

EN BANC

[A.C. No. 12875, January 26, 2021]

**PRUDENCIO B. PORTUGUESE, * JR., COMPLAINANT, VS. ATTY.
JERRY R. CENTRO, RESPONDENT.**

D E C I S I O N

HERNANDO, J.:

This is a Complaint^[1] against Atty. Jerry R. Centro (Atty. Centro) for gross negligence, abandonment, and dereliction of duty.

The Antecedents:

Respondent Atty. Centro was complainant Prudencio B. Portuguese, Jr.'s (Portuguese) counsel in Civil Case No. 7177^[2] pending before the Regional Trial Court (RTC), Branch 32 of Surigao City. Atty. Centro drafted and filed the Answer^[3] to the Complaint.^[4] Portuguese alleged that at the termination of the proceedings, the parties were required to file their memoranda. After several follow-ups, respondent informed Portuguese that the memorandum was already filed in court.^[5] However, on January 25, 2018, to his and his family's shock, Portuguese was served a copy of a Notice^[6] by a sheriff, giving them three days to comply with the Writ of Execution^[7] in connection with the civil case.^[8] Apparently, this was the first time that Portuguese learned of the rendition of a judgment in the said case.^[9]

Portuguese claimed that Atty. Centro received a copy of the RTC's July 10, 2017 Decision^[10] on August 10, 2017 but the latter never advised him about it. Moreover, Atty. Centro did not file any pleading to appeal or question the RTC's Decision. Worse, Portuguese discovered that Atty. Centro did not actually file a Memorandum contrary to the latter's representation. Portuguese asserted that Atty. Centro also failed to do the following: file any pleading to contest the Motion for Execution; notify him of the scheduled hearing on the Motion for Execution; and inform him about the trial court's resolution granting the Motion for Execution.^[11] Lastly, Portuguese averred that respondent is facing other administrative charges, specifically A.C. No. 11421 entitled "*Emilie A. Lao v. Atty. Jerry R. Centro*"^[12] and another one supposedly filed by Atty. Centro's spouse.^[13]

Report and Recommendation of the Integrated Bar of the Philippines (IBP):

In a Report and Recommendation^[14] dated April 29, 2019, the Investigating Commissioner^[15] recommended the suspension of Atty. Centro from the practice of

law for three (3) years.^[16] The Investigating Commissioner found that Atty. Centro's inaction deprived the complainant of a relief from the adverse decision in the civil case. As counsel for Portuguese, he neglected to perform his duty to exert efforts to avail of every remedy and defense authorized by the law in order to protect his client's cause. Also, respondent's failure to file a memorandum was a breach of Rule 12.03 of the Code of Professional Responsibility (CPR) which requires lawyers to seasonably file pleadings and to offer an explanation for failure to do so.^[17]

Moreover, Atty. Centro violated Rule 18.04 of the CPR which mandates lawyers to keep the client informed of the status of a case. Even after he learned of the RTC's July 10, 2017 Decision on August 10, 2017, Atty. Centro did not inform Portuguese about the adverse judgment to enable his client to decide if an appellate review will be sought. Respondent also failed to notify Portuguese about the Motion for Execution and did not do anything to oppose the motion, assuming there was a ground to do so. Atty. Centro's failure to apprise Portuguese of the developments in the case caught Portuguese off-guard and unprepared.^[18] The Investigating Commissioner also noted that Atty. Centro failed to file his Answer to the instant Complaint despite notice,^[19] which showed his nonchalance and propensity to ignore lawful orders, in violation of Canon 11 of the CPR which requires lawyers to observe and maintain respect due to the courts and to judicial officers.^[20]

In a Resolution^[21] dated June 17, 2019, the Board of Governors of the IBP resolved to adopt the findings of the Investigating Commissioner and the recommendation to suspend Atty. Centro from the practice of law for three (3) years.

Our Ruling

We adopt the findings and recommendation of the IBP to suspend respondent from the practice of law for a period of three (3) years.

The Lawyer's Oath^[22] mandates every lawyer to conduct himself/herself according to the best of his/her knowledge and discretion, with all good fidelity as well to the courts as to his/her clients. Atty. Centro unfortunately departed from his sworn oath by committing the following acts: 1) failing to file a Memorandum and even misrepresenting about filing it; 2) failing to inform Portuguese of the RTC's Decision; 3) failing to protect Portuguese's interest against the adverse RTC's Decision; 4) failing to inform Portuguese of the Motion for Execution, the scheduled hearing, and the resolution granting the said motion; and 5) failing to file an Answer to the instant Complaint. Worse, when Portuguese confronted him about the deliberate lapses concerning the civil case, the latter merely replied that there was nothing more he could do and that he was giving up the case for good.^[23] Considering the foregoing, Atty. Centro is undoubtedly guilty of violating the following provisions of the CPR, to wit:

CANON 11 - A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

Rule 12.03 - 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 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

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

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

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

Atty. Centro's unjustifiable negligence and abandonment of his client's cause violated the Lawyer's Oath as well as the CPR. He casually set aside a legal matter that was entrusted to him and which deserved his full attention and diligence. He was grossly negligent of his duty as counsel and was manifestly disinterested in his client's cause. He must be reminded that as a lawyer, he "is duty-bound to serve his client with competence, and to attend to his client's cause with diligence, care and devotion. This is because a lawyer owes fidelity to his client's cause and must always be mindful of the trust and confidence reposed on him."^[24]

In administrative proceedings against a lawyer, the Court, in the exercise of its disciplinary powers, "calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney."^[25] In this case, We note that Atty. Centro disregarded the directive for him to file his Answer to the Complaint against him. This only goes to show Atty. Centro's indifference to lawful orders and established processes. "His unexplained disregard of the orders issued to him by the IBP to comment x x x revealed his irresponsibility as well as his disrespect for the IBP and its proceedings. He thereby exposed a character flaw that should not tarnish the nobility of the Legal Profession."^[26]

Atty. Centro must be reminded that "being a lawyer is a privilege burdened with conditions."^[27] As a member of the bar, [he] must maintain the integrity and dignity of the legal profession by refraining from committing acts which might diminish in any degree the confidence of the public in the fidelity, honesty and integrity of the profession."^[28] He should have informed Portuguese at the earliest opportunity that he could no longer properly represent him and perform his functions as counsel. This way, Portuguese would have the option to secure the services of another lawyer so that his interests would be protected. Unfortunately, Atty. Centro did not even bother to apprise Portuguese about the developments in the civil case or inform him of his incapacity to continue as counsel. In fine, respondent committed transgressions not only against his client but the IBP and the Court as well.

It is settled that "[a] member of the Bar may be penalized, even disbarred or suspended from his office as an attorney, for violation of the Lawyer's Oath and/or breach of the ethics of the legal profession as embodied in the [CPR]. For the practice of law is 'a profession, a form of public trust, the performance of which is