

[A.C. No. 4282, August 24, 2000]

TEODULFO B. BASAS, COMPLAINANT, VS. ATTY. MIGUEL I. ICAWAT, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

In a letter-complaint dated June 25, 1994, complainant Teodulfo B. Basas alleged negligence on the part of respondent lawyer Miguel I. Icawat in the handling of NLRC-NCR Cases No. 00-09-05043-90, 00-11-06410-92, and 00-06-03672-93 involving complainant and several of his co-workers.

Complainant was one of several workers who filed three separate complaints before the NLRC against their employer, FMC Engineering and Construction, in 1992 and 1993. Respondent was their lawyer.

In those cases, the workers alleged that they were illegally dismissed and demanded payment of termination pay, accrued leave benefits, 13th month pay, and moral damages. On March 21, 1994, labor arbiter Valentin C. Guanio rendered a decision in favor of FMC, after finding that the workers were project workers whose services were validly terminated upon completion of the projects for which they were hired. However, FMC was ordered to pay the worker's claims for wage differentials, 13th month pay, service incentive leave pay, and attorney's fees.

Aggrieved, the workers informed respondent that they wanted to appeal the decision. On May 23, 1994, respondent filed a notice of appeal. However, respondent did not file a memorandum of appeal as required under the Rules of Procedure of the NLRC. Sensing that respondent had no intention to file a memorandum, complainant and his co-workers asked respondent to just withdraw from the case. Instead of withdrawing, however, respondent threatened to sue their group and the new lawyer they would hire, said the complainant.

Complainant also claims that he and his co-workers gave respondent P280.00 for filing fee but respondent made a receipt for only P180.00.

In his comment, respondent asserts that he filed a notice of appeal at the behest of Flutarco Sueno, complainant in one of the labor cases. Respondent claims that herein complainant, along with the other workers, did not wish to file an appeal since they had no money to spend. Respondent alleges that complainant and the other workers instead asked him to withdraw from the case, which respondent refused to do since he did not have a basis therefor and he had already filed a notice of appeal.

Respondent argues that despite his having filed a notice of appeal, he had not received any notice from the NLRC directing him to file an appeal brief.

On October 24, 1994, we referred, this matter to the IBP for investigation, report, and recommendation.