

EN BANC

[A.C. No. 10568 [Formerly CBD Case No. 10-2753], January 13, 2015]

MARILEN G. SOLIMAN, COMPLAINANT, VS. ATTY. DITAS LERIOS-AMBOY, RESPONDENT.

RESOLUTION

REYES, J.:

This is an administrative complaint^[1] filed by Marilen G. Soliman (Soliman) against Atty. Ditas Lerios-Amboy (Atty. Amboy) for violation of the Code of Professional Responsibility.

In her complaint, Soliman claimed that she engaged the services of Atty. Amboy on May 27, 2007 in connection with a partition case. In accordance with the Retainer Agreement between the parties, Soliman agreed to pay Atty. Amboy P50,000.00 as acceptance fee. Upon the latter's engagement, Soliman paid her P25,000.00. Later on, Atty. Amboy advised Soliman to no longer institute a partition case since the other co-owners of the property were amenable to the partition thereof. Instead, Atty. Amboy just facilitated the issuance of the titles to the said property from the co-owners to the individual owners; the P25,000.00 already paid to her was then treated as payment for her professional services.^[2]

In November 2008, Soliman gave Atty. Amboy P16,700.00 as payment for the transfer tax. In the second quarter of 2009, Atty. Amboy told Soliman that there was a delay in the issuance of the titles to the property because of the failure of the other co-owners to submit certain documents. Atty. Amboy then told Soliman that someone from the Register of Deeds (RD) can help expedite the issuance of the titles for a fee of P80,000.00. On June 17, 2009, Atty. Amboy told Soliman that her contact in the RD agreed to reduce the amount to P50,000.00.^[3]

Meanwhile, Soliman deposited the amount of P8,900.00 to Atty. Amboy's bank account as payment for the real property tax for the year 2009. Thereafter, Soliman deposited the amount of P50,000.00 to Atty. Amboy's bank account as payment for the latter's contact in the RD.^[4]

On October 16, 2009, Atty. Amboy informed Soliman that the certificates of title to the property were then only awaiting the signature of the authorized officer. However, Atty. Amboy failed to deliver the respective certificates of title of Soliman and her co-owners to the subject property.^[5]

On January 6, 2010, Atty. Amboy's secretary informed Soliman that their contact in the RD was asking for an additional P10,000.00 to facilitate the release of the said certificates of title. Soliman then refused to further pay the amount being asked by

Atty. Amboy's secretary.^[6]

Thereafter, Soliman kept on asking Atty. Amboy for any update on the release of the said titles, but the latter was not responding to her queries. On July 7, 2010, Soliman and Atty. Amboy's secretary went to the office of a certain Atty. Marasigan, Deputy RD of Manila. Soliman asked Atty. Marasigan if he received the P50,000.00 as payment for the release of the said titles. Atty. Marasigan denied having received any amount to facilitate the release of the titles and claimed that the reason why the same could not be processed was that Atty. Amboy failed to file certain documents.^[7]

Soliman further claimed that Atty. Amboy thereafter refused to release the pertinent documents she gave to her for the processing of the titles to the property or give back the P50,000.00 that was already paid to her.^[8]

For her part, Atty. Amboy admitted that she had a retainer agreement with Soliman, but denied having received any amount from the latter pursuant to the said agreement. She claimed that the retainer agreement was not implemented since the partition case was not instituted. She claimed that she merely undertook to research, gather and collate all documents required in the partition and in the transfer of the titles from the co-owners to the individual owners. She denied having failed to submit the relevant documents to the RD which caused the delay in the processing of the said titles. She likewise denied having asked Soliman for P50,000.00 to facilitate the release of the said titles.^[9]

On May 29, 2012, after due proceedings, the Investigating Commissioner of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) issued a Report and Recommendation,^[10] which recommended the suspension of Atty. Amboy from the practice of law for six (6) months. The Investigating Commissioner opined that Atty. Amboy violated the Code of Professional Responsibility by failing to observe due diligence in dealing with Soliman. It also opined that she failed to inform the latter of the status of the proceedings for the issuance of the said titles.

On March 20, 2013, the IBP Board of Governors issued a Resolution,^[11] which adopted and approved the recommendation of the Investigating Commissioner, albeit with the modification that the period of Atty. Amboy's suspension from the practice of law was increased from six (6) months to two (2) years and that she was ordered to return the entire amount she received from Soliman.

Atty. Amboy sought a reconsideration^[12] of the Resolution dated March 20, 2013, but it was denied by the IBP Board of Governors in its Resolution^[13] dated March 21, 2014.

After a thorough perusal of the respective allegations of the parties and the circumstances of this case, the Court affirms the penalty imposed by the IBP Board of Governors.

The Code of Professional Responsibility clearly states that a lawyer owes fidelity to the cause of his client and that he should be mindful of the trust and confidence reposed in him.^[14] A lawyer is mandated to serve his client with competence and