

EDUARDO M. DIZON, COMPLAINANT, VS. ATTY. FRANCISCO S. LAURENTE, RESPONDENT.

A.C. NO. 6597. September 23, 2005

Ponente: GARCIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-6597/>

GARCIA, J.:

This administrative matter stemmed from a sworn affidavit-complaint[1] filed by complainant Eduardo M. Dizon with the Commission on Bar Discipline, Integrated Bar of the Philippines (IBP), charging respondent Atty. Francisco S. Laurente with violation of Canons 15, 17 and 18 of the Code of Professional Responsibility.

Complainant alleged that he engaged the services of respondent to handle his three (3) cases pending with the following courts or office, to wit:

Case Title

Pending Before

1) Dizon vs. Hon. Regional Trial Court of Quezon City, et al., Court of Appeals
(CA-G.R. SP-66087)

2) People vs. Dizon MTC of Quezon City, Branch 43
(Crim. Case No. 44625)

3) Dizon vs. Province of Cebu, et al., Construction Industry Arbitration Commission (CIAC Case No 15-1999)

Elaborating, complainant averred that he retained respondent's services to handle the cited cases due to the death of his former counsel and because he will be proceeding and staying in the United States for medical reasons. According to complainant, he and respondent agreed to communicate with each other on a regular basis by whatever means available to keep him abreast of the status of the above-mentioned cases.

Particularly referring to CA-G.R. No. SP-66087, complainant states that in a Resolution[2] dated October 1, 2001, the Former Seventh Division of the Court of Appeals dismissed the petition for certiorari interposed by respondent on the ground that such remedy was "wrong" or "inappropriate". Though a notice of resolution[3] was sent to and received by respondent on October 10, 2001, as evidenced by the Registry Return Receipt,[4] respondent did not move for reconsideration of the resolution nor took steps to protect his client's rights and interests. As a consequence, the resolution of the Court of Appeals became final and executory on October 26, 2001, as evidenced by an Entry of Judgment made thereon.[5] Consequently, the Metropolitan Trial Court of

Manila from whence the case originated issued in favor of Switch Borrow Corporation a Writ of Possession[6] over complainant's and his family's condominium unit at Gardenville, Sta. Mesa Manila, where they were eventually evicted.

All the while, so complainant alleged, he was unaware, being in the USA, of the dismissal action taken in CA-G.R. No. SP-66087. According to him, before returning to the Philippines on May 13, 2003, he placed overseas call to respondent to inquire about this case, only to be told by the latter that he had not yet received any notice or decision relative thereto. In the light of this development, complainant averred that he just requested respondent to follow-up the case.

It was only upon his return to the country, complainant added, that he learned about the aforementioned adverse ruling of the Court of Appeals. Hence, he tried to communicate with respondent, but the latter avoided him and gave him a run-around. Thereafter, or more specifically on May 23, 2003, complainant addressed a letter[7] to respondent demanding an explanation for what complainant regarded as respondent's "gross and inexcusable negligence" in handling said case.

Apropos CIAC Case No. 15-1999, complainant alleged that, upon his request, respondent agreed to answer a Land Bank of the Philippines letter addressed to Sheriff Rolando A. Cruz of the Regional Trial Court of Manila respecting his (complainant's) claim against the province of Cebu. In this regard, complainant pointed out, respondent asked him to pick up the draft letter-reply, but all his efforts proved in vain as the former did not even draft one. With respect to this case, complainant alleged paying respondent the total amount P12, 400.00 on top of the P5, 000.00 acceptance fee.

Relative to Criminal Case No. 44685, complainant made no specific declaration thereon in his affidavit-complaint.

In his answer, respondent alleges that, even before complainant solicited legal advice from him regarding the aforesaid pending cases, he had been filing letter-requests, comments and pleadings on his own. He claims that his arrangement with respondent was for him to provide legal advice and to file pleadings only if necessary. Respondent also contends that he never charged any acceptance fee.

With respect to Criminal Case No. 44685 wherein he alleged to have been replaced by a Public Attorney per order of the trial court, respondent states that the corresponding criminal complaint was tried in absentia. As regards the Land Bank letter adverted to in relation to CIAC Case No. 15-1999, respondent alleged, among other things, that Sheriff Rolando Cruz was the proper person to answer that letter, it being addressed to him.

Anent the allegations against him with regards to CA-G.R. SP-66087, respondent averred that "there was already a judgment against complainant when [he] came into the picture"; that even before the trial court allowed the Sheriff's Sale of complainant's condominium unit, complainant had already left for the USA without leaving a contact address; that when complainant's son visited him (respondent), he advised the son to join his mother in a case instituted to annul the Sheriff's sale; and when complainant was finally able to contact him (respondent), it was already too late to remedy the situation. Thus, it was impractical, respondent continued, to pursue the case up to the Supreme Court or to have the Sheriff's Sale annulled.

The instant disciplinary case, docketed as CBD Case 03-1127, was thereafter assigned to IBP Investigating Commissioner Milagros V. San Juan for investigation, report and recommendation. Commissioner San Juan conducted a mandatory conference on February 19, 2004, after which she required the parties to submit their respective verified positions papers.

On May 5, 2004, Commissioner San Juan submitted her report[8] to the IBP Commission on Bar Discipline

finding respondent to have violated Rule 18.03 of Canon 18 of the Code of Professional Responsibility for committing an error in handling the appealed case of complainant. The Commissioner accordingly recommended that respondent be suspended from the practice of law for one (1) year with warning.

On July 30, 2004, the IBP Board of Governors passed and approved Resolution No. XVI-2004-370,[9] adopting and approving Commissioner San Juan's report, but recommended that the penalty of one-year suspension from the practice of law be reduced to three (3) months, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and for respondent's violation of Rule 18.03 of Canon 18 of the Code of Professional Responsibility which seriously prejudiced the interest of his client for filing an erroneous appeal from the decision of the Regional Trial Court in Civil Case No. Q-98-36056 and by his failure to take any action regarding the resolution of the Court of Appeals, consequently, the same became final and executory, Atty. Francisco S. Laurente is hereby SUSPENDED from the practice of law for three (3) months with a Warning that a similar offense in the future will be dealt with more severely."[10] (Underscoring supplied).

which Resolution was transmitted to the Court via a covering letter dated September 1, 2004.

We agree with the resolution of the IBP Board of Governors.

Rule 18.03 of Canon 18 of the Code of Professional Responsibility provides as follows:

CANON 18 – A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE

xxx xxx xxx

Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Time and again, the Court has reminded lawyers of the exacting demands of the legal profession and what is expected of them. A lawyer owes fidelity to the cause of his client. He must ever be mindful of the trust and confidence reposed in him by the clients. 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.[11] Else, he violates Canon 18 of the Code.[12]

Corollary to the lawyer's duty of fidelity to the cause of his client is his duty to serve with competence, diligence and zeal. No less than his entire devotion to the interest of his client and the exertion of his utmost learning and ability are expected of him to the end that nothing can be taken or withheld from his client except in accordance with the law.[13] It is precisely for this reason why a practicing lawyer is cautioned against accepting cases he can hardly handle.

And certainly not to be overlooked is the duty of an attorney to inform his client of the developments of the case.[14]

Judged by the manner he handled CA-G.R. No. SP-66087 and the incidents related thereto, respondent miserably failed in his duty to serve complainant with the degree of diligence expected of a lawyer entrusted with a legal matter. To be sure, respondent's shortcomings are not a mere case of simple excusable negligence, but of gross and inexcusable variety which resulted in the Sheriff's Sale of his client's condominium unit.

As it were, the Resolution[15] dated October 1, 2001 issued by the Former Seventh Division of the Court of

Appeals underscores respondent's negligence in handling CA-G.R. No. SP-66087. The following are pertinent excerpts from that resolution:

Before Us is a petition for certiorari (with Prayer for Preliminary Injunction and/or TRO) of the decision of the Regional Trial Court, Branch 222, Quezon City, in the exercise of its appellate jurisdiction over the decision resolved by the MTC, Branch 37 of Quezon City.

Under Section 1, Rule 42, of the 1997 Rules of Civil Procedure, the Decision of the Regional Trial Court in a case appealed to it from the Municipal Trial Court is appealable to the Court of Appeals by way of petition for review.

The remedy taken by the petitioner in the instant case which is a petition for certiorari is an erroneous mode of appeal and under paragraph 4 of the Supreme Court Circular 2-90, dated March 9, 1990, an appeal taken either to Supreme Court or to the Court of Appeals by the wrong or inappropriate mode shall be dismissed.

Clearly, the mode of appeal adopted by respondent from the challenged decision of the Regional Trial Court was contextually wrong or inappropriate. Needless to stress, respondent's error, which could have been easily avoided had he only undertaken the usual due diligence, or, in short, done his homework, prejudiced complainant to the extreme. And, this was compounded by the fact that respondent virtually abandoned the case when he did not even ask for reconsideration, let alone took steps to mitigate the damage done to his client's interests. But perhaps the unkindest cut of all is that respondent chose not to inform complainant, nay lied, when queried, about the dismissal action of the Court of Appeals.

Given the foregoing perspective, there can hardly be any doubt that respondent violated his responsibilities as a lawyer, to the serious detriment of his client's interests. Not lost on this Court is the reality that respondent's answer to the complaint contained no plausible explanation for his deplorable action or inaction, as the case may be.

With respect to the inculpatory allegations vis-à-vis the CIAC case, we find respondent's answer thereto to be satisfactory. In this connection, we quote with approval the findings and recommendation of the IBP Investigating Commissioner:

Regarding CIAC Case No. 15-1999, it is complainant's contention that respondent failed to answer the letter of the Land Bank of the Philippines. However, respondent explained that said Land Bank letter was in fact addressed to Sheriff Rolando Cruz and thus it was the latter who was the right party to respond to said letter. Respondent added that nevertheless he indeed prepared the reply to said letter and gave it to Sheriff Cruz. On this point, complainant failed to present any evidence regarding the particulars of his engagement of the services of respondent, that is, the exact extent of the legal services respondent agreed to render for complainant regarding CIAC Case No. 15-1999, and that, in fact, respondent failed to abide by said engagement agreement.

FOR ALL THE FOREGOING, respondent is hereby **SUSPENDED** from the practice of law for a period of three (3) months effective upon receipt hereof, for violation of Rule 18.03 of Canon 18 of the Code of Professional Responsibility, with a **WARNING** that repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Rollo, pp. 3, et seq.

- [2] Annex "B"; Affidavit, Rollo, pp. 7 and 8.
- [3] Annex "B-1"; Affidavit, Rollo, p. 9.
- [4] Annex "B-2"; Affidavit, Rollo, p. 10.
- [5] Annex "C"; Affidavit, Rollo, p. 11.
- [6] Annex "D"; Affidavit, Rollo, p. 12.
- [7] Annex "E"; Affidavit, Rollo, p. 13.
- [8] Rollo, pp. 90, et seq.
- [9] Rollo, p. 89.
- [10] Rollo, p. 89.
- [11] Gamalinda vs. Alcantara, 206 SCRA 468 [1992].
- [12] Parinas vs. Paguinto, 434 SCRA 179 [2004].
- [13] Legarda vs. Court of Appeals, 195 SCRA 418 [1991].
- [14] Tolentino vs. Magapit, 124 SCRA 741 [1983].
- [15] See Note No. 2, supra.

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.