

SECOND DIVISION

[A.C. No. 12446, November 16, 2020]

**ROSALINA TAGHOY, ET AL., COMPLAINANTS, VS. ATTY.
CONSTANTINE TECSON III, RESPONDENT.**

DECISION

LOPEZ, J.:

Lawyers must always serve their clients with competence and diligence. Here, we determine the administrative liability of a lawyer who failed to abide by this standard.

ANTECEDENTS

Sometime in 2006, complainants^[1] engaged the legal services of Atty. Constantine Tecson III (Atty. Tecson) as counsel in an ejectment case filed against them by a certain Rayos. They paid him P5,000.00 to file a motion for reconsideration.^[2] After evaluating the case, Atty. Tecson opined that Rayos' transfer certificate of title (TCT) was questionable and advised complainants to file a separate case to annul Rayos' TCT. The complainants agreed to file the separate case and paid Atty. Tecson a total of P71,000.00 as of February 2006, representing partial payment of the professional fees.^[3]

In the meantime, Atty. Tecson failed to file the complainants' position paper in the ejectment case despite the court's order, as well as the appeal memorandum, which caused the dismissal of the complainants' appeal to the ejectment case.^[4] Allegedly, Atty. Tecson assured the complainants that he filed the necessary pleadings, but this proved to be false upon verification with the court. Atty. Tecson also did not file the case for the annulment of Rayos' TCT. Accordingly, complainants asked Atty. Tecson to refund the P71,000.00 and the P5,000.00 which they paid to him.

Atty. Tecson refused to refund the amount, which prompted the complainants to file the instant disbarment case.

In its *Report and Recommendation*,^[5] the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) found that Atty. Tecson disregarded his duty to his client in violation of Canon 18, Rules 18.01, 18.02, 18.03, and 18.04 of the Code of Professional Responsibility (CPR) when he did not file the necessary pleadings in the ejectment and annulment of title cases.^[6] The IBP-CBD recommended that Atty. Tecson be suspended from the practice of law for one (1) year.^[7]

On September 27, 2014, the IBP Board of Governors adopted the IBP-CBD's recommendation but modified the suspension from one (1) year to two (2) years and ordered Atty. Tecson to return the P76,000.00 paid by the complainants.^[8]

Atty. Tecson moved for reconsideration. He manifested that he already "patched-up" with the complainants and voluntarily returned the P76,000.00. Atty. Tecson claimed that his professional service was limited to the filing of the annulment of Rayos' TCT and did not include the representation of complainants in the ejectment case. However, he still represented the complainants because they need help during those times. Atty. Tecson explained that he failed to file the necessary pleadings and attend the hearing because of his workload and personal problems.

On August 31, 2017, the IBP Board of Governors partly granted Atty. Tecson's motion and issued an extended Resolution.^[9] The IBP reduced the suspension to one (1) year, which it deemed commensurate to the infraction committed, and deleted the order to return the P76,000.00 after finding that Atty. Tecson already returned the amount to complainants.

Thereafter, the records of this case were transmitted to this court for review.

RULING

We adopt the IBP Board of Governor's findings but modify the penalty.

Lawyers are not obliged to advocate for every person who requests to be their client.^[10] However, once they agree to take up the client's cause, they owe fidelity to such cause and must be mindful of the trust and confidence reposed to them.^[11] Lawyers who undertake an action are expected to attend to their client's cause until it becomes final and executory.^[12]

Atty. Tecson failed to measure up to these standards. He neglected to file his clients' position paper and appeal memorandum in the ejectment case. In *Canoy v. Atty. Ortiz*,^[13] we held that the lawyer's failure to file the necessary pleading is *per se* a violation of Rule 18.03 of the CPR,^[14] which requires that "*a lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.*"^[15] Concomitant with this duty is Canon 17, which provides that "*a lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.*"^[16]

Atty. Tecson's claim that he had personal problems and a heavy workload is a lame excuse that cannot justify his infractions. He could have taken available remedies to ensure that the position paper and the appeal memorandum were filed. He could have recommended the hiring of a collaborating counsel or could have requested for more time to file the pleadings if available.^[17] To be sure, Atty. Tecson did not exert any effort to ensure that his clients' cause will not be prejudiced. His failure to do so led to the dismissal of his clients' appeal. Atty. Tecson breached his duty to serve his client with competence and diligence, as provided under Canon 18 of the CPR.

Furthermore, Atty. Tecson violated his duty when he did not file the annulment of title case after receiving his professional fees. He agreed to represent complainants and to file the case. It was his idea to file it in the first place. He cannot excuse himself by alleging that he did not receive the P71,000.00 and that he was tricked by a certain Joseph Bermoy in signing documents acknowledging receipt of the