

EN BANC

[A.C. No. 5135, September 22, 1999]

**ELSIE B. AROMIN, FE B. YABUT, TIBURCIO B. BALLESTEROS, JR.,
AND JULIAN B. BALLESTEROS, COMPLAINANTS, VS. ATTY.
VALENTIN O. BONCAVIL, RESPONDENT.**

DECISION

MENDOZA, J.:

This is a complaint^[1] filed by Elsie B. Aromin, Fe B. Yabut, Tiburcio B. Ballesteros, Jr., and Julian B. Ballesteros against Atty. Valentin O. Boncavil for violation of the Code of Professional Responsibility.

Complainants allege that their late father, Tiburcio Ballesteros, engaged the services of respondent as counsel in two cadastral cases then pending in the Regional Trial Court, Branch 18, Pagadian City, to wit: Cadastral Case No. N-14, LRC CAD RMC No. N-475, Lot No. 6576, Pls-119, entitled "The Director of Lands, Petitioner, v. Faustina Calibo, Claimant, v. Tiburcio Ballesteros, Claimant," and Cadastral Case No. N-14, LRC CAD. REG. No. N-475, Lot No. 7098, Pls-119, entitled "The Director of Lands, Petitioner, v. Belinda Tagailo-Bariuan, Claimant, v. Tiburcio Ballesteros, Claimant"; that despite receipt of the adverse decision in the two cases on August 8, 1991, respondent did not inform herein complainants of the same nor file either a motion for reconsideration or a notice of appeal to prevent the decision from becoming final; that respondent did not file either a written offer of evidence despite the trial court's directive for him to do so; and that it took respondent four years from the time complainants' father died before he filed a motion to substitute herein complainants in the trial court. The foregoing acts and omissions of respondent are alleged to be in violation of the following provisions of the Code of Professional Responsibility:

CANON 15 - A LAWYER SHALL OBSERVE CANDOR, FAIRNESS AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENT.

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 the client informed of the status of his

case and shall respond within a reasonable time to the client's request for information.

Complainants pray that such "disciplinary sanctions as may be appropriate be imposed against Atty. Valentin Boncavil."

In his answer,^[2] respondent alleges that the day before the cadastral court rendered its decision, he met by chance herein complainant Julian Ballesteros, who, after inquiring as to the status of the cadastral cases and learning that the same had already been submitted for resolution, told him "You are too busy to attend to our case, it would be better if somebody else would take over," to which, according to respondent, he replied, "It is all right with me, it is your privilege"; that as a self-respecting legal practitioner, he did not want to continue rendering unwanted legal services to a client who has lost faith in his counsel; that he thus considered himself discharged as counsel in the two cadastral cases and relieved of the obligation either to move for a reconsideration of the decision or to file a notice of appeal and to notify herein complainants of the decision against them; that, contrary to complainants' assertion, he did make an offer of evidence, although he reserved the right to submit authenticated copies of the documentary evidence from the Bureau of Lands in Manila; that the delay in the substitution of Tiburcio Ballesteros with his heirs was because neither the heirs nor the administrator of the intestate estate of Tiburcio Ballesteros informed him of the latter's death despite the heirs' knowledge that he was the counsel in the two cadastral cases.

On June 8, 1994, complainants moved for a judgment on the pleadings, alleging that "the facts are not in dispute and the respondent's answer admits the material allegations of the complaint."^[3]

On June 13, 1994, IBP Commissioner Plaridel C. Jose required respondent to comment on the foregoing motion within five (5) days from notice.^[4] On October 12, 1995, he set the case for hearing on November 17, 1995.^[5]

On November 17, 1995, however, only complainants Tiburcio Ballesteros, Jr. and Fe Yabut and their counsel appeared. This fact, together with respondent's failure to comment on complainants' motion submitting the case for resolution on the basis of the pleadings, prompted Commissioner Jose to grant complainants' motion.^[6]

On June 21, 1996, Commissioner Jose submitted his report recommending that respondent be suspended from the practice of law for six months with warning that repetition of the same or similar acts shall be dealt with more severely.

On May 17, 1997, the IBP Board of Governors passed Resolution No. XII-97-16 approving Commissioner Jose's report and recommendation.

After due consideration of the records of this case, the Court finds the recommendation of the IBP to be well taken.

The facts clearly show that respondent violated Canon 18 of the Code of Professional Responsibility which provides that "a lawyer shall serve his client with competence and diligence." By abandoning complainants' cases, respondent violated Rule 18.03 of the same Code which requires that "a lawyer not neglect a legal matter entrusted