

SECOND DIVISION

[A.C. CBD No. 190, February 04, 1999]

CORAZON T. REONTOY, COMPLAINANT, VS. ATTY. LIBERATO R. IBADLIT, RESPONDENT.

RESOLUTION

BELLOSILLO, J.:

On 28, January 1998 we issued a Resolution holding respondent Atty. Liberato R. Ibadlit administratively liable and suspending him from the practice of law for one (1) year for failing to appeal within the reglementary period the decision rendered against his client, complainant Corazon T. Reontoy, in Civil Case No. 2805 of the RTC-Br. 4, Kalibo Aklan,^[1] in his belief, according to him, that to appeal would be futile. We declared that it was highly improper for him to have adopted such an opinion. We reminded him that a lawyer was without authority to waive his client's right to appeal and that his failure to appeal within the prescribed period constituted negligence and malpractice, proscribed by Rule 18.03, Canon 18 of the Code of Professional Responsibility, which provides "(a) lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable."^[2]

In his Motion for Reconsideration respondent argued that he believed in good faith that his client's case was weak and that she wholeheartedly accepted his explanation that the adverse decision was not worth appealing anymore. Besides, it was only several years later that she complained when no more relief was available to her.

Respondent further claimed that complainant had reasonable opportunity to hire another counsel for a second opinion whether to appeal from the judgment or file a petition for relief. He also claimed that he did not commit to handle his client's case on appeal and that the testimonies of complainant and her brother Proculo were unpersuasive. But even if he be penalized, his one (1) year suspension was too harsh given his unblemished record as a member of the Bar. Moreover, if ever, this would be his first offense.

Finding the arguments of respondent Atty. Liberato R. Ibadlit not to be totally without merit, the Court RESOLVES to reduce to two (2) months his penalty of suspension from the practice of law imposed in the Resolution of 28 January 1998 with warning however that he should be more attentive to and solicitous of the welfare of his clients.

SO ORDERED.

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