

## SECOND DIVISION

[ Adm. Case No. 5530, January 28, 2013 ]

**SPOUSES ARCING AND CRESING BAUTISTA, EDAY RAGADIO AND  
FRANCING GALGALAN, COMPLAINANTS. VS. ATTY. ARTURO  
CEFRA RESPONDENT.**

### D E C I S I O N

**BRION, J.:**

Before us is complaint for disbarment filed by spouses Arcing and Cresing Bautista, Eday Ragadio<sup>[1]</sup> and Francing Galgalan (*complainants*) against Atty. Arturo Cefra for violating Canon 18 of the Code of Professional Responsibility and Rules 138 and 139 of the Rules of Court.

#### The Facts

The complainants were defendants in Civil Case No. U-6504 – an action for quieting of title, recovery of possession and damages filed in the Regional Trial Court (RTC), Branch 45, Urdaneta City, Pangasinan.<sup>[2]</sup> The complainants engaged the services of Atty. Cefra to represent them in the proceedings. According to the complainants, they lost in Civil Case No. U-6504 because of Atty. Cefra's negligence in performing his duties as their counsel. *First*, Atty. Cefra only presented testimonial evidence and disregarded two (2) orders of the RTC directing him to submit a formal offer of documentary exhibits. *Second*, Atty. Cefra belatedly submitted the formal offer of documentary exhibits after the complainants had been declared to have waived their right to make a submission. *Third*, Atty. Cefra did not file a motion or appeal and neither did he file any other remedial pleading to contest the RTC's decision rendered against them.

The Court ordered Atty. Cefra to comment on the complaint. Despite the extensions of time given by the Court, Atty. Cefra did not file any comment. He did not also comply with the Court's *Minute Resolutions*,<sup>[3]</sup> dated December 14, 2005 and March 22, 2006, directing him to pay a P2,000.00 fine and to submit the required comment.

On July 16, 2008, we held Atty. Cefra in contempt of court, ordering his detention for five (5) days. We also reiterated the order for Atty. Cefra to pay a P2,000.00 fine and to submit a comment on the complaint.<sup>[4]</sup>

On August 4, 2008, Atty. Cefra filed his Comment,<sup>[5]</sup> denying the allegations in the complaint. He claimed that the complainants misunderstood the RTC's decision:

2. That Respondent denies the allegation in Paragraphs (sic) 7 of the complaint that defendants miserably lost the case because the Decision

itself confirmed and affirmed our stand that defendants do not contest the ownership of x x x Serlito Evangelista x x x.

3. That it was defendants (sic) failure to fully understand the Decision which led to the filing of this administrative case and which subsequent events have proven that in the implementation of the Writ of Execution the land owned by the defendants covered by Transfer Certificates of Titles were not affected.<sup>[6]</sup>

In a *Minute Resolution*<sup>[7]</sup> dated September 24, 2008, we referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

### **The Report and Recommendation of the IBP**

On June 11, 2009, the Investigating Commissioner<sup>[8]</sup> recommended the dismissal of the complaint. The Investigating Commissioner opined:

The administrative complaint failed to show sufficient evidence to warrant disciplinary action against respondent. Complainants filed this complaint because they believed that they lost their case, however, their claim over their properties was not affected by the Decision of the court.<sup>[9]</sup>

In Resolution No. XIX-2010-285 dated April 16, 2010, the IBP Board of Governors reversed the findings of the Investigating Commissioner. The IBP Board of Governors found Atty. Cefra negligent in handling the complainants' case and unanimously approved his suspension from the practice of law for six (6) months.

Atty. Cefra filed a motion for reconsideration. On January 14, 2012, in Resolution No. XX-2012-24, the IBP Board of Governors partially granted Atty. Cefra's motion in this wise:

RESOLVED to PARTIALLY GRANT Respondent's Motion for Reconsideration and unanimously MODIFY Resolution No. XIX-2010-285 dated April 16, 2010 Suspending Atty. Arturo B. Cefra from the practice of law for six (6) months to **REPRIMANDED** considering that the failure was not material to the case and that complainants were not prejudice. [emphasis supplied]

### **The Court's Ruling**

**Except for the recommended penalty, we agree with the IBP Board of Governors that Atty. Cefra has been guilty of negligence in handling the complainants' case. His actuations in the present administrative case also reveal his lack of diligence in performing his duties as an officer of the Court.**