

FIRST DIVISION

[A.C. No. 3455, April 14, 1998]

ARSENIO A. VILLAFUERTE, COMPLAINANT, VS. ATTY. DANTE H. CORTEZ, RESPONDENT.

R E S O L U T I O N

VITUG, J.:

Feeling aggrieved by what he perceives to be a neglect in the handling of his cases by respondent lawyer, despite the latter's receipt of ₱1,750.00 acceptance and retainer fees, complainant Arsenio A. Villafuerte seeks, in the instant proceedings, the disbarment of Atty. Dante H. Cortez.

From the records of the case and the Report submitted by the Commission on Bar Discipline ("CBD") of the Integrated Bar of the Philippines ("IBP"), it would appear that sometime in January 1987, complainant, upon the referral of Atty. Rene A. V. Saguisag, went to the office of respondent lawyer to discuss his case for "reconveyance" (Civil Case No. 83-18877). During their initial meeting, complainant tried to reconstruct before respondent lawyer the incidents of the case merely from memory prompting the latter to ask complainant to instead return at another time with the records of the case. On 30 January 1987, complainant again saw respondent but still *sans* the records. Complainant requested respondent to accept the case, paying to the latter the sum of ₱1,750.00 representing the acceptance fee of ₱1,500.00 and ₱250.00 retainer fee for January 1987. Respondent averred that he accepted the money with much reluctance and only upon the condition that complainant would get the records of the case from, as well as secure the withdrawal of appearance of, Atty. Jose Dizon, the former counsel of complainant. Allegedly, complainant never showed up thereafter until November 1989 when he went to the office of respondent lawyer but only to leave a copy of a writ of execution in Civil Case No. 062160-CV, a case for ejectment, which, according to respondent, was never priorly mentioned to him by complainant. Indeed, said respondent, he had never entered his appearance in the aforementioned case.

In its report, IBP-CBD concluded that the facts established would just the same indicate sufficiently a case of neglect of duty on the part of respondent. The CBD rejected the excuse proffered by respondent that the non-receipt of the records of the case justified his failure to represent complainant. The IBP-CBD, through Commissioner Julio C. Elamparo, recommended to the IBP Board of Governors the suspension of respondent from the practice of law for three months with a warning that a repetition of similar acts could be dealt with more severely than a mere 3-month suspension.

On 30 August 1996, the IBP Board of Governors passed Resolution No. XII-96-191 which -