

## EN BANC

[ A.C. No. 10253, August 22, 2017 ]

**RAFAEL PADILLA, COMPLAINANT, VS. ATTY. GLENN SAMSON,  
RESPONDENT.**

### DECISION

**PERALTA, J.:**

This case stemmed from a complaint filed by Rafael Padilla against his former lawyer, Atty. Glenn Samson, for behavior unbecoming of a lawyer.

The following are the procedural and factual antecedents of the case:

Complainant Rafael Padilla filed a Complaint on November 25, 2013 against his former counsel, respondent Atty. Glenn Samson, in connection with his case, entitled *Indelecia Balaga and Enrique Balaga v. Rafael Padilla*, Case No. 00-05-07038-08. Padilla contends that Samson suddenly cut all communications with him, which almost caused him to miss the due date for the filing of a required pleading. He even wrote a demand letter asking Samson to withdraw his appearance and return all the documents pertinent to his case, but to no avail.

Also, Padilla had been asking Samson for the refund of his overpayment amounting to P19,074.00. However, Samson failed to offer any response, despite aforementioned demands. Likewise, when ordered by the Court as well as the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) to refute the allegations in Padilla's complaint and explain his side, Samson refused to do so.

On January 26, 2016, the Commission on Bar Discipline of the IBP recommended Samson's suspension for six (6) months.<sup>[1]</sup> On February 25, 2016, the IBP Board of Governors passed Resolution No. XXII-2016-176,<sup>[2]</sup> which adopted and approved, with modification, the abovementioned recommendation, hence:

*RESOLVED to ADOPT, with modification, the recommendation of the Investigating Commissioner increasing the penalty to one (1) year suspension considering the gravity of the offense committed by the Respondent.*

### ***The Court's Ruling***

The Court sustains the findings and recommendations of the IBP that Samson should be held administratively accountable.

Ordinarily, lawyers may decline employment and refuse to accept representation, if they are not in a position to carry it out effectively or competently. But once they agree to handle a case, attorneys are required by the Canons of Professional

Responsibility (*CPR*) to undertake the task with zeal, care, and utmost devotion. Acceptance of money from a client establishes an attorney-client relationship and gives rise to the duty of fidelity to the client's cause. Every case which a lawyer accepts deserves full attention, diligence, skill, and competence, regardless of importance.<sup>[3]</sup>

Canons 15, and 17, Rule 18.03 of Canon 18, and Rule 19.01 of Canon 19 of the *CPR* provide:

x x x x

**CANON 15 - A LAWYER SHALL OBSERVE CANDOR, FAIRNESS AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENTS.**

x x x

**CANON 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.**

**CANON 18 - A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.**

x x x

Rule 18.03 A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

x x x

**CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.**

Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

x x x

In the case at bar, Samson completely abandoned Padilla without any justification, notwithstanding his receipt of the professional fees for services rendered as well as the latter's efforts to reach him. His continuous inaction despite repeated follow-ups reveals his cavalier attitude and appalling indifference toward his client's cause, in blatant disregard of his duties as a lawyer. Also, despite numerous demands, Samson has unjustifiably refused to return Padilla's documents and the amount of P19,074.00 as overpayment for his legal services. It is a hornbook principle that a lawyer's duty of competence and diligence includes, not merely reviewing the cases entrusted to his care or giving sound legal advice, but also consists of properly representing the client before any court or tribunal, attending scheduled hearings or conferences, preparing and filing the required pleadings, prosecuting the handled

cases with reasonable dispatch, and urging their termination even without prodding from the client or the court. Further, Samson failed to file his Answer to the complaint despite due notice from the Court and the IBP. His unwarranted tenacity simply shows, not only his lack of responsibility, but also his lack of interest in clearing his name, which, as pronounced in case law, is indicative of an implied admission of the charges levelled against him.<sup>[4]</sup>

Clients are led to expect that lawyers would always be mindful of their cause and, accordingly, exercise the required degree of diligence in handling their affairs. On the other hand, the lawyer is expected to maintain, at all times, a high standard of legal proficiency, and to devote his full attention, skill, and competence to the case, regardless of its importance and whether or not he accepts it for a fee. To this end, he is enjoined to employ only fair and honest means to attain lawful objectives.<sup>[5]</sup>

The CPR requires lawyers to give their candid and best opinion to their clients on the merit or lack of merit of the case. Knowing whether a case would be potentially successful is not only a function, but also an obligation on the part of lawyers. If ever Samson found that his client's cause was defenseless, then he should have met with Padilla so that they would be able to discuss their possible options, instead of abruptly dropping the case without any notice or explanation. Samson's failure to fulfill this basic undertaking constitutes a violation of his duty to observe candor, fairness, and loyalty in all his dealings and transactions with his clients.<sup>[6]</sup>

Withal, his persistent refusal to return Padilla's money and case files despite frequent demands clearly reflects his lack of integrity and moral soundness; he is clinging to something that does not belong to him, and that he absolutely has no right to keep or use without Padilla's permission. Lawyers are deemed to hold in trust their client's money and property that may come into their possession. Thus, Samson's failure to return Padilla's money upon demand gave rise to the presumption that he had converted it to his own use and thereby betrayed the trust that was reposed upon him, which constitutes a gross violation of professional ethics and a betrayal of public confidence in the legal profession.<sup>[7]</sup>

The Code does not only exact from lawyers a firm respect for the law, legal processes, and the courts, but also mandates the utmost degree of fidelity and good faith in dealing with the moneys entrusted to them pursuant to their fiduciary relationship. Verily, Samson fell short of the demands required of him as a faithful member of the bar. His inability to properly discharge his duty to his client makes him answerable, not just to Padilla, but also to the Court, to the legal profession, and to the general public. Given the crucial importance of his role in the administration of justice, his misconduct diminished the confidence of the public in the integrity and dignity of the legal profession.<sup>[8]</sup>

Therefore, pursuant to the aforecited principles, the Court finds Samson guilty of violating the pertinent Canons of the CPR, for which he must necessarily be held administratively liable.

In previous cases, lawyers who have been held liable for infractions similar to those which Samson committed were suspended from the practice of law for a period of two (2) years. In *Jinon v. Atty. Jiz*,<sup>[9]</sup> a lawyer who neglected his client's case, misappropriated the client's funds, and disobeyed the IBP's directives to submit his