

## EN BANC

[ A.C. No. 9615, March 05, 2013 ]

**GLORIA P. JINON, VS. COMPLAINANT, ATTY. LEONARDO E. JIZ,  
RESPONDENT.**

### DECISION

**PERLAS-BERNABE, J.:**

Before the Court is an administrative complaint<sup>[1]</sup> for disciplinary action tiled by complainant Gloria P. Jinon (Gloria) before the Committee on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) against respondent Atty. Leonardo E. Jiz (Atty. Jiz) for neglecting her case, misappropriating funds, and assigning her case to another lawyer without her consent, in violation of the provisions of the Code of Professional Responsibility.

#### The Facts

The complaint alleged that Gloria, after the death of her brother Charlie in July 2001, entrusted two (2) land titles covering properties owned by their deceased parents to her sister-in-law, Viola J. Jinon (Viola): one located in Mangasina, Sta. Barbara, Iloilo (Sta. Barbara Property) and the other at No. 12 Valencia St., Poblacion, Leganes, Iloilo (Leganes Property) covered by Transfer Certificate of Title (TCT) No. T-119598.<sup>[2]</sup>

Eventually, Gloria sold the Sta. Barbara Property, which resulted in disagreements between her and Viola regarding their respective shares in the proceeds. Consequently, Viola refused to return to Gloria TCT No. T-119598, prompting Gloria to engage the services of Atty. Jizon April 29, 2003 to recover the said title, for which she immediately paid an acceptance fee of P17,000.00.<sup>[3]</sup> In their subsequent meeting, Atty. Jiz assured the transfer of the title in Gloria's name.

On August 13, 2003, Gloria, upon Atty. Jiz's instructions, remitted the amount of P45,000.00<sup>[4]</sup> to answer for the expenses of the transfer. However, when she later inquired about the status of her case, she was surprised to learn from Atty. Jiz that a certain Atty. Caras was handling the same. Moreover, when she visited the Leganes Property, which has been leased out to one Rose Morado (Rose), she discovered that Atty. Jiz has been collecting the rentals for the period June 2003 up to October 2004, which amounted to P12,000.00. When she demanded for the rentals, Atty. Jiz gave her only P7,000.00, explaining that the balance of P5,000.00 would be added to the expenses needed for the transfer of the title of the Leganes Property to her name.

The foregoing incidents prompted Gloria to terminate the legal services of Atty. Jiz and demand the return of the amounts of P45,000.00 and P5,000.00 through a

letter<sup>[5]</sup> dated September 22, 2004, which has remained unheeded.

To date, Atty. Jiz has not complied with his undertaking to recover TCT No. T-119598 from Viola and effect its transfer in Gloria's name, and has failed to return her money despite due demands. Hence, the instant administrative complaint praying that Atty. Jiz: (1) be ordered to reimburse the total amount of P67,000.00 (P17,000.00 acceptance fee, P45,000.00 for the transfer of title, and P5,000.00 as unremitted rentals for the Leganes Property); and (2) be meted disciplinary action that the Court may deem fit under the circumstances.

In his Answer<sup>[6]</sup> and Position Paper,<sup>[7]</sup> Atty. Jiz admitted accepting Gloria's case but claimed that it was only for the purpose of protecting her rights against her sister-in-law, Viola. According to him, the extent of his legal services covered the negotiation and consummation of the sale of the Sta. Barbara Property for a fee of P75,000.00; recovery of TCT No.T-119598 from Viola; and the possible filing of an ejectment case against the tenant of the Leganes Property. For his attorney's fees, Gloria had partially paid the sum of P62,000.00 inclusive of the acceptance fee of P17,000.00, leaving an unpaid balance of P13,000.00.

Atty. Jiz also alleged that Gloria approached him to secure another owner's copy of a title she purportedly lost, but which would turn out to be in Viola's possession. Despite her offer to pay legal fees amounting to P100,000.00, he claimed to have refused to file a "fraudulent cadastral case." He likewise denied having committed to file one or to refer the case to another lawyer.<sup>[8]</sup>

Thus, Atty. Jiz asseverated that he was not remiss in his legal duties to Gloria. Denying liability to reimburse Gloria for any amount, much less for P45,000.00, he claimed that he had rendered the corresponding legal services to her with fidelity and candor. In particular, he pointed to the demand letters he sent to Viola for the return of the subject title and to Rose, the tenant of the Leganes Property, requiring the submission of the itemized expenses for the repair of the leased property. He also claimed to have caused the execution of a lease contract covering the Leganes Property. Hence, he prayed that the complaint against him be dismissed.

### **The Action and Recommendation of the IBP**

After the parties' submission of their respective position papers,<sup>[9]</sup> the CBD, through Commissioner Cecilio A.C. Villanueva (Commissioner Villanueva), submitted its October 8, 2010 Report and Recommendation.<sup>[10]</sup> He found Atty. Jiz to have been remiss in his duty to update his client, Gloria, regarding her case, and to respond to Gloria's letter terminating his services and demanding the refund of the sum of P45,000.00, in violation of Rule 18.04, Canon 18 of the Code of Professional Responsibility which states:

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

Commissioner Villanueva also observed that the scope of the legal services that

Atty. Jiz undertook to perform for Gloria could have been clarified had he been more candid with the exact fees that he intended to collect. Recognizing, however, the legal services rendered by Atty. Jiz in the form of legal advice, sending of demand letters to Viola and Rose and collecting rentals from the latter, he found the amount of P17,000.00 as sufficient and reasonable remuneration for his services. Moreover, Atty. Jiz's disregard of the CBD's orders – to submit his answer on time and attend hearings – showed disrespect to the judiciary and his fellow lawyers.

With these findings, Commissioner Villanueva held Atty. Jiz to have committed improper conduct and recommended that he be (1) ordered to refund to Gloria the amount of P45,000.00 with legal interest, and (2) reprimanded, with a stern warning that a more drastic punishment will be imposed upon him for a repetition of the same acts.

On December 10, 2011, the IBP Board of Governors passed Resolution No. XX-2011-303,<sup>[11]</sup> adopting with modification the Commission's Report and Recommendation, 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 finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and finding Respondent remiss in his duty and for disregarding the Orders of the Commission, Atty. Leonardo E. Jiz is hereby **SUSPENDED** from the practice of law for two (2) years and to Ordered to Restitute complainant the amount of P45,000.00 and 12% interest from the time he received the amount until fully paid within sixty (60) days from notice.*

### **The Issue**

The sole issue before the Court is whether Atty. Jiz should be held administratively liable for having been remiss in his duties as a lawyer with respect to the legal services he had undertaken to perform for his client, Gloria.

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

After a careful perusal of the records, the Court concurs with the findings of Commissioner Villanueva and the IBP Board of Governors that Atty. Jiz was remiss in his duties as a lawyer in neglecting his client's case, misappropriating her funds and disobeying the CBD's lawful orders requiring the submission of his pleadings and his attendance at hearings. He should thus be suspended from the practice of law in conformity with prevailing jurisprudence.

The practice of law is considered a privilege bestowed by the State on those who show that they possess and continue to possess the legal qualifications for the profession. As such, lawyers are expected to maintain at all times a high standard of legal proficiency, morality, honesty, integrity and fair dealing, and must perform