

FIRST DIVISION

[A.C. NO. 6026, November 29, 2005]

GODOFREDO C. PINEDA, COMPLAINANT, VS. ATTY. TEDDY C. MACAPAGAL, RESPONDENT.

D E C I S I O N

YNARES-SANTIAGO, J.:

In a verified complaint^[1] filed before the Office of the Bar Confidant, complainant Godofredo C. Pineda prayed for the disbarment of respondent, Atty. Teddy C. Macapagal, for alleged gross negligence in handling Civil Case No. 23744^[2] for abatement of nuisance with damages, and Criminal Case No. 2905-76^[3] for libel, and for deliberately withholding information regarding the status of the said two cases.

Complainant alleged that respondent was absent 11 times out of the total 15 scheduled hearings in Civil Case No. 23744, despite due notice in open court. Complainant alleged that every time he would inquire from respondent regarding any development in the case, the latter would either pretend to be busy, or that he has a prior commitment, or would just fail to show up during the scheduled meeting; that complainant was surprised when upon inquiry from the court about the status of the civil case, he was informed that the same was dismissed for failure of respondent to attend the scheduled hearings.

As regards the criminal case for libel, complainant alleged that when the decision convicting him was promulgated, he instructed respondent to file an appeal. While respondent filed a notice of appeal with the Court of Appeals, he failed to submit an appeal brief, hence, the lower court's decision became final and executory.

In his Comment,^[4] respondent claimed that in the civil case for abatement of nuisance with damages, he tried to settle the case amicably and to help the parties settle their differences out of court; that the order of dismissal was without prejudice and it can be reinstated within reasonable time; that complainant was not harmed when the case was dismissed without prejudice.

On September 22, 2003, we referred the complaint to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.^[5]

In the Report dated October 22, 2004, the investigating commissioner recommended that respondent be suspended from the practice of law for one year. The commissioner noted that indeed, respondent was remiss in his responsibilities as a lawyer. It appears that respondent attended only three out of the total 15 scheduled hearings. His negligence was further compounded by his failure to inform complainant of the dismissal of the case.