

EN BANC

**[A.C. No. 5574 (Formerly A.C. CBD No. 99-618),
February 01, 2002]**

**TEODOLFO REYES, COMPLAINANT, VS. ATTY. ROLANDO JAVIER,
RESPONDENT.**

DECISION

KAPUNAN, J.:

This refers to the complaint filed by Teodolfo Reyes against Atty. Rolando Javier with the Integrated Bar of the Philippines on March 17, 1999 for negligence and deceit in handling his case.

In his complaint, Teodolfo Reyes alleged that sometime in February, 1998, he asked Atty. Javier to handle the case for the annulment of his marriage to Ma. Sanita Reyes. For his legal services, a total amount of P22,500.00 was given. It was agreed that the petition for annulment shall be filed in March, 1998. Sometime in April, 1998, complainant inquired from the respondent if the petition has already been filed in court. Respondent answered in the affirmative but no copy of the petition was furnished to the complainant. Every time the complainant asked for a copy of the petition, respondent gave him excuses, i.e., his secretary was absent; copy of the petition will just be sent to him through a friend; complainant need not worry about the case. He was assured that the case will be over after three (3) months from its filing. In May, 1998, complainant made another follow-up with the respondent but he was asked to wait until after the May 14 Elections as respondent was busy campaigning for a candidate then.

On September 1, 1998, complainant went again to respondent's residence to demand a copy of the petition but was asked to give the messenger P200.00 for the purpose. On September 2, 1998, complainant was given a copy of the petition bearing a stamped receipt of the Regional trial Court of Bulacan dated March 2, 1998. Considering that there was no action on the case as promised by the respondent, complainant personally went to the Office of the Clerk of Court in Bulacan to follow-up his case. He discovered that the petition was filed only on September 2, 1998. Complainant confronted the respondent on the discrepancy. Respondent merely remarked, "*Ewan ko sa mga tao ko.*" As a result, complainant decided to withdraw the services of the respondent from his case and demanded a refund of at least half of the amount given to him. Respondent promised to return P10,000.00 on the second week of September but never did. Several demands were made but still, respondent failed to comply with his commitment.

Pursuant to Rule 139-B, Section 6 of the Rules of Court, respondent was required to comment on the complaint filed against him.^[1] Subsequently, a hearing was scheduled on October 1, 1999.