

THIRD DIVISION

[A.C. No. 10994, June 10, 2019]

**ELISA ZARA, COMPLAINANT, V. ATTY. VICENTE JOYAS,
RESPONDENT.**

R E S O L U T I O N

PERALTA, J.:

Before Us is an administrative complaint^[1] filed by complainant Elisa Zara against respondent Atty. Vicente Joyas for his negligence in fulfilling his duties as counsel of complainant in violation of the Code of Professional Responsibility.

Complainant alleges that she contracted the legal services of Atty. Joyas on May 2, 2012 for the recognition and execution of the foreign judgment regarding the divorce procured by the husband of complainant in the United States. However, complainant posits that Atty. Joyas failed to carry out his duty in handling the case with utmost fidelity.

Complainant advances the idea that Atty. Joyas, upon receiving the payment for legal services, did not inform her of the requirements of the case, moreover, the importance of the citizenship at the time the divorce decree was secured. In this case, however, Atty. Joyas did not, to the detriment of the cause of complainant. Complainant allegedly had exerted efforts to communicate with Atty. Joyas despite her living in Thailand. However, to her dismay and utter frustration, her efforts to reach out to Atty. Joyas for updates regarding her case remained futile. Hence, complainant filed the instant complaint.

For his part, Atty. Joyas contended that whatever caused the delay in the case was beyond his control since he has complied with his duty as complainant's counsel and had exerted utmost efforts in order to secure an outcome favorable to complainant. Atty. Joyas asserted that the court is interested with the actual date of the naturalization of the husband of complainant, as elucidated under the prevailing jurisprudence, *Republic v. Orbecido III*,^[2] where the reckoning point is the naturalization of the spouse who secured the divorce should the former citizenship of the latter be Filipino. He added that if he will continue to pursue with the resolution of the case without submitting the naturalization paper, the petition will be denied.

To bolster his defense, Atty. Joyas claimed that he made several representations with the U.S. Embassy to secure the naturalization paper of Edilberto only to be informed that the matter is confidential and the conformity of Edilberto was needed. Subsequently, he wrote letters to Edilberto seeking permission or conformity on his request on the naturalization papers of Edilberto, but to no avail. Atty. Joyas argues that he had faithfully complied with his duty as counsel for the complainant. As a matter of fact, his experience and service with the Integrated Bar of the Philippines as a former officer is proof that he will not taint his good reputation.^[3]