

THIRD DIVISION

[A.C. No. 9925, September 17, 2014]

MARIANO R. CRISTOBAL, COMPLAINANT, VS. ATTY. RONALDO E. RENTA, RESPONDENT.

R E S O L U T I O N

VILLARAMA, JR., J.:

Before us is a complaint^[1] for disbarment filed by Mariano R. Cristobal against Atty. Ronaldo E. Renta.

The facts are not disputed.

Complainant engaged the services of Renta Pe & Associates Law Office for the filing of a "petition for recognition for the minors Codie Darnell Green and Matthew Darnell Green" before the Bureau of Immigration. Respondent as the managing partner signed the "Special Contract of Legal Services"^[2] in behalf of said law office. Respondent also received from complainant the "full and package price" of P160,000 for the filing of the petition for recognition.^[3] No such petition, however, was filed.^[4]

Thus, the instant complaint was filed against respondent for the latter's failure to file the petition for recognition and return the amount of P160,000 despite demand.

In his comment,^[5] respondent explained that the petition for recognition was not filed because Anneth Tan, the one supposed to file the petition, misplaced it and did not inform him of such fact. He also claimed that he begged complainant to forgive him and assured him that he will return the money. However, respondent failed to refund the money on time for he was "hard up in funds." Eventually, he was able to save enough and refunded the money to complainant. Respondent likewise begs forgiveness from the Court and promises not to repeat his mistake.

In addition, respondent submitted complainant's Affidavit of Desistance.^[6] In the said affidavit, complainant said that respondent cried for forgiveness and that he has forgiven him. Complainant confirmed that respondent had already refunded the amount he paid.

We required Cristobal to file his reply to Atty. Renta's comment. In his Reply,^[7] complainant confirmed the contents of his affidavit of desistance, the refund made by respondent and his act of forgiving the respondent for the latter's misdeeds.

Since the facts are not contested, we deem it more prudent to resolve the case now rather than refer it to the Integrated Bar of the Philippines for investigation.

On complainant's affidavit of desistance, we hold that its execution cannot have the effect of abating the instant proceedings against respondent in view of the public service character of the practice of law and the nature of disbarment proceedings as a public interest concern. A case of suspension or disbarment is *sui generis* and not meant to grant relief to a complainant as in a civil case, but is intended to cleanse the ranks of the legal profession of its undesirable members in order to protect the public and the courts. A disbarment case is not an investigation into the acts of respondent but on his conduct as an officer of the court and his fitness to continue as a member of the Bar.^[8]

Under the established facts, we find that respondent violated Canon 18, Rule 18.03 of the Code of Professional Responsibility.

Canon 18 of the Code of Professional Responsibility reads:

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.

We have held that once a lawyer agrees to handle a case, it is that lawyer's duty to serve the client with competence and diligence.^[9]

Here, it is beyond doubt that respondent breached his duty to serve complainant with diligence and neglected a legal matter entrusted to him. He himself admits that the petition for recognition was not filed, seeks forgiveness from the Court and promises not to repeat his mistake.^[10] Complainant also submitted official letters^[11] from the Bureau of Immigration that indeed no such petition was filed. That Anneth Tan supposedly lost the petition for recognition and failed to inform respondent cannot absolve him of liability for it was his duty not to neglect complainant's case and handle it with diligence.

We note that while respondent failed to refund immediately the amount paid by complainant, he nevertheless exerted earnest efforts that he eventually was able to fully repay complainant and begged complainant's forgiveness.

In *Voluntad-Ramirez v. Bautista*,^[12] we found Bautista negligent in handling Voluntad-Ramirez's case and ruled that he is guilty of violating Canon 18 and Rule 18.03 of the Code of Professional Responsibility. We admonished Bautista to exercise greater care and diligence in the performance of his duty to his clients and ordered him to retribute to Voluntad-Ramirez P14,000 out of the P15,000 acceptance fee. In said case, we cited *Cariño v. Atty. De Los Reyes*^[13] where the respondent lawyer who failed to file the complaint-affidavit before the prosecutor's office restituted the P10,000 acceptance fee paid to him. The respondent lawyer in *Cariño* was reprimanded by the Court with a warning that he should be more careful in the performance of his duty to his clients.