidental expenses.

On 2 December 2001, Pariñas paid Paguinto P10,000 in cash as partial payment of the acceptance fee. An acknowledgment receipt evidenced this payment.[1] Pariñas gave Paguinto a diskette containing a narration of what happened between her and her estranged husband Danilo Soriano. Pariñas also furnished Paguinto with a copy of her marriage contract with Soriano. Before the end of December 2001, Pariñas gave Paguinto P2,500 for the filing fee.

Sometime between January and April 2002, Pariñas inquired from Paguinto on the progress of her annulment case. Paguinto informed her that the case was filed with the Regional Trial Court of Manila, Branch 64 ("RTC-Manila, Branch 64"), before Judge Ricaforte and that the hearing was scheduled on 25 April 2002. Before the hearing, Pariñas requested for a meeting with Paguinto but the secretary informed her that the hearing was cancelled. The secretary further informed Pariñas that the judge reset the succeeding hearings originally scheduled on 29 May 2002 and 26 June 2002 because the judge was sick or out of town.

On the first week of July 2002, Pariñas went to the trial court to inquire about her case but the court personnel in RTC-Manila, Branch 64 informed her that there was no such case filed in their court. Pariñas asked Paguinto for the case number, date of filing, copy of the petition and the court where the annulment case was pending. Paguinto told Pariñas that the records were at his office and that he was in Malolos, Bulacan attending to a case. It turned out that there was no annulment case filed in RTC-Manila, Branch 64. Paguinto promised to return the money that Pariñas paid as down payment. However, Paguinto returned the P10,000 only after Pariñas filed with the Commission on Bar Discipline ("CBD") of the Integrated Bar of the Philippines ("IBP") the present complaint for disbarment.

In the Order dated 14 February 2003,[2] the CBD directed Paguinto to answer the complaint. Paguinto asked for

an extension of 15 days to file his Answer. The CBD granted the extension in the Order dated 19 March 2003.[3] However, Paguinto failed to file his Answer within the extended period and thus the CBD declared him in default in the Order dated 15 July 2003.[4] After the hearing, Pariñas submitted her Position Paper praying that the CBD declare Paguinto guilty of violation of Rule 16.01 and Rule 18.03 of the Code of Professional Responsibility.

On 10 September 2003, Pariñas filed an Affidavit of Withdrawal[5] of the complaint. Pariñas stated that Paguinto “personally explained exhaustively the reasons why he failed to comply with his obligations” and she realized that the complaint arose due to a “misapprehension of facts, misunderstanding and miscommunication.” Pariñas manifested that she was withdrawing the complaint, as she was no longer interested in pursuing the case.

On the same date, Paguinto filed a Manifestation and Motion[6] explaining that he failed to attend the hearing on 30 July 2003 because he was in Tabuk, Kalinga attending a hearing in a criminal case for frustrated homicide. He apologized to Pariñas for his actuations claiming “himself solely to be blamed.” He further declared that he failed to timely prepare and file the petition for annulment because he spends his time mostly in Gen. Mariano Alvarez, Cavite where he practices law catering to those “clients who have less in life.”

Commissioner’s Report & Recommendation

The IBP designated Atty. Rebecca Villanueva-Maala (“Commissioner”) as Commissioner to conduct a formal investigation of the case. The Commissioner found Paguinto negligent in performing his duties as a lawyer and as an officer of the court. The Commissioner declared that a lawyer has the duty to give adequate attention, care and time to his cases, accepting only as many cases as he can handle. Paguinto failed to comply with this duty. The Commissioner recommended the suspension of Paguinto from the practice of law for six months.

The Court’s Ruling

We agree with the Commissioner.

Pariñas gave Paguinto P10,000 cash as partial payment of the acceptance fee. Pariñas also gave Paguinto P2,500 for the filing fee. Paguinto led Pariñas to believe that he had filed the annulment case. Paguinto informed Pariñas that the case was filed with the RTC-Manila, Branch 64, before Judge Ricaforte. However, Pariñas later found out that Paguinto never filed the annulment case in court.

Rule 16.01 of the Code of Professional Responsibility (“the Code”) provides that a lawyer shall account for all money or property collected for or from the client. Acceptance of money from a client establishes an attorney-client relationship and gives rise to the duty of fidelity to the client’s cause.[7] Money entrusted to a lawyer for a specific purpose, such as for filing fee, but not used for failure to file the case must immediately be returned to the client on demand.[8] Paguinto returned the money only after Pariñas filed this administrative case for disbarment.

Paguinto should know that as a lawyer, he owes fidelity to the cause of his client. When a lawyer accepts a case, his acceptance is an implied representation that he possesses the requisite academic learning, skill and ability to handle the case. The lawyer has the duty to exert his best judgment in the prosecution or defense of the case entrusted to him and to exercise reasonable and ordinary care and diligence in the pursuit or defense of the case.

A lawyer should give adequate attention, care and time to his case. Once he agrees to handle a case, he should undertake the task with dedication and care. If he fails in this duty, he is not true to his oath as a lawyer. Hence, a lawyer must accept only as much cases as he can efficiently handle, otherwise his clients’ interests will suffer.[9] It is not enough that a lawyer possesses the qualification to handle the legal matter. He must also give adequate attention to his legal work.

The lawyer owes it to his client to exercise his utmost learning and ability in handling his cases. A license to practice law is a guarantee by the courts to the public that the licensee possesses sufficient skill, knowledge and diligence to manage their cases.[10] The legal profession demands from a lawyer the vigilance and attention expected of a good father of a family.

In *Gamalinda vs. Alcantara*,[11] we ruled:

A lawyer owes fidelity to the cause of his client and must be mindful of the trust and confidence reposed in him. He shall serve his client with competence and diligence, and his duty of entire devotion to his client's cause not only requires, but entitles him to employ every honorable means to secure for the client what is justly due him or to present every defense provided by law to enable the latter's cause to succeed. An attorney's duty to safeguard the client's interests commences from his retainer until his effective release from the case or the final disposition of the whole subject matter of the litigation. During that period, he is expected to take such reasonable steps and such ordinary care as his client's interests may require.

And failure to do so violates Canon 18 of the Code.[12]

Rule 18.01 of the Code is clear. A lawyer shall not undertake a legal service that he is not qualified to render. Rule 18.02 of the Code provides that a lawyer shall not handle any legal matter without adequate preparation. He has the duty to prepare for trial with diligence and deliberate speed. Rule 18.03 of the Code also provides that a lawyer shall not neglect a legal matter entrusted to him and his negligence shall render him liable.

One last point. *Pariñas* executed an Affidavit of Withdrawal[13] of the complaint stating that she was withdrawing the administrative complaint against *Paguinto* after realizing that "said complaint against the respondent arose due to misapprehension of facts, misunderstanding and miscommunication." *Paguinto*, on the other hand, submitted a Manifestation and Motion apologizing to *Pariñas* for his actuations and admitting that he was "solely to be blamed." A compromise or withdrawal of charges does not terminate an administrative complaint against a lawyer,[14] especially in this case where the lawyer admitted his misconduct.

Pariñas's affidavit of withdrawal of the disbarment case does not exonerate *Paguinto* in any way. We reiterate our ruling in *Rayos-Ombac v. Rayos*[15] that –

[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 solely for the public welfare. x x x The attorney is called upon 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.

WHEREFORE, we find respondent Atty. Oscar P. *Paguinto* GUILTY of violation of the Code of Professional Responsibility. Accordingly, we penalize Atty. Oscar P. *Paguinto* with SUSPENSION for SIX (6) MONTHS from the practice of law effective upon receipt of this Decision.

Let copies of this Decision be furnished the Office of the Bar Confidant, to be appended to respondent's personal record as an attorney; the Integrated Bar of the Philippines; and all courts in the country for their information and guidance.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Panganiban, Ynares-Santiago, and Azcuna, JJ., concur.

- [1] Rollo, p. 5.
- [2] Rollo, p. 8.
- [3] Ibid., p.12.
- [4] Ibid., p. 13.
- [5] Ibid., p. 21.
- [6] Ibid., pp. 23-25.
- [7] Emiliano Court Townhouses Homeowners Association v. Dioneda, A.C. No. 5162, 20 March 2003, 399 SCRA 296.
- [8] Barnachea v. Quiocho, A.C. No. 5925, 11 March 2003, 399 SCRA 1.
- [9] Legarda v. CA, G.R. No. 94457, 18 March 1991, 195 SCRA 418.
- [10] Pajarillo v. WCC, No. L- 42927, 28 January 1980, 95 SCRA 585.
- [11] A.C. No. 3695, 24 February 1992, 206 SCRA 468.
- [12] Supra note 9.
- [13] Rollo, p. 21.
- [14] Punzalan v. Plata, 423 Phil. 819 (2001).
- [15] 349 Phil. 7 (1998).

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