

FIRST DIVISION

[A.C. No. 4411, June 10, 1999]

JAIME CURIMATMAT, ET AL., COMPLAINANTS, VS. ATTY. FELIPE GOJAR, RESPONDENT.

R E S O L U T I O N

MELO, J.:

On April 25, 1995, respondent Atty. Felipe G. Gojar was administratively charged by his clients, former employees of the Uniwide Sales, Inc., with lack of fidelity to his clients' cause. The alleged prejudicial acts of respondent, as alleged in the letter-complaint, are herein enumerated as follows:

1. We file a petition for review with the Supreme Court under G.R. No. 113201 entitled "Associated Trade Unions, et al. vs. Honorable Bienvenido E. Laguesma, et al. Our lawyer was Atty. Felipe G. Gojar. We had been following it up with our said lawyer since then and up to the start of this year, 1995. But, we were advised by our lawyer Atty. Gojar that the petition was still pending with the Honorable Supreme Court. Lately, we discovered that our Lawyer, Atty. Gojar moved for the dismissal of the petition without our consent and authority. Attached is a copy of the Manifestation and Motion" as Annex "A".
2. In the meantime, an "Unfair Labor Practice" case was also filed with the NLRC, Manila entitled "Rex Alfonte, et al. vs. Uniwide Sales Warehouse Club, et al. Under NLRC Case No. NCR-00-12-07755-93. This case was dismissed. The decision was received by Atty. Gojar on July 14, 1994. He filed an appeal on August 8, 1994 which was beyond the ten (10) day period. However, he stated in his appeal that he received the decision on July 29, 1994, which is not true. Attached is a copy of his receipt of the decision on July 14, 1994.
3. Also, another case was filed with the NLRC involving money claims. The case was dismissed. Atty. Gojar filed an appeal. The appeal was also dismissed. He told us that he will prepare a petition for review with the Supreme Court. We have been going to his office for several times so that the petition for review will be filed. On one occasion, he told us that he cannot yet prepare the petition for varied reasons like: he has volume of professional work; failing health and others but, up to the present, the petition is not filed.
4. Another case is likewise filed with the National Labor Relation Commission, Manila NLRC-NCR Case No. 00-07-04380-93 entitled "Aniceta Salgado et. al. vs. Uniwide Sales Warehouse Club Edsa et. al. We have been following it up with Atty. Gojar but, his response

was "The case is still pending." On February 21, 1995, I, Ines Salgado went to the office of the Labor Arbiter. In the said office, it was found out that a decision was already rendered on September 30, 1994 and Atty. Gojar had already received said decision but, he failed to file the necessary appeal. What had been told to us that there was not yet decision. In short, Atty. Gojar deliberately hide to us that a decision was already rendered on September 30, 1994.

(Rollo, pp. 1-4.)

On August 31, 1995, respondent filed his Comment vehemently denying all the allegations in the complaint, thusly:

1. Contrary to the false and malicious allegations of complainants in paragraph 1 of the letter-complaint, the Manifestation and Motion dated July 21, 1994 (Annex "A" of Complaint) in G.R. No. 113201 was filed by respondent after due consultation and with the conformity of the petitioners therein. x x x.

Respondent never misrepresented to the ATU members anything regarding the proceedings in G.R. No. 113201. As the counsel for the said union and its members, respondent was never remiss in his duties to his clients and promptly informed them of all proceedings not only in G.R. No. 113201 but also in all other cases filed in behalf of ATU members.

x x x x x x x x

Respondent therefore is at a loss as to why the complainants brought an administrative complaint against him for alleged violation of his oath as a lawyer. Likewise, it is inconceivable how the withdrawal of the petition "prejudiced" the complainants when the CBA sought to be "discertified" had already expired in April of 1995.

2. It is not true as falsely claimed by the complainants in paragraph 2 of the letter-complaint, that respondent filed an appeal in behalf of complainants beyond the ten-day reglementary period.

The truth of the matter is that, in the case being referred to, NLRC Case No. NCR-00-12-07755-93 (Alfante, et al. vs. Uniwide Sales Warehouse Club, et al.), the appeal being referred to was not filed by the respondent. The said appeal was filed in behalf of complainants by Francisco Listana, a National Officer of ATU (a copy of the Appeal is attached hereto as Annex "2").

x x x x x x x x

Complainants are making it appear that respondent was remiss in his duties in not appealing on time the decision. Nothing can be farther from the truth. The complainants deliberately did not disclose to this Honorable Court that the respondent, immediately upon receipt of the decision of the Labor Arbiter on July 14, 1994, called the complainants to