

SECOND DIVISION

[A.C. NO. 3882, July 30, 2004]

**LILIA C. RONCAL, COMPLAINANT, VS. ATTY. ORLANDO C. PARAY,
RESPONDENT.**

D E C I S I O N

TINGA, J.:

On August 10, 1992, Lilia C. Roncal filed with the Court a *Letter*^[1] seeking the disbarment of Atty. Orlando C. Paray (Atty. Paray) and damages on account of the latter's alleged dereliction of his duties as counsel. Accompanying the *Letter* is an *Affidavit*^[2] dated August 7, 1992 executed by the complainant claiming that the dismissal of her appeal in C.A.-G.R. SP No. 28051 was due to Atty. Paray's failure to file a memorandum on appeal, thereby putting to naught all the time, money and effort she spent to have her case elevated to the Court of Appeals.

Atty. Paray filed a *Comment*^[3] dated November 12, 1992 narrating the events that led to the dismissal of the complainant's petition as follows:

The complainant and her husband initially retained Atty. Paray as counsel in a civil suit for ejectment^[4] filed against them by Conrado F. Estrella and Sergia B. Estrella with the Municipal Trial Court (MTC) of Rosales, Pangasinan. After due proceedings, the MTC rendered judgment against the defendants.

They then appealed^[5] to the Regional Trial Court (RTC) of Rosales, Pangasinan, which affirmed the MTC's decision *in toto*. Subsequently, the complainant and her husband hired another lawyer, a certain Atty. Teodoro P. Regino, to prepare and file a petition for relief from judgment on their behalf. During the pendency of the said petition, the complainant and her husband retained Atty. Paray anew.

The RTC granted the petition for relief from judgment and allowed the complainant and her husband to pursue their petition for review with the Court of Appeals.^[6]

On June 4, 1992, Atty. Paray filed a motion for extension with the Court of Appeals asking for an extension of 15 days, from June 5, 1992 or until June 20, 1992, within which to file the petition.^[7] The appellate court granted the motion. However, Atty. Paray found out that the copies of the decisions of the MTC and the RTC which were entrusted to him were lost.^[8] Hence, on June 6, 2002, he sent his liaison officer to Rosales, Pangasinan to ask the complainant and her husband to secure copies of the decisions from the MTC and the RTC. Unfortunately, the complainant and her husband failed to secure the needed documents.

Because he had to attend his son's graduation from high school in the United States, Atty. Paray filed on June 19, 2002 another motion for extension, this time asking for

an extension of 45 days from June 20, 1992 within which to file the petition.^[9] The motion was denied and the case was dismissed.^[10]

In view of the foregoing circumstances, Atty. Paray argues that he was not responsible for the dismissal of the case. Rather, he ascribes fault to the complainant and her husband for their failure to secure copies of the decisions of the MTC and the RTC.

On May 5, 1993, the Court issued a *Resolution*^[11] referring the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation within ninety (90) days from notice.

The case was assigned to a commissioner who set the case for hearing on various dates,^[12] all of which Atty. Paray failed to attend.^[13] The records reveal that the notices of hearing were all returned unserved for the reason that Atty. Paray kept on moving to new addresses without informing the IBP.

During the hearing on June 20, 2000,^[14] the investigating commissioner issued an order requiring Atty. Paray to explain why he continued to fail to notify the IBP of his new address, and the parties to file their respective position papers within twenty (20) days from notice.^[15]

In compliance with this order, the complainant filed her Position Paper^[16] on August 14, 2000 praying that Atty. Paray be required to pay her the actual value of the lot subject of Civil Case No. 601, but that he be exonerated from the administrative charges she filed against him out of sympathy for the latter. On the other hand, Atty. Paray filed his Position Paper^[17] on August 18, 2000^[18] reiterating his prayer for the dismissal of the complaint.

In her *Report and Recommendation*^[19] dated June 19, 2002, the investigating commissioner found that Atty. Paray failed to fulfill his duties as counsel for the complainant and her husband and accordingly recommended that he be suspended from the practice of law for three (3) months. The investigating commissioner also recommended that the complaint be dismissed insofar as it prays for the payment of the value of the lot subject of Civil Case No. 601.

We agree with the findings of the investigating commissioner.

Rule 18.03 of the Code of Professional Responsibility provides that "a lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable." Hence, the Court, in *Guiang v. Antonio*^[20] and *Villaluz v. Armenta*,^[21] suspended lawyers from the practice of law for failing to appeal their respective client's cases within the prescribed period. These cases are squarely applicable herein.

The excuses offered by Atty. Paray, *i.e.*, that he lost the copies of the decisions of the MTC and the RTC which he needed for the petition and that the complainant was uncooperative when requested to secure copies of these documents, are unpersuasive, trivial, and unsatisfactory. Atty. Paray should be reminded of the Court's pronouncement in *Guiang v. Antonio, supra*, that a diligent lawyer should