

SECOND DIVISION

[A.C. No. 11334, January 07, 2019]

JOCELYN SORENSEN, COMPLAINANT, VS. ATTY. FLORITO T. POZON, RESPONDENT.

A.C. NO. 11335

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D E C I S I O N

CARPIO, ACTING C.J.:

The Case

These consolidated administrative cases stemmed from the continuous negligence of respondent Atty. Florito T. Pozon to handle the legal matters entrusted to him by his client and herein complainant, Jocelyn Sorensen, or to at least inform complainant of the progress of the cases. This is in violation of Rules 18.03 and 18.04, Canon 18 of the Code of Professional Responsibility.

The Facts

Complainant Jocelyn Sorensen alleges that she first engaged the legal services of respondent Atty. Florito T. Pozon in 1995 for the reconstitution of the title of Lot No. 6662 in Pangan-an, Lapu-Lapu City for the sum of Ten Thousand Pesos (PhP 10,000.00).

In 1996, complainant again engaged respondent's services to file a petition for the issuance of a new owner's copy of the title of Lot No. 6659 in Pangan-an, Lapu-Lapu City for the sum of Fifteen Thousand Pesos (PhP 15,000.00).

In 2000, complainant engaged respondent's services for a third time to secure the title of Lot No. 6651 in Pangan-an, Lapu-Lapu City for the sum of Fifteen Thousand Pesos (PhP 15,000.00).

In 2003, complainant engaged respondent as her counsel for the last time to secure the title of Lot No. 2393-M in Yati, Liloan, Cebu for the sum of Twenty-Four Thousand Pesos (PhP 24,000.00).

In 2011, complainant filed a verified Complaint^[1] against respondent, docketed as CBD Case No. 11-3151 and CBD Case No. 11-3182, with the Integrated Bar of the Philippines Commission on Bar Discipline (Commission) for respondent's alleged neglect to handle complainant's cases or to at least inform complainant of the progress of the cases, in violation of Rules 18.03 and 18.04 of the Code of

Professional Responsibility. The Complaint alleged that despite complainant's payment amounting to Seventy-Two Thousand Pesos (PhP 72,000.00), the above-mentioned cases have yet to be concluded.

To support her allegations, complainant attached copies of the following to her complaint:

- (1) Annex A - copy of the acknowledgement receipt for PhP 2,000.00 for Lot No. 6662 and PhP 3,000.00 for Lot No. 6659 dated 4 November 1996;
- (2) Annex B - a copy of the acknowledgement receipt for PhP 5,000.00 for Lot No. 6662 dated 15 November 1995;
- (3) Annex C - a copy of the acknowledgement receipt for PhP 3,000.00 dated 17 March 1999;
- (4) Annex D - a copy of the acknowledgement receipt for PhP 3,000.00 for Lot No. 6662 dated 17 March 1999;
- (5) Annex E- a copy of a check amounting to PhP 5,000.00 dated 27 October 2001;
- (6) Annex F-a copy of a check amounting to PhP 40,000.00 for Lot Nos. 6651 and 6659 dated 22 January 2003; and
- (7) Annex G- a copy of a check amounting to PhP 6,000.00 dated 7 May 2000.

In his Answer,^[2] respondent admitted that he was the legal counsel for complainant's lots in Cebu. For the 1995 case covering Lot No. 6662, respondent alleged that the acceptance fee of Ten Thousand Pesos (PhP 10,000.00) was made in several installments. Respondent alleged that the 1996 case turned out to be a difficult case because an aggrieved party appeared and filed a criminal action against complainant including respondent. The case was settled amicably and complainant decided to forego the case.

For the 1996 case covering Lot No. 6659, respondent alleged that he only received a partial payment of Three Thousand Pesos (PhP 3,000.00) out of the agreed upon acceptance fee of Fifteen Thousand Pesos (PhP 15,000.00).

For the 2000 case covering Lot No. 6651, respondent alleged that he had already gone to the City Assessor of Lapu-Lapu City and to the Revenue Regional Director of the Bureau of Internal Revenue in Banilad, Cebu City to handle the matter. Respondent averred that the delay was due to complainant's refusal to shoulder respondent's travel costs to the Land Registration Office in Quezon City. Similar to the second case, complainant failed to present any witness to prove the circumstance of loss of the owner's copy of the title. -

Lastly, for the 2003 case, respondent alleged that the delay was again due to complainant's failure to present any witness to show that she or her predecessors-in-interest possessed the lot since 1940 or prior thereto.

The Commission ruled that "[e]ven if the complainant did in fact fail to provide witnesses, it was the duty of the respondent as her counsel to communicate the importance and necessity of getting witnesses to advance their cause."^[3] The Commission faulted respondent for allowing eight years to pass without addressing complainant's cases. Furthermore, even without the presentation of witnesses, respondent was able to secure a favorable decision from the Regional Trial Court of Lapu-Lapu City in the 1996 case involving Lot No. 6659 in Pangan-an, Lapu-Lapu City.

Thus, respondent averred that what remains unresolved are the legal matters involving Lot No. 6651 in Pangan-an, Lapu-Lapu City, and Lot No. 2393-M in Liloan, Cebu.

The Reports and Recommendations of the Commission on Bar Discipline

On two separate instances, the Commission submitted two Reports and Recommendations to the Integrated Bar of the Philippines, finding respondent guilty of violating Rules 18.03 and 18.04 of the Code of Professional Responsibility.

On 18 June 2013, the Commission, through Commissioner Leo B. Malagar, submitted a Report and Recommendation^[4] for CBD Case No. 11-

3151. The Commission stated:

Clearly, the respondent is guilty of neglecting the complainant's legal matter which was entrusted to him in 1995, and such negligence in connection with the above-mentioned transactions renders respondent liable. Moreover, respondent failed to keep the complainant who was his client informed of the status of the transactions and he likewise failed to respond within a reasonable time to his client's request for information.

In view of the foregoing premises, it is respectfully recommended that the respondent be ADMONISHED considering that the complainant has not been materially prejudiced from respondent's omissions. Moreover, it is respectfully recommended that the respondent be ORDERED TO RETURN the full amount of Php 72,000.00 which the complainant has paid to the respondent.

RESPECTFULLY SUBMITTED.^[5]

On 2 February 2015, Commissioner Hannibal Augustus B. Bobis of the Commission on Bar Discipline likewise submitted a similar Report and Recommendation^[6] for CBD Case No. 11-3182. The Commission stated:

The respondent should be penalized for the acts alleged in the complaint. Although there are no more issues concerning Lots 6662 and 6659 both located in Pangan-an, Lapu-Lapu City, there are remaining issues involving Lot 6651 in Pangan-an, Lapu-Lapu City and Lot 2393-M in Liloan, Cebu. Admittedly, respondent started work on these lots some time in the years 2000 and 2003, respectively. Thus, by the time the