

THIRD DIVISION

[A.C. No. 8252, July 21, 2009]

**NATIVIDAD UY, COMPLAINANT, VS. ATTY. BRAULIO RG
TANSINSIN, RESPONDENT.**

RESOLUTION

NACHURA, J.:

For resolution is a Complaint^[1] for Disbarment filed by complainant Natividad Uy against respondent Atty. Braulio RG Tansinsin.

Complainant was the defendant in an ejectment case filed with the Metropolitan Trial Court (MeTC), Branch 49, Caloocan City, entitled "Josefina Orlanda herein represented by her Attorney-in-fact Ma. Divina Gracia Orlanda vs. Natividad Uy and all other persons claiming rights under her."^[2] To defend her rights, complainant engaged the services of respondent who timely filed an Answer^[3] to the complaint for ejectment. Required to file a Position Paper, respondent, however, failed to file one for and on behalf of the complainant. Eventually, a decision was rendered by the MeTC against the complainant. Complainant, through respondent, elevated the case to the Regional Trial Court (RTC)^[4] by filing a Notice of Appeal.^[5] In an Order^[6] dated May 25, 2004, the RTC dismissed the appeal solely because of the failure of respondent to file a memorandum on appeal. The motion for reconsideration was likewise denied for having been filed out of time.^[7]

Realizing that she lost her case because of the negligence of her counsel, complainant initiated the disbarment case against respondent, before the Integrated Bar of the Philippines (IBP) Committee on Bar Discipline (CBD). Complainant averred that she gave her full trust and confidence to respondent, but the latter failed miserably in his duty as a lawyer and advocate.^[8] She also claimed that respondent's failure to file the required position paper and memorandum on appeal constituted gross incompetence and gross negligence, which caused grave injury to complainant.^[9] Lastly, complainant alleged that not only did respondent fail to file the required pleadings, he also was remiss in informing her of the status of the case.

For his part, respondent admitted that complainant obtained his legal services, but no legal fee was ever paid to him. Respondent explained that he could not submit an intelligible position paper, because the contract between complainant and her lessor had long expired. He added that he failed to file the position paper and memorandum on appeal, because complainant told him that she would work out the transfer of ownership to her of the land subject matter of the ejectment case. In effect, respondent said that he did not submit the required pleadings, because he knew that the law favored the plaintiff as against the defendant (complainant herein) in the ejectment case.^[10]

In his Report and Recommendation, IBP Commissioner Salvador B. Hababag made the following findings:

Public interest requires that an attorney exert his best effort and ability in the prosecution or defense of his client's cause. A lawyer who performs that duty with diligence and candor not only protects the interest of his client; he also serves the ends of justice, does honor to the bar and helps maintain the respect of the community to the legal profession. This is so because the entrusted privilege to practice law carries with it the correlative duties not only to the client but also to the court, to the bar, or to the public.

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WHEREFORE, foregoing considered, it is respectfully recommended that the respondent be suspended from the active practice of law for six (6) months with stern warning that repetition of similar acts/omissions will be dealt [with] severely.^[11]

In its Resolution No. XVII-2006-586 dated December 15, 2006, the IBP Board of Governors adopted and approved with modification the report and recommendation of Atty. Hababag, 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 considering Respondent's gross negligence and incompetence in handling cases, Atty. Braulio RG Tansinsin is hereby **SUSPENDED** from the practice of law for three (3) months.^[12]

Aggrieved, respondent filed a Motion for Reconsideration,^[13] but the same was denied in Resolution No. XVIII-2008-706^[14] dated December 11, 2008. The Board further modified its earlier resolution by increasing respondent's penalty of suspension from three (3) months to six (6) months.

We sustain the December 11, 2008 Resolution of the IBP Board of Governors except on the imposition of the six-month suspension.

Verily, respondent's failure to file the required pleadings and to inform his client about the developments in her case fall below the standard exacted upon lawyers on dedication and commitment to their client's cause.^[15]

Every case a lawyer accepts deserves his full attention, diligence, skill and competence, regardless of its importance, and whether he accepts it for a fee or for free.^[16] A lawyer should serve his client in a conscientious, diligent and efficient