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Republic of the Philippines
Supreme Court
Manila

EN BANC

EVELYN LORENZO-NUCUM,
Complainant,

A.C. No. 9223
Present:

- versus -

PERALTA, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,
J. REYES, JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,* and
GAERLAN, *JJ.*

ATTY. MARK NOLAN C.
CABALAN,
Respondent.

Promulgated:
June 9, 2020

X-----X

RESOLUTION

PER CURIAM:

The instant administrative case¹ was filed by Evelyn Lorenzo-Nucum (complainant), against Atty. Mark Nolan C. Cabalan (respondent) for patent ignorance of the law and neglecting his duties as counsel of complainant.

* On leave.
¹ Rollo, pp. 1-5.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in enhancing data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

Facts of the Case

Complainant engaged respondent, a law professor at the University of Baguio, to represent her and her co-heirs in a case entitled "*Alfredo Arquitola v. Pedro Lorenzo*," docketed as Civil Case No. 4047, filed before Regional Trial Court (RTC) of San Fernando, La Union City, Branch 30. Complainant and her co-heirs are the surviving children of Pedro Lorenzo, the defendant in the said civil case. Complainant paid respondent ₱15,000.00 as acceptance fee and ₱3,000.00 as appearance fee per court hearing.²

Complainant always communicated with respondent to get updates on the case either through cellphone or by personally visiting respondent at his office. In November 2010, respondent updated complainant that the RTC already rendered its Decision³ in the case on August 20, 2010. Because the Decision was unfavorable to complainants, respondent informed them that he already filed a Motion for Reconsideration⁴ before the RTC and asked for ₱5,000.00 as payment for the same. Respondent likewise assured complainant that he will file a notice of appeal should the motion for reconsideration be denied.⁵

In the second week of February 2011, complainant was surprised to learn from the RTC that an Order⁶ dated September 28, 2010 denied the Motion for Reconsideration and that the Decision dated August 20, 2010 had already attained finality. As such, a Writ of Execution was already issued through the motion filed by the intervenors in the case. Furthermore, complainant discovered that the motion for reconsideration was filed 17 days late, but the RTC still resolved the same on the merits. Likewise, respondent did not file a notice of appeal, contrary to his previous assurance.⁷

Upon learning what happened, complainant called respondent's law office. The call was answered by respondent's secretary, who asked who was on the line, to which complainant replied "Evelyn Lorenzo-Nucum." A few minutes after the secretary talked to somebody in the office, the secretary replied "sorry Atty. Cabalan is not around." After this, complainant tried communicating with respondent from time to time, but she could not contact him anymore. Thus, a complaint was filed for violation of Canon 15 of the Code of Professional Responsibility (CPR), which requires a lawyer to observe candor, fairness, and loyalty in all his dealings and transactions with his client.⁸

An examination of the records would show that respondent was ordered to file his comment to the complaint in the Supreme Court Resolutions dated

² Id. at 1-2.

³ Penned by Judge Alpino P. Florendo; id. at 6-15.

⁴ Id. at 16-20.

⁵ Id. at 2.

⁶ Id. at 21-23.

⁷ Id. at 2-3

⁸ Id.



October 19, 2011,⁹ September 12, 2012,¹⁰ June 19, 2013,¹¹ and August 30, 2016.¹² Likewise, the Integrated Bar of the Philippines (IBP) Commission on Bar and Discipline ordered respondent to file his position paper in its order dated February 2, 2018. Respondent did not file either a comment or position paper.¹³

Recommendation of the IBP Commissioner and Board of Governors

On July 20, 2018, the Investigating Commissioner submitted a Report and Recommendation¹⁴ and found that the complaint does not present a charge under Canon 15, but a violation of Canon 18, which provides that “a lawyer shall serve his client with competence and diligence” and Rule 18.03, which states that “a lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.” The Investigating Commissioner recommended his suspension from the practice of law for six months, with a warning that the commission of the same or similar acts shall be dealt with more severely.

Furthermore, the Investigating Commissioner found that respondent was negligent in handling complainant’s case. Besides, complainant was able to establish her claim by submitting certified true copies of the Order and decision of the RTC. Meanwhile, respondent did not file his answer or position paper to controvert the claim against him. The Investigating Commissioner considered his refusal to file his answer or position paper as an admission of guilt.

As such, the Investigating Commissioner held that it was established by preponderance of evidence that respondent belatedly filed the motion for reconsideration and thereafter, failed to file the notice of appeal after the motion for reconsideration was denied by the RTC. Hence, respondent is guilty of violating Rule 18.03 and Canon 18 of the CPR.

In a Resolution¹⁵ dated October 4, 2018, the IBP Board of Governors adopted the Report and Recommendation of the Investigating Commissioner with modification, by imposing the penalty of six months suspension from the practice of law and a fine of ₱15,000.

Ruling of the Court

The Court adopts the findings of the Investigating Commissioner and the IBP Board of Governor and concurs with its modification, subject to the modification of the recommended penalty to be imposed against respondent.

⁹ Id. at 27.

¹⁰ Id. at 29-30.

¹¹ Id. at 31.

¹² Id. at 34.

¹³ Id. at 40.

¹⁴ Id. at 47-51.

¹⁵ Rollo, pp. 45-46.

The records definitively show that respondent was completely remiss and negligent in handling complainant's case, notwithstanding his receipt of the sum of ₱15,000.00 from respondent by way of his acceptance and filing fees and another ₱5,000.00 as payment for the motion for reconsideration.

Respondent's agreement to handle complainant's case, as shown by his receipt of his legal fees, is an assurance and representation to his client that he would be diligent and competent in handling the case. This includes the timely filing of the motion for reconsideration, constantly updating on the status of the case, and availing of the proper remedy, such as filing a notice of appeal when the motion for reconsideration will be denied. Thus, his actuations are contrary to Canon 18, and Rule 18.03 of the CPR, which state:

Canon 18 - A lawyer shall serve his client with competence and diligence;

x x x x

Rule 18.03 - A lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.

In this case, it is clear that respondent filed the motion for reconsideration 17 days late. Also, when the motion for reconsideration was denied he, likewise, failed to file a notice of appeal. Because of this, the judgment has attained finality and judgment was executed against complainant. Without a doubt, this exhibits his inexcusable lack of care and diligence in managing his client's cause in violation of Canon 18, and Rule 18.03 of the CPR. As such, he neglected the legal matters entrusted to him for which he must be clearly held administratively liable.

The Court also notes respondent's brazen disregard for the proceedings before this Court as he did not file his comment despite several resolutions issued by this Court. In fact, in a Resolution dated August 30, 2016, the Court resolved to impose upon him a fine of ₱1,000.00 for failure to comply with the show cause order, and to consider as waived the filing of the said comment. Likewise, in the proceedings before the IBP Commission on Bar Discipline, respondent failed to appear in the mandatory conference set on different dates and to file his verified position paper as directed by the Investigating Commissioner.

We also take note of the past administrative complaint that had been filed against respondent, which resulted in his suspension for one year from the practice of law in the case entitled "*Romel H. Rivera v. Atty. Mark Nolan C. Cabalan*."¹⁶ In this case, respondent was completely remiss and negligent in handling Rivera's case as he failed to prepare and file the petition for declaration of nullity of marriage despite his receipt of ₱30,000.00 by way of acceptance and filing fees. Respondent also failed to return the amount of

¹⁶ *Rivera v. Cabalan*, A.C. No. 10941 [Formerly CBD Case No. 12-3551] (Notice), January 25, 2016.

₱18,000.00 despite demand, as he never filed the petition for annulment of marriage. Thus, respondent was suspended by the Court for one year from the practice of law, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

Indubitably, respondent has a penchant for violating not only his oath as a lawyer and the CPR, but orders from the Court as well. He had been repeatedly warned that a similar violation will merit a more severe penalty, and yet, his reprehensible conduct has, time and again, brought embarrassment and dishonor to the legal profession.


A lawyer has a duty to serve his client with competence and diligence. A member of the legal profession owes his client entire devotion to his genuine interest, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability. Public interest demands that an attorney exerts his best efforts and ability to preserve his client's cause, for the unwavering loyalty displayed to his client likewise serves the ends of justice.¹⁷

WHEREFORE, having clearly violated Canon 18, Rule 18.03 of the Code of Professional Responsibility, respondent Atty. Mark Nolan C. Cabalan is **SUSPENDED** from the practice of law for **THREE (3) YEARS**, with a stern warning that a repetition of the same or similar acts shall give a cause for his disbarment.


Let a copy of this Resolution be entered in the personal records of respondent as a member of the Bar, and copies furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country for their information and guidance.

SO ORDERED.”

¹⁷ *Emiliano Court Townhouses Homeowners Association v. Dioneda*, 447 Phil, 408, 414 (2003).



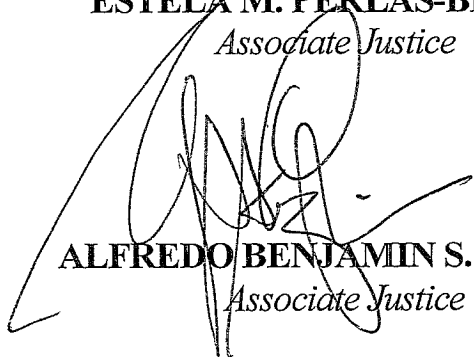
DIOSDADO M. PERALTA
Chief Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



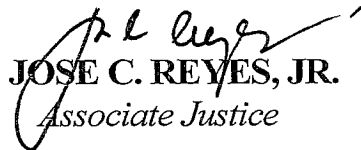
MARVIC MARIO VICTOR F. LEONEN
Associate Justice



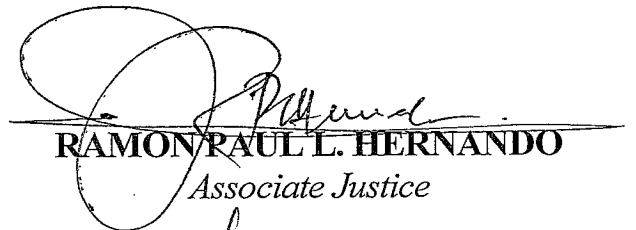
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



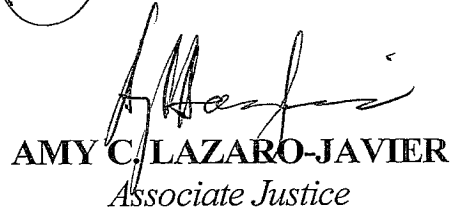
JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



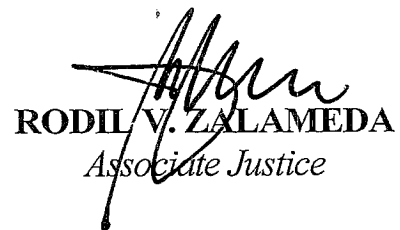
ROSMARID. CARANDANG
Associate Justice



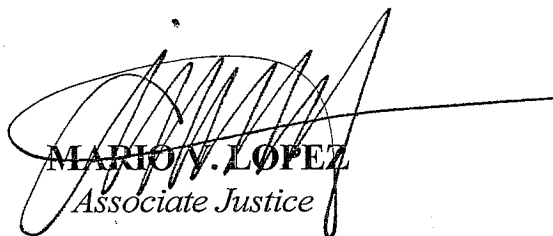
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice




RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice

(on leave)
EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

