

EN BANC

[A.C. No. 10537, February 03, 2015]

REYNALDO G. RAMIREZ, COMPLAINANT, VS. ATTY. MERCEDES BUHAYANG-MARGALLO, RESPONDENT.

R E S O L U T I O N

LEONEN, J.:

When an action or proceeding is initiated in our courts, lawyers become the eyes and ears of their clients. Lawyers are expected to prosecute or defend the interests of their clients without need for reminders. The privilege of the office of attorney grants them the ability to warrant to their client that they will manage the case as if it were their own. The relationship between an attorney and client is a sacred agency. It cannot be disregarded on the flimsy excuse that the lawyer accepted the case only because he or she was asked by an acquaintance. The professional relationship remains the same regardless of the reasons for the acceptance by counsel and regardless of whether the case is highly paying or pro bono.

Atty. Mercedes Buhayang-Margallo's (Atty. Margallo) inaction resulted in a lost appeal, terminating the case of her client not on the merits but due to her negligence. She made it appear that the case was dismissed on the merits when, in truth, she failed to file the Appellant's Brief on time. She did not discharge her duties of candor to her client.

This court resolves the Petition for Review^[1] filed by Atty. Margallo under Rule 139-B, Section 12 of the Rules of Court, assailing the Resolution of the Board of Governors of the Integrated Bar of the Philippines.

In the Resolution^[2] dated March 21, 2014, the Board of Governors of the Integrated Bar of the Philippines affirmed with modification its earlier Resolution^[3] dated March 20, 2013. In its delegated capacity to conduct fact finding for this court, it found that respondent Atty. Margallo had violated Canon 17 and Canon 18, Rules 18.03 and 18.04 of the Code of Professional Responsibility.^[4] Consequently, the Board of Governors recommended that Atty. Margallo be suspended from the practice of law for two (2) years.^[5]

In the Complaint^[6] filed on January 20, 2010 before the Commission on Bar Discipline of the Integrated Bar of the Philippines, complainant Reynaldo Ramirez (Ramirez) alleged that he engaged Atty. Margallo's services as legal counsel in a civil case for Quieting of Title entitled "*Spouses Roque v. Ramirez.*"^[7] The case was initiated before the Regional Trial Court of Binangonan, Rizal, Branch 68.^[8]

According to Ramirez, Atty. Margallo contacted him on or about March 2004, as per a referral from a friend of Ramirez's sister.^[9] He alleged that Atty. Margallo had

offered her legal services on the condition that she be given 30% of the land subject of the controversy instead of attorney's fees.^[10] It was also agreed upon that Ramirez would pay Atty. Margallo P1,000.00 per court appearance.^[11]

On October 19, 2006, the Regional Trial Court promulgated a Decision adverse to Ramirez.^[12] Atty. Margallo advised him to appeal the judgment. She committed to file the Appeal before the Court of Appeals.^[13]

The Appeal was perfected and the records were sent to the Court of Appeals sometime in 2008.^[14] On December 5, 2008, the Court of Appeals directed Ramirez to file his Appellant's Brief. Ramirez notified Atty. Margallo, who replied that she would have one prepared.^[15]

On January 8, 2009, Ramirez contacted Atty. Margallo to follow up on the Appellant's Brief. Atty. Margallo informed him that he needed to meet her to sign the documents necessary for the brief.^[16]

On several occasions, Ramirez followed up on the status of the brief, but he was told that there was still no word from the Court of Appeals.^[17]

On August 26, 2009, Atty. Margallo informed Ramirez that his Appeal had been denied.^[18] She told him that the Court of Appeals' denial was due to Ramirez's failure to establish his filiation with his alleged father, which was the basis of his claim.^[19] She also informed him that they could no longer appeal to this court since the Decision of the Court of Appeals had been promulgated and the reglementary period for filing an Appeal had already lapsed.^[20]

Ramirez went to the Court of Appeals. There, he discovered that the Appellant's Brief was filed on April 13, 2009 with a Motion for Reconsideration and Apologies for filing beyond the reglementary period.^[21]

Ramirez alleged that Atty. Margallo had violated Canon 17 and Canon 18, Rules 18.03 and 18.04 of the Code of Professional Responsibility.^[22] By way of defense, Atty. Margallo argued that she had agreed to take on the case for free, save for travel expense of P1,000.00 per hearing. She also claimed that she had candidly informed Ramirez and his mother that they only had a 50% chance of winning the case.^[23] She denied ever having entered into an agreement regarding the contingent fee worth 30% of the value of the land subject of the controversy.

Atty. Margallo asserted that she would not have taken on the Appeal except that the mother of Ramirez had begged her to do so.^[24] She claimed that when she instructed Ramirez to see her for document signing on January 8, 2009, he ignored her. When he finally showed up on March 2009, he merely told her that he had been busy.^[25] Her failure to immediately inform Ramirez of the unfavorable Decision of the Court of Appeals was due to losing her client's number because her 8-year-old daughter played with her phone and accidentally erased all her contacts.
^[26]

Mandatory conference and findings

of the Integrated Bar of the Philippines

The dispute was set for mandatory conference on June 3, 2010.^[27] Only Ramirez appeared despite Atty. Margallo having received notice.^[28] The mandatory conference was reset to July 22, 2010. Both parties then appeared and were directed to submit their position papers.^[29]

Commissioner Cecilio A.C. Villanueva recommended that Atty. Margallo be reprimanded for her actions and be given a stern warning that her next infraction of a similar nature shall be dealt with more severely.^[30] This was based on his two key findings. First, Atty. Margallo allowed the reglementary period for filing an Appellant's Brief to lapse by assuming that Ramirez no longer wanted to pursue the case instead of exhausting all means possible to protect the interest of her client.^[31] Second, Atty. Margallo had been remiss in her duties as counsel, resulting in the loss of Ramirez's statutory right to seek recourse with the Court of Appeals.^[32]

In the Resolution^[33] dated March 20, 2013, the Board of Governors of the Integrated Bar of the Philippines adopted and approved the recommendation of the Commission on Bar Discipline. The Board of Governors resolved to recommend a penalty of reprimand to Atty. Margallo with a stern warning that repetition of the same or similar act shall be dealt with more severely.

Ramirez seasonably filed a Motion for Reconsideration on July 16, 2013.^[34] In the Resolution dated March 21, 2014, the Board of Governors granted Ramirez's Motion for Reconsideration and increased the recommended penalty to suspension from practice of law for two (2) years.^[35]

On August 20, 2014, Atty. Margallo filed a Petition for Review under Rule 139-B, Section 12 of the Rules of Court.^[36] She alleged that the recommended penalty of suspension was too severe considering that she had been very careful and vigilant in defending the cause of her client. She also averred that this was the first time a Complaint was filed against her.^[37]

Ramirez thereafter filed an undated Motion to adopt his Motion for Reconsideration previously filed with the Commission on Bar Discipline as a Comment on Atty. Margallo's Petition for Review.^[38] In the Resolution^[39] dated October 14, 2014, this court granted Ramirez's Motion. Atty. Margallo filed her Reply^[40] on October 6, 2014.

This court's ruling

The Petition is denied for lack of merit.

The relationship between a lawyer and a client is "imbued with utmost trust and confidence."^[41] Lawyers are expected to exercise the necessary diligence and competence in managing cases entrusted to them. They commit not only to review cases or give legal advice, but also to represent their clients to the best of their ability without need to be reminded by either the client or the court. The

expectation to maintain a high degree of legal proficiency and attention remains the same whether the represented party is a high-paying client or an indigent litigant. [42]

Canon 17 and Canon 18, Rules 18.03 and 18.04 of the Code of Professional Responsibility clearly provide:

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.

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

Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to client's request for information.

In *Caranza Vda. De Saldivar v. Cabanes, Jr.*,^[43] a lawyer was suspended after failing to justify his absence in a scheduled preliminary conference, which resulted in the case being submitted for resolution. This was aggravated by the lawyer's failure to inform his client about the adverse ruling of the Court of Appeals, thereby precluding the litigant from further pursuing an Appeal. This court found that these actions amounted to gross negligence tantamount to breaching Canons 17 and 18 of the Code of Professional Responsibility:

The relationship between an attorney and his client is one imbued with utmost trust and confidence. In this light, *clients are led to expect that lawyers would be ever-mindful of their cause and accordingly exercise the required degree of diligence in handling their affairs. Verily, a 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 he accepts it for a fee or for free.*

. . . .

Case law further illumines that a lawyer's duty of competence and diligence includes not merely reviewing the cases entrusted to the counsel's 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 without waiting for the client or the court to prod him or her to do so.*