

EN BANC

[A.C. No. 5279, September 08, 2020]

**ROMEO TELLES, COMPLAINANT, VS. ATTY. ROGELIO P. DANCEL,
RESPONDENT.**

DECISION

PER CURIAM:

Before the Court is a Complaint for disbarment filed by Romeo Telles (Telles) on June 1, 2000 against respondent Atty. Rogelio P. Dancel (Atty. Dancel) for gross negligence and inefficiency as a lawyer in handling Telles' case.

Atty. Dancel was Telles' legal counsel for an action for Annulment of a Deed of Quitclaim. After losing in the trial court, Telles, through Atty. Dancel elevated the case to the Court of Appeals (CA).

Atty. Dancel filed four motions for extension of time to file appellant's brief, dated August 30, 1999, September 29, 1999, October 15, 1999 and October 29, 1999. Despite the grant of all motions for extension, for a total of 75 days, Atty. Dancel still failed to file the required appellant's brief. Thus, the CA eventually dismissed Telles' appeal. Atty. Dancel also did not inform Telles of the dismissal of the appeal, nor did he offer any explanation for his failure to file the appellant's brief. Telles only learned of the dismissal of his appeal through acquaintances. Telles eventually engaged the services of another lawyer.

Telles also discovered that the trial court denied his Formal Offer of Evidence for having been filed out of time. Atty. Dancel filed the said pleading 88 days after the given period.^[1]

On August 2, 2000, the Court required Atty. Dancel to file his Comment to Telles' Complaint.^[2]

Atty. Dancel did not comply. Thus, the Court, on August 21, 2000,^[3] required Atty. Dancel to show cause why he should not be disciplinarily dealt with for such failure.^[4] To this, Atty. Dancel filed a Motion for Extension of Time to File Answer dated September 11, 2000.^[5] This was followed by a Motion for Extension of 15 days to File Answer dated October 11, 2000^[6] and another such motion dated October 26, 2000.^[7] On November 29, 2000, the Court granted Atty. Dancel's motions.^[8]

On August 21, 2002, the Court issued a show cause order to Atty. Dancel, asking him to explain why he should not be disciplinarily dealt with for failure to file the required comment.^[9]

On July 14, 2003, the Court resolved to impose on Atty. Dancel a fine of P1,000.00

or to suffer imprisonment of 10 days in case he fails to pay, and ordered him to file the required comment, within 10 days from notice.^[10]

Still, Atty. Dancel did not comply.

On July 19, 2006, the Court resolved to impose upon him a fine of P2,000.00 and reiterate the order for him to file his comment.^[11]

On August 17, 2006, Atty. Dancel filed a Motion for Reconsideration stating that it was his first time to know that an administrative case was filed against him by Telles, and that he has not received a copy of the Court's Resolution dated July 14, 2003, since his secretary misplaced the same. He prayed that he be given the chance to submit the required explanation and comment.^[12]

The Court, on November 29, 2006, granted Atty. Dancel's request that he be furnished with copies of the complaint and the Resolution dated July 14, 2003.^[13]

Still, Atty. Dancel did not comply with the Court's Orders.

On April 20, 2009, the Court directed the National Bureau of Investigation to arrest and detain him, and directed Atty. Dancel to pay the fine of P3,000.00 and file the required Comment.^[14]

On August 10, 2009, the Court noted Atty. Dancel's payment of the P3,000.00 fine.^[15]

On November 19, 2014, the Court required Atty. Dancel to comply with the Resolution dated August 2, 2000 requiring him to comment on the complaint under pain of a more severe sanction, within 10 days from notice.^[16]

Finally, on October 15, 2015, Atty. Dancel filed his one-page Comment stating that:

2. Briefly, respondent tried his very best in presenting evidence for the defendants in Civil Case No. U-5840. Unfortunately, after the presentation of evidence by the defendants, respondent became seriously ill due to diabetes. He could not anymore handle his cases properly at the time. The defendants, particularly the brother of complainant Manolito Telles [sic].

3. At any rate, during the pendency of the appeal in said case, the parties arrived at a compromise agreement, wherein the defendants were paid by the prospective buyer [P]5,000,000.00 for and in consideration of the subject property.^[17]

In the meantime, Atty. Dancel submitted to the Court a copy of the Certificate of Death of Telles showing that the latter died on August 10, 2000, shortly after filing the instant complaint. Atty. Dancel claims that Telles failed to substantiate the complaint against him.^[18]

On June 18, 2018, the Court referred the instant case to the Office of the Bar Confidant (OBC) for investigation, report and recommendation.^[19]

On April 30, 2018, Atty. Dancel sent a letter requesting for an early resolution of the case.^[20]

OBC's Report and Recommendation

On April 22, 2019, the OBC submitted its Report and Recommendation:

WHEREFORE, premises considered, for violating [Canon] 11 and [Rules] 12.03 and 18.03 of the Code of Professional Responsibility, it is respectfully recommended that respondent Atty. Rogelio P. Dancel be **SUSPENDED** from the practice of law for three (3) years, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.^[21]

The OBC noted that Atty. Dancel has ultimately the propensity of filing motions for extension of time to file pleadings, and not filing the same, in violation of Rule 12.03, Canon 12 in connection with Rule 18.03, Canon 18 of the Code of Professional Responsibility. His explanation that it was his diabetes that prevented him from filing Telles' appeal brief did not convince the OBC as it noted that the appellate court gave him a total of 75 days within which to file his pleading. He also did not attach any documentary evidence to support his allegation that he was afflicted with said ailment.

The OBC further held that Telles' death did not absolve Atty. Dancel from administrative liability. Not only was there sufficient documentary proof of Atty. Dancel's negligence, there is also a need to discipline him if only to set an example for other lawyers.

Finally, the OBC stated that not only was Atty. Dancel negligent in handling his client's case, he also blatantly disregarded the lawful orders of the Court, taking him 15 years to comply with the order for him to file a Comment.^[22]

The Court's Ruling

We agree with the findings of the OBC. However, we find that a stiffer penalty is in order.

The duties of a lawyer may be classified into four general categories. The duties he owes to the court, to the public, to the bar, and to his client. A transgression by a lawyer of any of his duties makes him administratively liable and subject to the Court's disciplinary authority.^[23]

Here, the duties transgressed by Atty. Dancel fall under the duties to his client and to the Court. As correctly observed by the OBC, Atty. Dancel has the propensity for filing motions for extension of time to file pleadings and failing to file the same.

When a lawyer is engaged to represent a client in a case, he bears the responsibility of protecting the latter's interest with utmost diligence. His failure to file a brief for his client amounts to inexcusable negligence. It is 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.^[24]

Atty. Dancel, in failing to file the appellant's brief on behalf of his client, had clearly fallen short of his duties as counsel as set forth in Canon 12 of the Code of Professional Responsibility.^[25] According to said Canon, a lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice. Rule 12.03 in particular states that 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 further exhorts lawyers to serve their clients with competence and diligence. They shall not neglect legal matters entrusted to them and shall keep their clients informed of the status of their cases.^[26]

Atty. Dancel was also duty-bound to inform Telles of the dismissal of their appeal before the CA following Rule 18.04, Canon 18 of the Code of Professional Responsibility which requires that a lawyer shall keep the client informed of the status of his case.

Atty. Dancel did not controvert Telles' allegation that he failed to file the appellant's brief before the CA and that he never informed Telles of the dismissal of their appeal as a result thereof. He also did not refute Telles' claim that he failed to timely file the Formal Offer of Evidence before the trial court. The only explanation Atty. Dancel gave was that he became "seriously ill due to diabetes [and] [h]e could not anymore handle his cases properly at the time."

Apart from his bare assertion, however, Atty. Dancel did not present any document to substantiate his claim that he was gravely ill during the period in question. We, therefore, find such excuse flimsy and undeserving of any consideration. If he were truly incapable of properly handling his cases due to his physical condition, he should have excused himself from his client's case. Instead, he even took on filing an appellant's brief before the CA, when he already neglected filing a Formal Offer of Evidence before the trial court.

Even so, both the trial court and the CA gave him several extensions that would have enabled him to prepare and submit the required pleadings, if he were truly keen in honoring his duty to his client and to the court. A motion for extension of time to file an appellant's brief carries with it the presumption that the lawyer will file the same within the period granted.^[27] But Atty. Dancel did not do so. Instead, Atty. Dancel continued to display his obstinate proclivity to shun orders of compliance, even from this Court.

As a member of the legal profession, Atty. Dancel owes his client entire devotion to the latter's genuine interest, and warm zeal in the maintenance and defense of his rights. As an attorney, he is expected to exert his best efforts and ability to preserve his client's cause, for the unwavering loyalty displayed to his client, likewise, served the ends of justice.^[28]

As a lawyer, he is required to observe and maintain due respect to the Court and its judicial officers. Atty. Dancel's cavalier attitude in repeatedly ignoring the orders of the Court constitutes utter disrespect to the institution. His conduct indicates a high

degree of irresponsibility. The Court's resolutions are not to be construed as mere requests, nor should they be complied with partially, inadequately or selectively. Atty. Dancel's obstinate refusal to comply with the Court's orders not only shows his recalcitrant flaw, in character, it also underscores his disrespect of the Court's lawful orders which is only too deserving of reproof.^[29]

Lawyers are called upon to obey court orders and processes and any willful disregard thereof will subject the lawyer not only to punishment for contempt, but to disciplinary sanctions as well. Graver responsibility is imposed upon lawyers than any other to uphold the integrity of the courts and to show respect to their processes.^[30] A lawyer's blatant disregard of such directives and his consistent refusal to comply with court orders merit no less than disciplinary action.^[31]

The present disbarment complaint was filed way back in year 2000. The Court gave no less than eight orders for Atty. Dancel to file his Comment. We gave warnings and even imposed fines. Instead of complying, however, Atty. Dancel repeatedly ignored the Court's directives and even claimed, at one point, not to have any knowledge about the complaint after having filed several motions for extension of time to file Comment.

It was only after 15 years that Atty. Dancel filed a one-page Comment, claiming to be afflicted with diabetes, nary a proof to support such claim.

The Court simply cannot countenance Atty. Dancel's act of repeatedly pleading for extensions of time and yet not submitting anything to the Court. His repeated non-compliance constitutes willful disregard for Court orders putting in serious question his suitability to discharge his duties and functions as a lawyer. As a lawyer who is made a respondent in a disbarment proceeding, Atty. Dancel should submit an explanation, and should meet the issue and overcome the evidence against him. The reason for this requirement is that an attorney, thus, charged, must prove that he still maintained that degree of morality and integrity expected of him at all times.^[32]

The practice of law is a special privilege bestowed only upon those who are competent intellectually, academically and morally. Members of the Bar are expected to always uphold the integrity and dignity of the legal profession and refrain from any act or omission which might lessen the trust and confidence of the public.^[33]

The practice of law is a privilege, not a right, bestowed by the State on those who show that they possess and continue to possess the legal qualifications required for the conferment of such privilege. Lawyers are expected to maintain at all times a high standard of legal proficiency and morality — which includes honesty, integrity and fair dealing. They must perform their four-fold duty to the society, the legal profession, the courts, and their clients in accordance with the values and norms of the legal profession. Any conduct that is wanting in these considerations, whether in their professional or private capacity, shall subject them to disciplinary action.^[34]

The fact that Telles died soon after filing the present complaint not absolve Atty. Dancel from any liability. Disciplinary proceedings against attorneys are unlike civil suits where the complainants are the plaintiffs and the respondent attorneys are the defendants. They neither involve private interests nor afford mere redress for