

FIRST DIVISION

[A.C. CBD No. 190, January 28, 1998]

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

R E S O L U T I O N

BELLOSILLO, J.:

This is a complaint filed by Corazon T. Reontoy for the disbarment of her counsel, Atty. Liberato R. Ibadlit, for having been negligent in handling her case for partition, accounting and reconveyance then pending with the RTC-Br. 4, Kalibo, Aklan.^[1]

Respondent lawyer admits that he was the lawyer of complainant Corazon T. Reontoy in Civil Case No. 2805 which was decided by the RTC against his client. He likewise admits that he received copy of the adverse decision on 19 June 1989 and filed his notice of appeal only on 17 July 1989 when the expiry date to appeal was 4 July 1989.^[2]

Respondent alleges in his defense that after he received the adverse decision he immediately contacted complainant's brother Proculo Tomazar and requested the latter to inform complainant that they lost the case and that after going over the decision he (respondent) was convinced that appeal was futile. He also requested Proculo to tell complainant to communicate immediately with respondent if complainant disagreed with him on his position not to appeal the RTC decision anymore. Confident that Proculo had conveyed the message to complainant and having failed to receive any advice from her respondent intentionally did not file the corresponding notice of appeal. But after Proculo informed him later in his office that complainant wished to appeal the decision, he forthwith filed a notice of appeal, in the interest of justice, on 17 July 1989.

The notice of appeal having been filed beyond the reglementary period, the trial court on 16 August 1989 denied the appeal and granted the *Motion for Execution of Judgment* of the prevailing parties.

In the investigation conducted by the Integrated Bar of the Philippines, complainant presented her brother Proculo Tomazar to deny, as he did, that he was authorized by her to communicate with respondent regarding the case, claiming in fact that he had no knowledge whatsoever of subject civil case.^[3]

The testimony of Proculo Tomazar corroborated complainant's testimony that she had never authorized him to be her representative either to the court or to communicate with her counsel for the reason that Proculo was unlettered. Complainant further testified that when she went to see respondent in September 1989 to check on the status of her case the latter merely told her that the period to appeal had already elapsed and then returned the case records to her.