

SECOND DIVISION

[A.C. No. 4426, February 17, 2000]

**RAMON SAURA, JR., COMPLAINANT, VS. ATTY. LALAIN
LILIBETH AGDEPPA, RESPONDENT.**

[A.C. No. 4429]

**HELEN BALDORIA AND RAYMUNDO SAURA, COMPLAINANTS, VS.
ATTY. LALAIN LILIBETH AGDEPPA, RESPONDENT.**

R E S O L U T I O N

DE LEON, JR., J.:

Two (2) petitions, one by Ramon Saura, Jr.^[1] and the other by Helen S. Baldoria and Raymundo Y. Saura^[2], were filed before this Court charging Atty. Lalaine Lilibeth Agdeppa for violation of her lawyer's oath and disregard of Sections 15, 22, 25, 29, 31 and 32 of the Canons of Professional Ethics.^[3]

The two (2) complaints are related and arose from the handling of the respondent of a settlement case involving a piece of property owned in common by the petitioners with their other siblings, Macrina, Romeo and Amelita, all surnamed Saura, who were then the administrators of the said property of the late Ramon E. Saura who died intestate on May 15, 1992.

The pertinent facts, as delineated in the report of the National Grievance Investigation Office of the Integrated Bar of the Philippines, are as follows:

"It appears that negotiations for the settlement of the property (referring to the intestate estate of Ramon E. Saura) dragged on for three (3) years until on April 27, 1995, petitioners learned that the administrators of the property, Macrina, Romeo and Amelita, had, with the assistance of the respondent, who in fact notarized the Deed of Sale, sold the property to Sandalwood Real Estate and Development Corporation without the knowledge and participation of petitioners. To compound matters, petitioners alledge [sic] that despite repeated demands, the vendors or their counsel, *respondent herein, have refused to disclose the amount of the sale or account for the proceeds*. The petitioners have thus been constrained to institute criminal and civil actions to enforce and protect their rights.

"This case was refered [sic] to the Integrated Bar by the Supreme Court in a resolution dated November 20, 1995, after its earlier resolution dated June 19, 1995, was returned unserved with the Postmaster's notation that the same was "unclaimed".

"At the scheduled hearing of this case on February 5, 1998, the petitioner's counsel, Atty. Carolina Esguerra-Ochoa filed a written entry of appearance. *There was no appearance for the respondent* but this office, noting the new address of the respondent as furnished by Atty. Ochoa, suggested that the latter furnish a copy of the complaint to respondent at the latter's new address. In a Compliance dated February 10, 1998, Atty. Ochoa informed this Office that she had furnished the respondent with a copy of the petition dated May 24, 1995, plus the Supreme Court's resolution dated June 19, and November 20, 1995, plus our Order dated December 8, 1997, and Notice of Appearance dated February 5, 1998.

"On March 10, 1998, the petitioners' counsel submitted a Manifestation attached to which were photocopies of the front and dorsal portion of the return card *evidencing receipt by herein respondent of the documents* enumerated by Atty. Ochoa in her Compliance dated February 10, 1998. The return card is dated March 2, 1998.

"*To date, no response* has been forth coming from Atty. Agdeppa."^[4]

For her continued defiance of orders of this Court for her to answer the administrative charges leveled against her, respondent was recommended to be penalized with a fine of P10,000.00 and suspension from practice for one (1) year in each of the two (2) cases pending against her.

Respondent filed a motion for reconsideration alleging that the petitions should be dismissed because she was not accorded her right to due process and that she could not answer the administrative charges against her without divulging certain pieces of information in violation of the attorney-client privilege.

Respondent does not convince.

First. The respondent was given notice on various occasions but she chose to ignore them and failed to exercise her right to be heard.

Section 30, Rule 138 of the Rules of Court specifically provides that:

"Sec. 30. Attorney to be heard before removal or suspension. – No attorney shall be removed or suspended from the practice of his profession, until he has full opportunity upon reasonable notice to answer the charges against him, to produce witness in his behalf, and to be heard by himself or counsel. But if upon reasonable notice he fails to appear and answer the accusations, the court may proceed to determine the matter *ex parte*."

Since respondent repeatedly ignored the notices sent to her by this Court, we cannot be expected to wait indefinitely for her answer. While respondent may have changed her address and did not, thus, receive the previous notices, still, on March 2, 1998, she came to know of the Supreme Court Resolution dated June 19, 1995.

^[5] The prudent thing for her to do was to file an answer immediately and not to delay the matter any further. Sadly, the respondent ignored the Resolution^[6] of the Supreme Court ordering her to file an answer.

Second. The request for the information regarding the sale of the property and to account for the proceeds is not a violation of the attorney-client privilege. Rule 130, Section 24 (b) of the Rules of Court provides:

"*Sec. 24. Disqualification by reason of privileged communication.* – The following persons cannot testify as to matters learned in confidence in the following cases:

xxx xxx xxx

(b) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of, or with a view to, professional employment, nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of the client and his employer, concerning any fact the knowledge of which has been acquired in such capacity."

The information requested by petitioners is not privileged. The petitioners are only asking for the disclosure of the amount of the sale or account for the proceeds. Petitioners certainly have the right to ask for such information since they own the property as co-heirs of the late Ramon E. Saura and as co-administrators of the property. Hence, respondent cannot refuse to divulge such information to them and hide behind the cloak of the attorney-client relationship.

WHEREFORE, for the refusal of Atty. Lalaine Lilibeth Agdeppa to comply with our Resolutions dated June 7 and 19, 1995 directing her to file an answer to the petitions, the Court hereby penalizes her with a *FINE* of two thousand pesos (P2,000.00) which should be paid within ten (10) days from receipt hereof; otherwise, a penalty of imprisonment for five (5) days shall be imposed. This resolution shall be immediately executory.

SO ORDERED.

Bellosillo, Mendoza, Quisumbing, and Buena, JJ., concur.

[1] Dated May 17, 1995 and docketed as Adm. Case. No. 4426.

[2] Dated May 24, 1995 and docketed as Adm. Case No. 4429.

[3] "15. How far a lawyer may go in supporting a client's cause.

`Nothing operates more certainly to create or foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by unscrupulous for the defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

`It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.