

FIRST DIVISION

[A.C. No. 11486 (Formerly CBD No. 13-3899),
October 17, 2018]

FERNANDO A. FLORA III, COMPLAINANT, V. ATTY. GIOVANNI A. LUNA, RESPONDENT.

D E C I S I O N

DEL CASTILLO, J.:

The complainant Fernando A. Flora III (complainant) filed this administrative complaint against Atty. Giovanni A. Luna (respondent) for unethical conduct.

Factual Antecedents

On July 22, 2013, the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD) received the Complaint-Affidavit^[1] executed by herein complainant alleging that he engaged the legal services of respondent relative to certain criminal cases for grave threats, grave coercion, grave oral defamation and unjust vexation which he intended to file against an Indian national; that in connection therewith, respondent charged complainant P40,000.00 as acceptance fee and P3,500.00 as appearance fee; that complainant paid respondent a total of P43,500.00;^[2] that the criminal cases did not materialize because these were amicably settled at the *barangay* level;^[3] that, for this reason, he demanded that respondent return the amount of P43,500.00 because the cases were settled without the latter's participation, and no complaint was actually filed in court; but that, instead of heeding his demand, respondent replied in anger and shouted at him (complainant), saying that the P43,500.00 complainant gave him was not enough for his services.

IBP-CBD Proceedings

Acting on the complaint, the IBP-CBD ordered^[4] respondent to file his Answer within 15 days from receipt. However, respondent did not file any Answer, nor did he appear in any of the mandatory conference and hearings.^[5]

IBP-CBD Report and Recommendation^[6]

The IBP-CBD, through Commissioner Christian D. Villagonzalo (Commissioner Villagonzalo), found respondent liable for violation of the Code of Professional Responsibility (CPR) *viz.*:

In this case, respondent not only employed trickery by luring the complainant into parting with his money, but also unjustly enriched himself at complainant's expense for refusing to return the sum without any justification.

It was improper for respondent to have obtained the payment of legal fees simply because there was no need for his services at the barangay level where the appearance of lawyers is not required. That respondent insisted on collecting the fees was not only absurd, but also unjust.

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Respondent disrespected the complainant as a client. When asked to return the money, respondent even had the temerity to shout and raise his voice saying, "the payment was not even enough for [my] services".

Respondent had every opportunity to redeem himself but simply did not act like a well-meaning lawyer should. Certainly, we cannot ascribe good faith to those who have not shown any willingness to make good their obligation.

In view thereof, Commissioner Villagonzalo recommended that respondent be suspended from the practice of law for one year.

IBP Board of Governors

The IBP Board of Governors resolved to adopt the said recommendation.^[7]

Issue

Whether the allegations in the complaint-affidavit established enough ground to hold respondent administratively liable.

Our Ruling

At the outset, the Court notes that, because of respondent's failure to file an answer and to attend the mandatory hearings set by the IBP-CBD, the allegations of herein complainant against him must be deemed to have remained uncontroverted.

The Court has not been remiss in reminding members of the Bar to refrain from any act or omission which tends to degrade the trust and confidence reposed by the public in the legal profession. It is imperative that lawyers, at all times, maintain a high standard of legal proficiency, and devote their undivided attention, skill, and competence to every case they accept.^[8] The lawyer-client relationship is one imbued with utmost trust and confidence.^[9] Clients could thus understandably expect that their attorney would accordingly exercise the required degree of diligence in handling their legal dilemmas.

An overriding prohibition against any form of misconduct is enshrined in Rule 1.01, Canon 1 of the CPR which provides that:

CANON 1 — A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

Rule 1.01 — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Accordingly, any specie of refractory behavior by a lawyer in fulfilling his duties must necessarily subject him to disciplinary action. "While such negligence or