

THIRD DIVISION

[A.C. No. 4646, April 06, 2000]

**ROSITA S. TORRES, COMPLAINANT, VS. ATTY. AMADO D. ORDEN,
RESPONDENT.**

DECISION

VITUG, J.:

Complainant Rosita S. Torres engaged the services of respondent Atty. Amado D. Orden to represent her in Civil Case No. 1928-R for the recovery of possession of a market stall from spouses Prudencio and Victorina Gayo before the Regional Trial Court, Branch 6, of Baguio City. In time, a decision was rendered in favor of Torres. The Gayo spouses appealed the case to the Court of Appeals. Respondent lawyer failed to submit an appellee's brief before the appellate court; hence, the resolution, dated 05 July 1994, of the Court of Appeals-

"No appellee's brief having been filed per JRD Report of June 16, 1994, the Court resolved to submit the case for decision sans appellee's brief.

Let the case be re-raffled for study and report."^[1]

On 25 September 1995, the Court of Appeals issued a decision in favor of the spouses Prudencio and Victorina Gayo.

On 12 October 1995, respondent lawyer filed with this Court a Notice of Petition for Review on Certiorari. On 15 January 1996, no Petition for Review on Certiorari having theretofore been filed, this Court issued a resolution declaring the case terminated and the judgment of the Court of Appeals final and executory. Thus-

"It appearing that petitioner failed to file the intended petition for review on certiorari within the reglementary period, the Court further resolved to DECLARE THIS CASE TERMINATED AND DIRECT the Clerk of Court to INFORM the parties that the judgment sought to be reviewed has become final and executory, no appeal therefrom having been timely perfected."

^[2]

Complainant thereupon filed the instant Administrative Complaint against respondent for the latter's failure to properly discharge his duty as such counsel despite his having allegedly received the amount of Twenty-Five Thousand Pesos (P25,000.00) for court expenses and attorney's fees.^[3]

In a manifestation, dated 11 January 1997, to this Court, respondent explained that-

"x x x when undersigned filed his Notice for Review on Certiorari, he had then expected to receive a notice for the payment of fees and thereupon

the number of days within which to file his brief....."

"x x x x x x x x x

"x x x had undersigned been given notice to pay the fees and file the brief for the complainant within such time as this Honorable Court may have directed, undersigned would have paid such fees and filed the said brief."^[4]

In its resolution of 17 February 1997, the Court referred the case to the Integrated Bar of the Philippines ("IBP") for investigation, report and recommendation. The IBP Investigating Commissioner, Attorney Renato G. Cunanan, submitted in due time the results of his investigation. The report dated 07 November 1998, adopted and approved by the IBP Board of Governors in its resolution of 19 June 1999, contained the salient findings of the Investigating Commissioner.^[5]

"We note that inspite of Atty. Orden's repeated declarations which would create the unmistakable impression that he had in fact prepared and completed his client's brief, no such brief was ever submitted to the Supreme Court, either in connection with his Motion for Reconsideration dated March 22, 1996, or his Manifestation of January 11, 1997.

"We are convinced that Atty. Amado Orden, despite his avowals has not prepared any such brief. Worse, we are just as convinced that Atty. Orden has displayed a glaring ignorance of procedures and a grossly negligent failure to keep abreast of the latest resolution and circulars of the Supreme Court and the Appellate Court in regard to appeals. To be sure as a practitioner, Atty. Orden ought to have kept himself attuned to the Rules of Court and the latest jurisprudence and rulings of the Supreme Court. Briefly stated, respondent Atty. Orden has not been honest with the Supreme Court. Worse, he has not been honest with his client and worst with himself.

"We recommend that Atty. Amado D. Orden be suspended from the practice of law for at least one year."^[6]

It does look apparent that Attorney Amado D. Orden has fallen far too short of the circumspection required of every member of the Bar.

A counsel must constantly keep in mind that his actions or omissions, even malfeasance or nonfeasance, would be binding on his client.^[7] Verily, a lawyer owes to the client the exercise of utmost prudence and capability in that representation.^[8] Lawyers are expected to be acquainted with the rudiments of law and legal procedure, and anyone who deals with them has the right to expect not just a good amount of professional learning and competence but also a whole-hearted fealty to the client's cause.^[9]

Upon appeal, the appellate court, not being in a position to hear firsthand the testimony of the parties, can only place great reliance on the briefs and memoranda of parties. The failure to submit these pleadings could very well be fatal to the cause of a client. Respondent's failure to submit the brief to the appellate court within the