

EN BANC

**[A.C. No. 10945 (Formerly CBD 09-2507),
February 23, 2016]**

**ANGELITO RAMISCAL AND MERCEDES ORZAME, COMPLAINANTS,
VS. ATTY. EDGAR S. ORRO, RESPONDENT.**

DECISION

BERSAMIN, J.:

The fiduciary duty of every lawyer towards his client requires him to conscientiously act in advancing and safeguarding the latter's interest. His failure or neglect to do so constitutes a serious breach of his Lawyer's Oath and the canons of professional ethics, and renders him liable for gross misconduct that may warrant his suspension from the practice of law.

Antecedents

Complainants Spouses Angelito Ramiscal and Mercedes Orzame (Ramiscals) engaged the legal services of respondent Atty. Edgar S. Orro to handle a case in which they were the defendants seeking the declaration of the nullity of title to a parcel of land situated in the Province of Isabela.^[1] Upon receiving the P10,000.00 acceptance fee from them, the respondent handled the trial of the case until the Regional Trial Court (RTC) decided it in their favor. As expected, the plaintiffs appealed to the Court of Appeals (CA), and they ultimately filed their appellants' brief. Upon receipt of the appellants' brief, the respondent requested from the complainants an additional amount of P30,000.00 for the preparation and submission of their appellees' brief in the CA. They obliged and paid him the amount requested.^[2]

Later on, the CA reversed the decision of the RTC. The respondent did not inform the Ramiscals of the adverse decision of the CA which they only learned about from their neighbors. They endeavored to communicate with the respondent but their efforts were initially in vain. When they finally reached him, he asked an additional P7,000.00 from them as his fee in filing a motion for reconsideration in their behalf, albeit telling them that such motion would already be belated. Even so, they paid to him the amount sought. To their dismay, they later discovered that he did not file the motion for reconsideration; hence, the decision attained finality, eventually resulting in the loss of their property measuring 8.479 hectares with a probable worth of P3,391,600.00.^[3]

Consequently, the Ramiscals brought this administrative complaint against the respondent. The Court referred the complaint to the Integrated Bar of the Philippines (IBP) for appropriate evaluation, report and recommendation.^[4]

Findings and Recommendation of the IBP

Despite due notice, the Ramiscals and the respondent did not appear during the scheduled mandatory conferences set by the IBP. Neither did they submit their respective evidence.

IBP Commissioner Hector B. Almeyda rendered his findings to the effect that the respondent had violated Canon 18, Rules 18.03 and 18.04 of the *Code of Professional Responsibility*, and recommended his suspension from the practice law for one year.^[5]

On October 11, 2014, the IBP Board of Governors issued Resolution No. XXI-2014-829,^[6] whereby it adopted the report of IBP Commissioner Almeyda but modified his recommendation of the penalty by increasing the period of suspension to two years, to wit:

*RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED **with modification** the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A, " and for violation of Canon 18 of the Code of Professional Responsibility aggravated by his disregard of the notices from the Commission and considering the extent of the damage suffered by Complainant, Atty. Edgar S. Orro is hereby **SUSPENDED from the practice of law for two (2) years.***

Ruling of the Court

We agree with the IBP's findings that the respondent did not competently and diligently discharge his duties as the lawyer of the Ramiscals.

Every lawyer, upon becoming a member of the Philippine Bar, solemnly takes the Lawyer's Oath, by which he vows, among others, that: "*I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients.*" If he should violate the vow, he contravenes the *Code of Professional Responsibility*, particularly its Canon 17, and Rules 18.03 and 18.04 of Canon 18, viz.:

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 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.

Rule 18.04 - A lawyer shall keep the client informed of the status of his