



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

ROSALINA TAGHOY, *ET AL.*,  
Complainants,

A.C. No. 12446

Present:

- versus -

PERLAS-BERNABE, *S.A.J.*,  
*Chairperson*,  
GISMUNDO,  
LAZARO-JAVIER,  
LOPEZ, and  
ROSARIO\*, *JJ.*

ATTY. CONSTANTINE TECSON  
III,

Respondent.

Promulgated:

NOV 16 2020

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DECISION

LOPEZ, *J.*:

Lawyers must always serve their clients with competence and diligence. Here, we determine the administrative liability of a lawyer who failed to abide by this standard.

ANTECEDENTS

Sometime in 2006, complainants<sup>1</sup> engaged the legal services of Atty. Constantine Tecson III (Atty. Tecson) as counsel in an ejectment case filed against them by a certain Rayos. They paid him ₱5,000.00 to file a motion for reconsideration.<sup>2</sup> After evaluating the case, Atty. Tecson opined that Rayos' transfer certificate of title (TCT) was questionable and advised complainants

\* Designated as additional Member per Special Order No. 2797 dated November 5, 2020.

<sup>1</sup> Rosalina Taghoy, Rey Vicente, Dominador Buenviaje, Rebecca Narvasa, Edison Cau, Egmedio Dela Rosa, Erlinda Plaga, Marina Macalalad, Teresita Taghoy, Domingo Navidad, Dante Baluitan, and Emmanuel Nati. *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at 2.

to file a separate case to annul Rayos' TCT. The complainants agreed to file the separate case and paid Atty. Tecson a total of ₱71,000.00 as of February 2006, representing partial payment of the professional fees.<sup>3</sup>

In the meantime, Atty. Tecson failed to file the complainants' position paper in the ejectment case despite the court's order, as well as the appeal memorandum, which caused the dismissal of the complainants' appeal to the ejectment case.<sup>4</sup> Allegedly, Atty. Tecson assured the complainants that he filed the necessary pleadings, but this proved to be false upon verification with the court. Atty. Tecson also did not file the case for the annulment of Rayos' TCT. Accordingly, complainants asked Atty. Tecson to refund the ₱71,000.00 and the ₱5,000.00 which they paid to him.

Atty. Tecson refused to refund the amount, which prompted the complainants to file the instant disbarment case.

In its *Report and Recommendation*,<sup>5</sup> the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) found that Atty. Tecson disregarded his duty to his client in violation of Canon 18, Rules 18.01, 18.02, 18.03, and 18.04 of the Code of Professional Responsibility (CPR) when he did not file the necessary pleadings in the ejectment and annulment of title cases.<sup>6</sup> The IBP-CBD recommended that Atty. Tecson be suspended from the practice of law for one (1) year.<sup>7</sup>

On September 27, 2014, the IBP Board of Governors adopted the IBP-CBD's recommendation but modified the suspension from one (1) year to two (2) years and ordered Atty. Tecson to return the ₱76,000.00 paid by the complainants.<sup>8</sup>

Atty. Tecson moved for reconsideration. He manifested that he already "patched-up" with the complainants and voluntarily returned the ₱76,000.00. Atty. Tecson claimed that his professional service was limited to the filing of the annulment of Rayos' TCT and did not include the representation of complainants in the ejectment case. However, he still represented the complainants because they need help during those times. Atty. Tecson explained that he failed to file the necessary pleadings and attend the hearing because of his workload and personal problems.

On August 31, 2017, the IBP Board of Governors partly granted Atty. Tecson's motion and issued an extended Resolution.<sup>9</sup> The IBP reduced the suspension to one (1) year, which it deemed commensurate to the infraction

<sup>3</sup> *Id.* at 2-3. The complainants paid varying amounts of ₱5,000.00, ₱4,000.00, and ₱3,000.00 each.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 40-43. Commissioner Maria Editha A. Go-Binas signed the report and recommendation.

<sup>6</sup> *Id.* at 42-43.

<sup>7</sup> *Id.* at 43.

<sup>8</sup> *Id.* at 39.

<sup>9</sup> *Id.* at 54-58.



committed, and deleted the order to return the ₱76,000.00 after finding that Atty. Tecson already returned the amount to complainants.

Thereafter, the records of this case were transmitted to this court for review.

### RULING

We adopt the IBP Board of Governor's findings but modify the penalty.

Lawyers are not obliged to advocate for every person who requests to be their client.<sup>10</sup> However, once they agree to take up the client's cause, they owe fidelity to such cause and must be mindful of the trust and confidence reposed to them.<sup>11</sup> Lawyers who undertake an action are expected to attend to their client's cause until it becomes final and executory.<sup>12</sup>

Atty. Tecson failed to measure up to these standards. He neglected to file his clients' position paper and appeal memorandum in the ejectment case. In *Canoy v. Atty. Ortiz*,<sup>13</sup> we held that the lawyer's failure to file the necessary pleading is *per se* a violation of Rule 18.03 of the CPR,<sup>14</sup> which requires that "*a lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.*"<sup>15</sup> Concomitant with this duty is Canon 17, which provides that "*a lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.*"<sup>16</sup>

Atty. Tecson's claim that he had personal problems and a heavy workload is a lame excuse that cannot justify his infractions. He could have taken available remedies to ensure that the position paper and the appeal memorandum were filed. He could have recommended the hiring of a collaborating counsel or could have requested for more time to file the pleadings if available.<sup>17</sup> To be sure, Atty. Tecson did not exert any effort to ensure that his clients' cause will not be prejudiced. His failure to do so led to the dismissal of his clients' appeal. Atty. Tecson breached his duty to serve his client with competence and diligence, as provided under Canon 18 of the CPR.

Furthermore, Atty. Tecson violated his duty when he did not file the annulment of title case after receiving his professional fees. He agreed to

<sup>10</sup> *Villaflores v. Atty. Limos* (Resolution), 563 Phil. 453, 460 (2007).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> 493 Phil. 553 (2005).

<sup>14</sup> *Id.* at 560.

<sup>15</sup> *Id.* at 558.

<sup>16</sup> *Id.*

<sup>17</sup> See *Canoy v. Atty. Ortiz, supra*, at 559.

represent complainants and to file the case. It was his idea to file it in the first place. He cannot excuse himself by alleging that he did not receive the ₱71,000.00 and that he was tricked by a certain Joseph Bermoy in signing documents acknowledging receipt of the initial payment of his professional fees. Aside from lacking in support, we cannot credit Atty. Tecson's bare allegation because he is a lawyer who must be aware of the importance of signatures in documents.

All told, we find Atty. Tecson administratively liable for his negligence to protect his clients' cause in the ejectment proceedings and his inaction in filing the annulment of title proceedings.

### ***Proper penalty***

The appropriate penalty to impose on an erring lawyer rests within the Court's sound discretion based on the facts involved. In the following cases, the Court imposed penalties ranging from reprimand to suspension, and even disbarment in aggravated cases.

In *Voluntad-Ramirez v. Atty. Bautista*,<sup>18</sup> we declared the erring lawyer negligent when he did not file the appropriate criminal proceedings despite receipt of the acceptance fees. The Court admonished the erring lawyer to exercise greater care and diligence in the performance of his duty and ordered him to retribute the amount.

In *Endaya v. Atty. Oca*,<sup>19</sup> the erring lawyer failed to file the appeal memorandum, which prejudiced his clients, and he did not inform the court of his intent not to file the pleadings to prevent delay in the disposition of the case. The Court suspended the respondent-attorney for two (2) months after considering the following extenuating circumstances: (1) complainant therein misrepresented that his answer was prepared by someone who is not a lawyer; (2) complainant assured the respondent-attorney that he had strong evidence to support his defense; (3) respondent-attorney is a lawyer of the Public Attorney's Office (PAO) and it is of public knowledge that the PAO is burdened with a heavy caseload.<sup>20</sup>

Meanwhile, in *Villaflores v. Atty. Limos*,<sup>21</sup> we found the erring lawyer grossly negligent in failing to file the appellant's brief within the reglementary period. Because of such negligence, the complainant faced the risk of losing entirely her right to appeal and had to engage the services of another lawyer to protect such a right. We suspended him from the practice of law for three (3) months.

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<sup>18</sup> 697 Phil. 1 (2012) (Resolution).

<sup>19</sup> 457 Phil. 314 (2003).

<sup>20</sup> *Id.* at 330-331.

<sup>21</sup> 563 Phil. 453 (2007) (Resolution).



*Nonato v. Atty. Fudolin, Jr.*<sup>22</sup> demonstrates the brazenness in the erring lawyer's act of negligently handling his client's cause in an ejectment case and his failure to inform his client on the status of the case. The Court found that the lawyer misrepresented about his health and there was an absence of genuine effort on his part to inform his client on the dismissal of the case. We suspended the erring lawyer for two (2) years for violating Canons 17 and 18, and Rules 18.03 and 18.04 of the CPR.

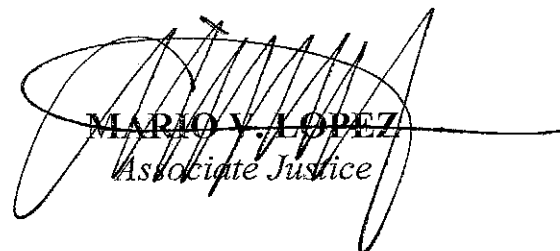
In *Mariveles v. Atty. Mallari*,<sup>23</sup> we disbarred the erring lawyer for his failure to file the appellant's brief despite numerous requests for extension of time, totaling 245 days, resulting in the dismissal of the appeal.

Here, Atty. Tecson did not file the necessary pleadings in the ejectment case, which then caused the dismissal of the complainants' appeal to the ejectment case. He also did not file the annulment of title case despite receipt of his professional fees. However, we observed that he made an effort to reach out to the complainants and voluntarily returned the amount of ₱76,000.00. These should mitigate his administrative liability. Accordingly, we find that a suspension of three months would be commensurate to Atty. Tecson's infraction.

**FOR THESE REASONS**, the Court **SUSPENDS** respondent Atty. Constantine Tecson III from the practice of law for a period of three (3) months, effective upon the receipt of this Decision. He is **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent's personal record as a member of the Bar. Likewise, let copies of the same be served on the Integrated Bar of the Philippines and the Office of the Court Administrator, which is directed to circulate them to all courts in the country for their information and guidance.

**SO ORDERED.**


  
**MARIO V. LOPEZ**  
Associate Justice


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<sup>22</sup> 760 Phil. 52 (2015).

<sup>23</sup> 292 Phil. 34 (1993).

**WE CONCUR:**

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

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

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*