

THIRD DIVISION

[A.C. No. 6121, July 31, 2009]

**TRINIDAD H. CAMARA, COMPLAINANT, VS. ATTY. OSCAR
AMANDY REYES, RESPONDENT.**

R E S O L U T I O N

NACHURA, J.:

Before us is a Letter-Complaint^[1] filed by complainant Trinidad H. Camara against respondent Atty. Oscar Amandy Reyes.

Sometime in 2003, complainant hired the services of respondent to handle her case. As partial acceptance fee, respondent received from complainant P50,000.00 evidenced by a receipt^[2] placed on his calling card. Respondent, however, took no steps to protect complainant's interest. As no service was rendered by respondent, complainant asked that he return the amount given him so that she could use it in repairing her house. Respondent offered that he would take charge of repairing the house. Yet, he again failed to fulfill his promise, which prompted the complainant to reiterate her demand for the return of the money.^[3] As respondent failed to give back the amount demanded, complainant initiated the instant case.

In his Answer, respondent prayed that the case be closed and terminated, simply because the matter has already been resolved by all the parties concerned. He added that complainant went to his office and explained that she signed the letter-complaint not knowing that it was against respondent, as she was made to believe that it was a complaint against her neighbor.^[4]

Complainant and respondent failed to attend the mandatory conference; and to submit their respective position papers.

On February 19, 2007, we referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.^[5]

In his Report and Recommendation, IBP Commissioner Salvador B. Hababag made the following findings:

There is proof that respondent receipted the amount of Php50,000.00 in his own handwriting. Even his calling card was given to the complainants.

Canon 16, Rule 16.01 provides that a lawyer shall account for all money or property collected or received for or from the client.

Canon 18, Rule 18.03 provides that a lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall

render him liable.

Canon 18, Rule 18.04 provides that a lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to client's request for information.

Using the above yardsticks, clearly the respondent is liable and failed to live [up] to [the] above mentioned standards.

While it is true that complainant Trinidad Camara allegedly executed an affidavit, the same will not save the respondent.

As a general rule, disbarment proceeding shall not be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges or failure of the complainant to prosecute unless the Court motu proprio determines that there is no compelling reason to continue with the disbarment or suspension proceedings against the respondent.

We reiterate that the respondent did not traverse the charges against him. He simply wanted this case to be closed and terminated allegedly because he and Mrs. Camara had already resolved their problem and the latter's son, who also signed the letter-complaint as attorney-in-fact has no authority to do so.

WHEREFORE, premises considered, it [is] most respectfully recommended that the respondent be suspended for six (6) months from the active practice of law.^[6]

In its Resolution No. XVIII-2008-522, the IBP Board of Governors adopted and approved the report and recommendation of the investigating Commissioner, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution a[s] Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and for respondent's violation of Canon 16, Rule 16.01, Canon 18, Rule 18.03 and 18.04 of the Code of Professional Responsibility, Atty. Oscar Amandy Reyes is hereby SUSPENDED from the practice of law for six (6) months.

We agree with the foregoing recommendation.

The Court notes that despite the opportunity accorded to respondent to refute the charges against him, he failed to do so or even offer a valid explanation.^[7] It is incumbent upon respondent to meet the issue and overcome the evidence against him. He must show proof that he still maintains that degree of morality and integrity which at all times is expected of him. These, respondent miserably failed to do.^[8]