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SECOND DIVISION

[A.C. No. 5474, August 28, 2003]

REDENTOR S. JARDIN, COMPLAINANT, VS. ATTY. DEOGRACIAS VILLAR, JR. RESPONDENT.

D E C I S I O N

TINGA, J.:

Law is a profession and lawyers are professionals. Implicit in professionalism is a certain level of competence and dedication. Far from measuring up to the standards of a lawyer's conduct set in the *Code of Professional Responsibility* which are also the hallmarks of professionalism, the lawyer charged in this case virtually abandoned his client's cause.

This is a complaint for disbarment filed by complainant Redentor S. Jardin against respondent Atty. Deogracias Villar, Jr., who was his counsel in a case, for the latter's failure to formally offer the documentary exhibits, which failure resulted in the dismissal of the case.

The complainant Redentor S. Jardin is the plaintiff in Civil Case No. 21480 of the Metropolitan Trial Court, Quezon City. A building contractor, he engaged the services of the respondent to represent him in the case which is for the collection of the sum of One Hundred Five Thousand Seven Hundred Forty Four and 80/100 Pesos (P105,744.80), representing the alleged unpaid contract price for the repair of the house of the defendants in the case.[1] The case went its course, but later despite several extensions of time given by the trial court, the respondent failed to file his formal offer of exhibits.[2] Consequently, on May 7, 2001, the trial court issued an *Order* the full text of which reads as follows:

> When this case was called for continuation of hearing, Atty. Rodrigo C. Reyes, counsel for the defendants manifested that up to this date, Atty. Villar, Jr., counsel for the plaintiff has not formally offer (*sic*) the documentary exhibits for the plaintiff in writing as Order (*sic*) by the Court.
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> Records show that on February 26, 2001, Atty. Villar, Jr. was given an extension period of TEN (10) days within which to formally offer the documentary exhibits in writing copy furnished Atty. Reyes, counsel for the defendants who was given a period of Five (5) days within which to comment and/or oppose the admissibility of the said exhibits and set the continuation of the hearing of this case for the presentation of evidence for the defendant on March 30, 2001.
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> On March 30, 2001, when this case was called for hearing records show that Atty. Villar, Jr., counsel for the plaintiff has not complied yet with the

> formal offer of documentary exhibits for the plaintiff and again, in the interest of justice, the Court give (*sic*) Atty. Villar, Jr. another period of TEN (10) days within which to formally offer the documentary exhibits in writing and set the continuation of the hearing of this case for today for the presentation of evidence for the defendant.
>
> Records show however, that on this date, the said counsel for the plaintiff have (*sic*) not complied with the submission of documentary exhibits for the plaintiff. For lack of interest on the part of the counsel for the plaintiff to further prosecute this case, upon motion of Atty. Reyes the oral testimonial evidence submitted by the plaintiff is hereby ordered WITHDRAWN from the records and upon further motion of ordered WITHDRAWN from the records and upon further motion of Atty. Reyes, this case is hereby ordered DISMISSED for lack of interest on the part of the plaintiff to further prosecute this case.
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> Upon motion of Atty. Reyes, set the continuation of the hearing of this case for the presentation of evidence on the counter claim on the part of the defendant on June 15, 2001 at 8:30 o'clock in the morning.[3]

The dismissal of the collection case prompted the complainant to file a verified *Affidavit-Complaint*[4] dated July 4, 2001 for the disbarment of the respondent with this Court, wherein he also alleged the developments which transpired after the dismissal of the case, *viz:* that he already terminated the services of the respondent as his counsel; that the respondent failed to return the originals of the documentary exhibits entrusted to him; and that the respondent finally handed over the documents only as an aftermath of a heated argument he had with the complainant's wife.

In a *Resolution*[5] dated September 10, 2001, this Court required the respondent to comment on the complaint against him. However, the respondent failed to file his comment despite two (2) extensions of time granted to him. Thus, the Court resolved to dispense with the filing of the respondent's comment and referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.[6]

Similarly, the respondent failed to file his answer as required by the Commission on Bar Discipline of the IBP.[7] Hence, the averments made, as well as the evidence submitted by the complainant, are undisputed.

Investigating Commissioner Attorney Milagros V. San Juan, IBP Commission on Bar Discipline, found the respondent liable for negligence and recommended his suspension from the practice of law for a period of six (6) months, with the warning that a similar conduct in the future will be dealt with more severely. The salient portions of the *Report and Recommendation* dated March 4, 2003 of the Investigating Commissioner are as follows:

> Complainant's contention that respondent Villar failed to file plaintiff's Formal Offer of Documentary Evidence is substantiated by the Orders dated 26 February 2001, 30 March 2001 and 7 May 2001 (Annexes 7, 9 and 10 respectively). The Order dated 7 May 2001 (Annex 10 of

complainant's Affidavit) reads:

. . . .

> It is clear from the above-quoted Order that it was the failure of respondent Villar to file the Formal Offer of Documentary Exhibits which led to the dismissal of Civil Case No. 21480 to the prejudice of respondent's client, herein complainant. Respondent Villar has failed to offer any explanation for his failure to file the Formal Offer of Exhibits within the several extensions of time given him by the trial court to do so. There is no doubt that it was part of respondent's obligation to complainant as the latter's counsel of record in Civil Case No. 21480, to file said Formal Offer of Documentary Exhibits, and respondent's dereliction of this duty has prejudiced the interests of respondent's client. In accepting Civil Case No. 21480, it was respondent's obligation to take all measures to protect the interests of his client in accordance with Canon (*sic*) 18 19 of the Code of Professional Responsibility but it was respondent's negligence or omission which has caused damage to such interests.[8]

In its *Resolution* dated April 26, 2003, the IBP Board of Governors adopted and approved said *Report and Recommendation* of the Investigating Commissioner.

We are also in full accord with the findings and recommendation of the Investigating Commissioner.

At the outset, we find particularly glaring the respondent's disregard of the resolution of this Court directing him to file his comment on the complaint. He exhibited a similar attitude in failing to file his answer when required by the Commission on Bar Discipline. The repeated cavalier conduct belies impudence and lack of respect for the authority of this Court.

The record clearly shows that the respondent has been languid in the performance of his duties as counsel for the complainant. He was given by the trial court several extensions of time: *first*, an extension of ten (10) days from February 26, 2001 or until March 8, 2001, and; *second*, another extension of ten (10) days from March 30, 2001, when the case was called for hearing and the court noted that no such formal offer had been filed then, or until April 9, 2001. It must also be emphasized that there was an interim period of twenty two (22) days between March 8, 2001 and March 30, 2001, and another interval of twenty-seven (27) days from April 9, 2001 until May 7, 2001 when the *Order* dismissing the case was issued. Effectively, therefore, respondent had three (3) months and nine (9) days within which to file the formal offer of exhibits.[9] The respondent did not bother to give an explanation even in mitigation or extenuation of his inaction.

Manifestly, the respondent has fallen short of the competence and diligence required of every member of the Bar. The pertinent Canons of the *Code of Professional Responsibility* provide:

> CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.