

EN BANC

[A.C. NO. 6424, March 04, 2005]

CONSORCIA S. ROLLON, COMPLAINANT, VS. ATTY. CAMILO NARAVAL, RESPONDENT.

DECISION

PANGANIBAN, J.:

Lawyers owe fidelity to their clients. The latter's money or other property coming into the former's possession should be deemed to be held in trust and should not under any circumstance be commingled with the lawyers' own; much less, used by them. Failure to observe these ethical principles constitutes professional misconduct and justifies the imposition of disciplinary sanctions.

The Case and the Facts

Before us is a letter-complaint against Atty. Camilo Naraval, filed by Consorcia S. Rollon with the Davao City Chapter of the Integrated Bar of the Philippines (IBP) on November 29, 2001. The Affidavit^[1] submitted by complainant alleges the following:

"Sometime in October of 2000, I went to the office of Atty. Camilo F. Naraval together with my son, Freddie Rollon, to seek his assistance in a case filed against me before the Municipal Trial Court in Cities Branch 6, Davao City entitled 'Rosita Julaton vs. Consorcia S. Rollon' for Collection of Sum of Money with Prayer for Attachment;

"After going over the documents I brought with me pertaining to the said case, Atty. Naraval agreed to be my lawyer and I was required to pay the amount of Eight Thousand Pesos (Php 8,000.00) for the filing and partial service fee, which amount was paid by me on October 18, 2000, a copy of the Official Receipt is hereto attached as Annex 'A' to form part hereof;

"As per the instruction of Atty. Naraval, my son, Freddie, returned to his office the following week to make follow-up on said case. However, I was informed later by my son Freddie that Atty. Naraval was not able to act on my case because the latter was so busy. Even after several follow-ups were made with Atty. Naraval, still there was no action done on our case;

"Sometime in November 29, 2001, I decided to withdraw the amount I paid to Atty. Naraval, because of the latter's failure to comply with our mutual agreement that he will assist me in the above-mentioned case;

"My son Freddie Rollon went to Atty. Naraval's office that same day to inform Atty. Naraval of our decision to withdraw the amount I have paid

and to retrieve my documents pertaining to said case. Unfortunately, despite our several follow-ups, Atty. Naraval always said that he cannot return the documents because they were in their house, and that he could not give us back the amount we paid him (Php 8,000.00) because he has no money;

"Having failed to obtain any response, I decided to refer the matter to Atty. Ramon Edison Batacan, IBP President of Davao City and to Atty. Pedro Castillo, the Commissioner on Bar D[i]scipline;

x x x x x x x x x."

In an Order dated March 12, 2002,^[2] the IBP Commission on Bar Discipline (CBD), through Director Victor C. Fernandez, directed respondent to submit his answer to the Complaint. The same directive was reiterated in the CBD's May 31, 2002 Order^[3] issued through Commissioner Jovy C. Bernabe. Respondent did not file any answer despite his receipt of the Orders.^[4]

Not having heard from him despite adequate notice, the CBD proceeded with the investigation ex parte. Its Order^[5] dated November 11, 2002, issued through Commissioner Bernabe, required complainant to submit her position paper within ten days from receipt thereof, after which the case was to be deemed submitted for resolution.

The CBD received complainant's Position Paper^[6] on December 10, 2002.

Report of the Investigating Commissioner

In his Report and Recommendation dated October 16, 2003, Investigating Commissioner Acerey C. Pacheco recommended that respondent be suspended from the practice of law for one (1) year for neglect of duty and/or violation of Canons 15 and 18 of the Code of Professional Responsibility. The Report reads in part as follows:

"Canon 18 of the Code of Professional Responsibility requires every lawyer to serve his client with utmost dedication, competence and diligence. He must not neglect a legal matter entrusted to him, and his negligence in this regard renders him administratively liable x x x.

"In the case at bar, the deplorable conduct of the respondent in misrepresenting to the complainant that he will render legal services to her, and after receiving certain amount from the latter as payment for 'filing fee and service fee' did nothing in return, has caused unnecessary dishonor to the bar. By his own conduct the respect of the community to the legal profession, of which he swore to protect, has been tarnished.

x x x x x x x x x

"In fact, complainant claimed to have been shortchanged by the respondent when he failed to properly appraised her of the status of her case which she later on found to have become final and executory.

Apparently, the civil suit between Rosita Julaton and the complainant have been decided against the latter and which judgment has long become final and executory. However, despite full knowledge by the respondent of such finality based on the documents furnished to him, respondent withheld such vital information and did not properly appraise the complainant. Thus, respondent violated the mandate in Canon 15 x x x.”^[7]

IBP Board of Governors’ Resolution

On February 27, 2004, the IBP Board of Governors issued Resolution No. XVI-2004-64 upholding the above-quoted Report. The Board recommended the suspension of respondent from the practice of law for two (2) years for violation of Rules 15 and 18 of the Code of Professional Responsibility and the restitution of complainant’s P8,000.

The Court’s Ruling

We agree with the Resolution of the IBP Board of Governors.

Respondent’s Administrative Liability

Ordinarily, lawyers are not obliged to act either as advisers or as advocates of any person who may wish to become their client.^[8] They may decline employment and refuse to accept representation, if they are not in a position to carry it out effectively or competently.^[9] But once they agree to handle a case, attorneys are required by the Canons of Professional Responsibility to undertake the task with zeal, care and utmost devotion.^[10]

Acceptance of money from a client establishes an attorney-client relationship and gives rise to the duty of fidelity to the client’s cause.^[11] Every case accepted by a lawyer deserves full attention, diligence, skill and competence, regardless of importance.^[12] The Code of Professional Responsibility clearly states:

CANON 17 – A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

CANON 18 - A lawyer shall serve his client with competence and diligence.

Rule 18.03 - A lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.

Rule 18.04 - A lawyer shall keep his client informed of the status of his case and shall respond within a reasonable time to the client’s request for information.

Hence, practising lawyers may accept only as many cases as they can efficiently handle.^[13] Otherwise, their clients would be prejudiced. Once lawyers agree to handle a case, they should undertake the task with dedication and care. If they do any less, then they fail their lawyer’s oath.^[14]