



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
 OFFICE  
**RECEIVED**  
 JUL 16 2019  
 BY: *Ysa*  
 TIME: 2:40

**FIRST DIVISION**

**SPOUSES EDUARDO and MYRNA VARGAS, SPOUSES GENE and ANNABELLE VARGAS, SPOUSES BASILIO and SALOME BORROMELO, CELESTIAL VARGAS a.k.a. "Bot-Chokoy", CHARLIE ABARIENTOS y VARGAS, MARK CELESTIAL y VARGAS, SIMEON PALMIANO y AUTOR, SPOUSES JOHN DOE (ROMY ABARIENTOS) and SALITA ABARIENTOS, AND SPOUSES MARIO and JOY SANCHEZ, all represented by NESTOR D. VARGAS, their joint Attorney-in-Fact,**

**A.C. No. 8907**

*Complainants,*

Present:

**BERSAMIN, C.J.,  
 DEL CASTILLO,  
 JARDELEZA,  
 GISMUNDO and  
 CARANDANG,\* JJ.**

- versus -

**ATTY. ARIEL T. ORIÑO,**  
*Respondent.*

Promulgated:  
**JUN 03 2019**

X -----

**RESOLUTION**

**DEL CASTILLO, J.:**

In the instant administrative case, complainants charge Atty. Ariel T. Oriño (respondent lawyer) of violating the Lawyer's Oath and Canon 18 of the Code of Professional Responsibility (CPR).

In a verified Complaint<sup>1</sup> filed before this Court on March 3, 2011, complainants, represented by their attorney-in-fact Nestor D. Vargas,<sup>2</sup> alleged that they were the defendants in Civil Case No. 1424 for Forcible Entry and Damages with Prayer for Temporary Restraining Order and/or Preliminary Injunction,

\* On official leave.

<sup>1</sup> *Rollo*, pp. 1-22.

<sup>2</sup> See Joint Special Power of Attorney dated December 9, 2010; *id.* at 64-67.

entitled *Marivic M. Testa, et al. v. Spouses Eduardo and Myrna Vargas, et al.*, lodged before the Municipal Circuit Trial Court (MCTC) of Libmanan-Cabusao, Camarines Sur. According to complainants, they were initially represented by a lawyer from the Public Attorney's Office (PAO) who later moved to withdraw his appearance from the case.<sup>3</sup> Complainants, thereafter, hired a substitute lawyer in the person of respondent lawyer.

Complainants alleged that respondent lawyer entered his appearance as their counsel in said ejectment case at the time the MCTC had already appointed a commissioner to conduct a relocation survey of the lot in dispute and set the hearing on March 12, 2010 on the Commissioner's Report with due notice to the parties and their respective counsels. However, respondent lawyer failed to appear during the hearing on March 12, 2010 despite notice to him, while complainants were present in court. Subsequently, the MCTC issued an Order dated March 12, 2010, copy received by respondent lawyer on March 18, 2010 as per the return slip on record, directing the parties through counsel to submit their respective position papers within 10 days from receipt thereof. However, respondent lawyer failed to prepare and submit complainants' position paper. As a result, the MCTC rendered its judgment against complainants. Thereafter, respondent lawyer filed a notice of appeal dated June 7, 2010. The appeal was heard before the Regional Trial Court (RTC) of Libmanan, Camarines Sur, Branch 57 which issued an Order dated July 2, 2010 directing complainants to file their memorandum within 15 days from receipt thereof. However, respondent lawyer again failed to file said memorandum despite receipt of said Order on July 12, 2010. Thus, in its Order dated August 17, 2010, the RTC dismissed complainants' appeal for failure to file said memorandum.

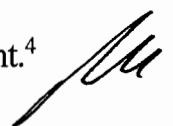
Complainants alleged that the following constitute serious neglect of duty: (1) respondent lawyer's failure to attend the March 12, 2010 hearing on the Commissioner's Report which resulted to the failure to cause the marking and submission of evidence for complainants in said ejectment case, (2) respondent lawyer's failure to submit the position paper for complainants in said ejectment case which resulted to complainants' defeat in the MCTC, and (3) on appeal to the RTC, respondent lawyer's failure to file memorandum for complainants which resulted to the dismissal of said appeal. In the course of hiring respondent lawyer, complainants claimed that they paid respondent lawyer the amount of ₱20,000.00 as acceptance fee, ₱1,500.00 as appearance fee, and live chickens and root crops. Further, when complainants asked respondent lawyer why he did not submit the aforesaid position paper, respondent lawyer simply replied, "*Hindi ko na sinagot dahil talo na kayo sa forcible entry. Sa lupa na lang kayo maghabol.*"

The Court required respondent lawyer to comment on the complaint.<sup>4</sup>

---

<sup>3</sup> Id. at 5.

<sup>4</sup> See Notice of Resolution dated March 30, 2011; id. at 71.



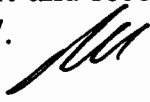
In his Comment,<sup>5</sup> respondent lawyer countered that he was a known politician in Libmanan, Camarines Sur and he accepted complainants' case because some of the complainants were his supporters when he ran for the positions of Provincial Board Member and for Mayor; that, upon review of the forcible entry case, he believed that it was a frivolous and weak suit, which was why he informed complainants of his intention to withdraw from the case. Respondent lawyer nonetheless admitted that his desire to file a formal written withdrawal as counsel was overtaken by his activities during the 2010 elections. Moreover, respondent lawyer claimed that, although he did draft the position paper for complainants, he did not finish it because complainants were "uncooperative" and could not provide him with sufficient data. Respondent lawyer admitted that he, indeed, received chickens and root crops, but denied receiving ₱20,000.00 from complainants. With regard to his alleged quoted utterances in Tagalog, respondent lawyer claimed that he rarely spoke in Tagalog as he was a Bicolano.

In a Resolution<sup>6</sup> dated June 25, 2012, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation by the IBP- Commission on Bar Discipline (CBD).

***Report and Recommendation of the Investigating Commissioner<sup>7</sup>***

The IBP-CBD, through its Investigating Commissioner, found respondent lawyer liable for violation of Rule 18.03, Canon 18 of the CPR. It held that respondent lawyer should have exerted the same competence and diligence required of a lawyer regardless of the amount or the kind of payment complainants were able to give him. Respondent lawyer should have attended the March 12, 2010 hearing and he should have filed the position paper and memorandum (of appeal) for complainants. Due to his failure to file a position paper, the MCTC rendered its decision based only on the adversary's position paper. Similarly, due to his failure to file a memorandum (of appeal), the RTC dismissed complainants' appeal. Evidently, these acts demonstrated negligence on the part of respondent lawyer. Thus, the Investigating Commissioner recommended the suspension of respondent lawyer from the practice of law for six (6) months with a warning that the commission of the same or similar act or acts shall be dealt with more severely.

***Resolution of the IBP-Board of Governors (BOG)<sup>8</sup>***

The IBP-BOG adopted the afore-stated report and recommendation in its Resolution No. XXII-2017-1202 dated June 17, 2017. 

<sup>5</sup> See Answer/Comment dated January 2, 2012; id, at 82-94.

<sup>6</sup> Id. at 97.

<sup>7</sup> Id. at 245-251; penned by Commissioner Leilani R. Vizconde-Escueta.

<sup>8</sup> See Notice of Resolution; id. at 243-244.

### Issue

The lone issue is whether respondent lawyer violated Canon 18 of the CPR.

### Our Ruling

The Court adopts the findings and recommendation of the IBP-BOG but modifies the recommended penalty.

Canon 18 of the CPR provides that a lawyer shall serve his client with competence and diligence, while Rule 18.03 thereof explicitly decrees that a lawyer ought not to neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Verily, Rule 18.03 of the CPR is a basic postulate in legal ethics. In *Vda. de Enriquez v. San Jose*,<sup>9</sup> the Court said:

[W]hen a lawyer takes a client's cause, he covenants that he will exercise due diligence in protecting the latter's rights. Failure to exercise that degree of vigilance and attention expected of a good father of a family makes the lawyer unworthy of the trust reposed in him by his client and makes him answerable not just to his client but also to the legal profession, the courts and society. **Until the lawyer's withdrawal is properly done, the lawyer is expected to do his or her best for the interest of the client.**<sup>10</sup> (Emphasis ours)

In the case at bar, it is undisputed that a lawyer-client relationship was created when respondent lawyer agreed to accept the complainants' case and, in consideration thereof, received from complainants payment in cash and in kind.

The case of *Samonte v. Jumamil*<sup>11</sup> teaches "that a lawyer-client relationship commences when a lawyer signifies his agreement to handle a client's case and accepts money representing legal fees from the latter." Once a member of the Bar agrees to provide his legal services to a client, but does not perform or deliver as promised, then he reneges upon the oath he took as a lawyer. Moreover, it has been held that the mere failure of the lawyer to perform the obligations due to his client is considered *per se* a violation of the lawyer's oath.<sup>12</sup> Indeed, lawyers are duty bound to attend to their client's cause with diligence, care and devotion, whether they accept it for a fee or for free, so much so that a lawyer's neglect of a

<sup>9</sup> 545 Phil. 379 (2007).

<sup>10</sup> Id. at 383-384.

<sup>11</sup> A.C. No. 11668, July 17, 2017, 831 SCRA 180, 186.

<sup>12</sup> *Nebreja v. Reonal*, 730 Phil. 55, 61 (2014).

legal matter entrusted to him constitutes inexcusable negligence for which he must be held administratively liable.<sup>13</sup>

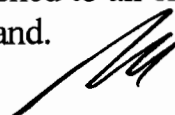
In the present case, respondent lawyer failed to serve complainants with industry and diligence. He neglected the legal matter entrusted to him. Respondent lawyer claimed that he decided to withdraw from the aforesaid ejection case, because, in his view, the case was unmeritorious. However, he admitted that he failed to formally withdraw as counsel for complainants allegedly due to his hectic schedule during the 2010 elections. He also admitted that he failed to file the aforesaid position paper with the MCTC. After the MCTC rendered a decision adverse to complainants, respondent lawyer filed a notice of appeal, however, he failed to file the memorandum of appeal before the RTC for complainants. Consequently, the RTC dismissed complainants' appeal. Respondent lawyer clearly fell short of the circumspection and diligence required of those privileged to practice law. He attributed his shortcomings as a lawyer to his being a politician. The Court finds such reason unacceptable, if not a display of insolence and arrogance.

In *In Re: Vicente Y. Bayani*,<sup>14</sup> the Court reminded lawyers that their actions or omissions are binding on their clients and that they are expected to be acquainted with the rudiments of law and legal procedure, and that 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 their client's cause.<sup>15</sup>

Respondent lawyer's acts, which the IBP-BOG correctly found as violative of Rule 18.03, Canon 18 of the CPR, warrant the imposition of disciplinary action. However, in accordance with prevailing jurisprudence, the Court increases the recommended penalty to suspension from practice of law for one (1) year.<sup>16</sup>

**WHEREFORE**, respondent Atty. Ariel T. Oriño is found **GUILTY** of violating Rule 18.03, Canon 18 of the Code of Professional Responsibility. He is hereby **SUSPENDED** from the practice of law for a period of one (1) year effective upon his receipt of this Resolution with a stern **WARNING** that a repetition of the same or similar wrongdoing will be dealt with more severely.

Let a copy of this Resolution be attached to respondent's personal record with the Office of the Bar Confidant and copies be furnished to all chapters of the Integrated Bar of the Philippines and to all courts of the land.



<sup>13</sup> *Agot v. Rivera*, 740 Phil. 393, 400 (2014).

<sup>14</sup> 392 Phil. 229 (2000).

<sup>15</sup> Id. at 231-232.

<sup>16</sup> *Hipolito v. Atienza*, A.C. No. 7359 (Notice), June 19, 2017.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**LUCAS P. BERSAMIN**  
*Chief Justice*

  
**FRANCIS H. JARDELEZA**  
*Associate Justice*

  
**ALEXANDER G. GESMUNDO**  
*Associate Justice*

*(On official leave)*  
**ROSMARI D. CARANDANG**  
*Associate Justice*