

FIRST DIVISION

[A.C. No. 6297, July 13, 2004]

DOLORES D. PARIÑAS, COMPLAINANT, VS. ATTY. OSCAR P. PAGUINTO, RESPONDENT.

D E C I S I O N

CARPIO, J.:

The Case

A lawyer has the duty to give adequate attention and time to every case he accepts. A lawyer impliedly warrants that he possesses the necessary diligence, learning and skill to handle each case. He should exert his best judgment and exercise reasonable and ordinary care and diligence in the pursuit or defense of his client's cause.

The Facts

Sometime in October 2001, complainant Dolores Dryden Pariñas ("Pariñas") engaged the services of respondent Atty. Oscar P. Paguinto ("Paguinto") to annul her marriage to Danilo Soriano. They agreed that for the legal services, Pariñas would pay Paguinto an acceptance fee of ₱25,000, the filing fee of ₱2,500 and other incidental expenses.

On 2 December 2001, Pariñas paid Paguinto ₱10,000 in cash as partial payment of the acceptance fee. An acknowledgment receipt evidenced this payment.^[1] Pariñas gave Paguinto a diskette containing a narration of what happened between her and her estranged husband Danilo Soriano. Pariñas also furnished Paguinto with a copy of her marriage contract with Soriano. Before the end of December 2001, Pariñas gave Paguinto ₱2,500 for the filing fee.

Sometime between January and April 2002, Pariñas inquired from Paguinto on the progress of her annulment case. Paguinto informed her that the case was filed with the Regional Trial Court of Manila, Branch 64 ("RTC-Manila, Branch 64"), before Judge Ricaforte and that the hearing was scheduled on 25 April 2002. Before the hearing, Pariñas requested for a meeting with Paguinto but the secretary informed her that the hearing was cancelled. The secretary further informed Pariñas that the judge reset the succeeding hearings originally scheduled on 29 May 2002 and 26 June 2002 because the judge was sick or out of town.

On the first week of July 2002, Pariñas went to the trial court to inquire about her case but the court personnel in RTC-Manila, Branch 64 informed her that there was no such case filed in their court. Pariñas asked Paguinto for the case number, date of filing, copy of the petition and the court where the annulment case was pending. Paguinto told Pariñas that the records were at his office and that he was in Malolos,

Bulacan attending to a case. It turned out that there was no annulment case filed in RTC-Manila, Branch 64. Paguinto promised to return the money that Pariñas paid as down payment. However, Paguinto returned the ₱10,000 only after Pariñas filed with the Commission on Bar Discipline ("CBD") of the Integrated Bar of the Philippines ("IBP") the present complaint for disbarment.

In the Order dated 14 February 2003,^[2] the CBD directed Paguinto to answer the complaint. Paguinto asked for an extension of 15 days to file his Answer. The CBD granted the extension in the Order dated 19 March 2003.^[3] However, Paguinto failed to file his Answer within the extended period and thus the CBD declared him in default in the Order dated 15 July 2003.^[4] After the hearing, Pariñas submitted her Position Paper praying that the CBD declare Paguinto guilty of violation of Rule 16.01 and Rule 18.03 of the Code of Professional Responsibility.

On 10 September 2003, Pariñas filed an Affidavit of Withdrawal^[5] of the complaint. Pariñas stated that Paguinto "personally explained exhaustively the reasons why he failed to comply with his obligations" and she realized that the complaint arose due to a "misapprehension of facts, misunderstanding and miscommunication." Pariñas manifested that she was withdrawing the complaint, as she was no longer interested in pursuing the case.

On the same date, Paguinto filed a Manifestation and Motion^[6] explaining that he failed to attend the hearing on 30 July 2003 because he was in Tabuk, Kalinga attending a hearing in a criminal case for frustrated homicide. He apologized to Pariñas for his actuations claiming "himself solely to be blamed." He further declared that he failed to timely prepare and file the petition for annulment because he spends his time mostly in Gen. Mariano Alvarez, Cavite where he practices law catering to those "clients who have less in life."

Commissioner's Report & Recommendation

The IBP designated Atty. Rebecca Villanueva-Maala ("Commissioner") as Commissioner to conduct a formal investigation of the case. The Commissioner found Paguinto negligent in performing his duties as a lawyer and as an officer of the court. The Commissioner declared that a lawyer has the duty to give adequate attention, care and time to his cases, accepting only as many cases as he can handle. Paguinto failed to comply with this duty. The Commissioner recommended the suspension of Paguinto from the practice of law for six months.

The Court's Ruling

We agree with the Commissioner.

Pariñas gave Paguinto ₱10,000 cash as partial payment of the acceptance fee. Pariñas also gave Paguinto ₱2,500 for the filing fee. Paguinto led Pariñas to believe that he had filed the annulment case. Paguinto informed Pariñas that the case was filed with the RTC-Manila, Branch 64, before Judge Ricaforte. However, Pariñas later found out that Paguinto never filed the annulment case in court.

Rule 16.01 of the Code of Professional Responsibility ("the Code") provides that a lawyer shall account for all money or property collected for or from the client.