



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

LORNA L. OCAMPO,
Complainant,

A.C. No. 12790

Present:

PERLAS-BERNABE, *S.A.J.*,
Chairperson,

HERNANDO,
INTING,

DELOS SANTOS,* and
BALTAZAR-PADILLA,** *JJ.*

- versus -

ATTY. JOSE Q. LORICA IV,
Respondent.

Promulgated:
23 SEP 2020

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DECISION

INTING, *J.*:

This administrative case is rooted on the Affidavit-Complaint¹ dated September 30, 2015 filed by Lorna L. Ocampo (complainant) against Atty. Jose Q. Lorica IV (Atty. Lorica) before the Integrated Bar of the Philippines (IBP)-Commission on Bar Discipline (CBD) for alleged violations of the Lawyer's Oath and the Code of Professional Responsibility (CPR).

Complainant's Position

Complainant and her husband, Cosme Ocampo, (Spouses Ocampo) were the respondents in a civil case for quieting of title with damages and annulment of documents filed by a certain Andrea Gamboa (Gamboa) before Branch 47, Regional Trial Court (RTC), Urdaneta City,

* On official leave.

** On leave.

¹ *Rollo*, pp. 1-4.

Pangasinan.² While the case was pending, their counsel, Atty. Eladio C. Velasco (Atty. Velasco), passed away without the knowledge of the court.³ Thereafter, the RTC declared them in default⁴ and rendered judgment in Gamboa's favor.⁵

This prompted the Spouses Ocampo to engage the legal services of Atty. Lorica for the filing of their Petition for Annulment of Judgment (Annulment Petition) with the Court of Appeals (CA) on the ground of extrinsic fraud. The CA, in turn, referred the case to the Executive Judge of the RTC, Urdaneta City, Pangasinan for raffle to any branch therein, with the exception of Branch 47, for the reception of evidence and further proceedings. The case was raffled to Branch 48, RTC, Urdaneta City, Pangasinan.⁶

Upon completion of the records of the proceedings and the transcripts of stenographic notes, the case was then forwarded to the CA for proper disposition. The CA, in its Decision⁷ dated February 27, 2014, dismissed the Annulment Petition for lack of merit.⁸ It ruled that the negligence of Atty. Velasco in the handling of the subject civil case did not qualify as extrinsic fraud, considering that complainant and her husband had been aware of Atty. Velasco's illness and incapacity to attend to their case.⁹

Complainant alleged that Atty. Lorica received a copy of the CA Decision on March 10, 2014, but he failed to notify them of the adverse ruling right away. Instead of informing them of the CA Decision personally or by contacting them through their mobile phone, Atty. Lorica wrote them a Letter dated March 11, 2014 advising them that they had fifteen days from March 10, 2014 within which to file a motion for reconsideration with the CA.¹⁰

² See Complaint for Quieting of Title with Damages and Annulment of Documents dated September 23, 2002, *id.* at 5-9.

³ *Id.* at 1.

⁴ See Order dated February 20, 2004, *id.* at 49.

⁵ See Decision dated March 15, 2006, *id.* at 10-17; penned by Judge Meliton G. Emuslañ.

⁶ See Amended Decision dated August 14, 2009, *id.* at 83-87; penned by Associate Justice Pampio A. Abarintos with Associate Justices Portia Aliño-Hormachuelos and Marlene Gonzales-Sison, concurring.

⁷ *Id.* at 91-98; penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Rosmari D. Carandang (now a Member of the Court) and Edwin D. Sorongon, concurring.

⁸ *Id.* at 97.

⁹ *Id.* at 96.

¹⁰ *Id.* at 1.

Complainant and her husband received the letter on March 23, 2014, or two days before the lapse of the 15-day reglementary period for the filing of their motion for reconsideration. Thereafter, they went to Atty. Lorica's office and expressed their interest to seek relief from the CA's adverse ruling. Atty. Lorica, however, asked them to first pay ₱25,000.00 as his professional fees and to provide a new set of records of the case for the preparation of a motion for reconsideration of the CA Decision.¹¹

Due to the difficulty faced by Spouses Ocampo in raising funds to pay for Atty. Lorica's legal services and securing another set of case records, they opted to look for another lawyer and allowed Atty. Lorica to withdraw as their counsel. Fortunately, the Spouses Ocampo, through their new counsel, were able to timely file their motion for reconsideration with the CA.¹²

Thus, in her Affidavit-Complaint, complainant charged Atty. Lorica with violations of the CPR and the Lawyer's Oath for: (a) failure to promptly notify them of the CA's adverse ruling; (b) having lost the records of the case; and (c) requiring the payment of professional fees before assisting them in the filing of their motion for reconsideration before the CA.¹³

Respondent's Position

In his Verified Answer,¹⁴ Atty. Lorica claimed that when he received a copy of the CA Decision on March 10, 2014, he and his staff tried to contact the Spouses Ocampo through their mobile phone but they were either "*out of coverage area*" or their mobile number was "*no longer in service*." He thus decided to write them the following day to inform them of the adverse ruling against them.¹⁵

¹¹ *Id.* at 2.

¹² *Id.*

¹³ *Id.* at 2-3.

¹⁴ *Id.* at 37-48.

¹⁵ *Id.* at 42.

Atty. Lorica further averred that when Cosme Ocampo went to his law office, he had already drafted a motion for reconsideration which he expected to finalize before March 25, 2014. He vehemently denied asking for the amount of ₱25,000.00 for the preparation of the motion and explained that the fee was meant to cover all litigation expenses, including the filing fees and the preparation of a petition for review on *certiorari* before the Supreme Court.¹⁶

In addition, Atty. Lorica likewise denied having lost the records of the case. He argued that the certified copies of the exhibits handed to him by the Spouses Ocampo had been duly submitted to the trial court in the Formal Offer of Exhibits.¹⁷

The IBP's Report and Recommendation

In his Report and Recommendation¹⁸ dated February 21, 2018, IBP Investigating Commissioner Oliver A. Cachapero (Investigating Commissioner) found Atty. Lorica guilty of violating Canon 17, Rule 18.04, Canon 18, and Rule 22.02, Canon 22 of the CPR as well as the Lawyer's Oath, and recommended that he be suspended from the practice of law for a period of one year.¹⁹

The Investigating Commissioner observed that Atty. Lorica had unmistakably breached his duty under Rule 18.04, Canon 18 of the CPR when he failed to notify complainant of the adverse ruling against them in a timely manner.²⁰ He explained that:

Respondent's sending of the letter through mail and his conduct of not verifying whether the letter had already been received by the Complainant is unmistakably in breach of his duty in this regard. His manner of informing his client is seen as too lackadaisical and lacking in zest. x x x²¹

¹⁶ *Id.* at 43-44.

¹⁷ *Id.* at 44.

¹⁸ *Id.* at 212-218.

¹⁹ *Id.* at 218.

²⁰ *Id.* at 216.

²¹ *Id.*

The Investigating Commissioner also pointed out that Atty. Lorica's reluctance in preparing the motion for reconsideration until his professional fees were paid constituted a violation of the Lawyer's Oath and Canon 17 of the CPR.²² Finally, the Investigating Commissioner noted that Atty. Lorica likewise violated Rule 22.02, Canon 22 of the CPR when he belatedly turned over the case records to complainant on a piece-meal basis.²³

In the Resolution²⁴ dated May 19, 2018, the IBP Board of Governors resolved to adopt the findings of fact and recommendation of the Investigating Commissioner to suspend Atty. Lorica from the practice of law for a period of one year.

Atty. Lorica moved for reconsideration, but the IBP Board of Governors denied the motion per the Resolution²⁵ dated May 27, 2019.

The Issue

The sole issue for the Court's resolution is whether Atty. Lorica should be administratively sanctioned for the manner in which he handled complainant's case.

The Court's Ruling

After a careful examination of the records, the Court finds Atty. Lorica administratively liable for violation of Canon 17, Rule 18.04, Canon 18, and Rule 22.02, Canon 22 of the CPR as well as the Lawyer's Oath.

Rule 18.04, Canon 18 of the CPR provides:

Rule 18.04 — A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

²² *Id.* at 217.

²³ *Id.*

²⁴ *Id.* at 211.

²⁵ *Id.* at 245.

“The lawyer’s duty to keep his client constantly updated on the developments of his case is crucial in maintaining the client’s confidence.”²⁶ Since the lawyer-client relationship is one of utmost confidence, it is essential that the lawyer *timely* and *adequately* inform his client of important updates and changes as to the status of his client’s case.²⁷

Here, Atty. Lorica opted to inform complainant of the CA Decision by sending a letter through the postal service instead of updating them personally or *via* mobile phone of the status of their case. Given that the correspondence was received by complainant only after thirteen days—or two days before the expiration of the reglementary period for the filing of a motion for reconsideration—there is no question that Atty. Lorica had failed to timely notify complainant of the CA’s adverse ruling against her and her husband, in violation of Rule 18.04, Canon 18 of the CPR.

To make matters worse, the records show that Atty. Lorica even asked complainant’s husband for the payment of ₱25,000.00 as his professional fee *prior* to his filing of a motion for reconsideration in their behalf. This left complainant and her husband with no other choice but to look for another counsel despite the meager time left for the filing of their motion with the CA. To be sure, when faced with such dire circumstances, they would not simply decide to engage a new counsel unless they truly felt that their current counsel was not acting in their best interest. As such, the Court finds Atty. Lorica in breach of his duty under the Lawyer’s Oath not to delay any man’s cause for money and Canon 17 of the CPR which states:

CANON 17 — A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

The Court likewise finds that Atty. Lorica had failed to promptly turnover the case records to complainant upon the severance of his legal services. As the IBP aptly noted, complainant was only able to retrieve some documents, albeit on a piece-meal basis, from Atty. Lorica *after*

²⁶ *Mendoza vda. de Robosa v. Atty. Mendoza, et al.*, 769 Phil. 359, 377 (2015).

²⁷ *Gabucan v. Atty. Narido, Jr.*, A.C. No. 12019, September 3, 2019.

the filing of their motion for reconsideration with the CA.²⁸ This, in itself, constitutes a clear violation of Rule 22.02, Canon 22 of the CPR, which provides:

Rule 22.02 — A lawyer who withdraws or is discharged shall, subject to a retainer lien, immediately turn over all papers and property to which the client is entitled, and shall cooperate with his successor in the orderly transfer of the matter, including all information necessary for the proper handling of the matter.

In *Castro, Jr. v. Atty. Malde, Jr.*,²⁹ the Court suspended the erring lawyer from the practice of law for six months due to his failure to update his client on the case, return the documents entrusted to him upon request, and protect his client's interest with utmost diligence. Guided by the foregoing precedent, the Court now imposes the same penalty upon Atty. Lorica for the above-discussed violations of the Lawyer's Oath and the CPR.

WHEREFORE, the Court finds respondent Atty. Jose Q. Lorica IV **GUILTY** of violating Canon 17, Rule 18.04, Canon 18, and Rule 22.02, Canon 22 of the Code of Professional Responsibility as well as the Lawyer's Oath, and hereby **SUSPENDS** him from the practice of law for a period of one (1) year. He is likewise **STERNLY WARNED** that a repetition of the same or similar acts will be dealt with more severely.

The suspension in the practice of law shall take immediately upon receipt of this Decision by respondent Atty. Jose Q. Lorica IV. 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 copies of this Decision be furnished the Office of the Bar Confidant to be appended to respondent Atty. Jose Q. Lorica IV's personal record, and the Office of the Court Administrator and the Integrated Bar of the Philippines for their information and guidance.

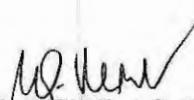
²⁸ *Rollo*, p. 213.

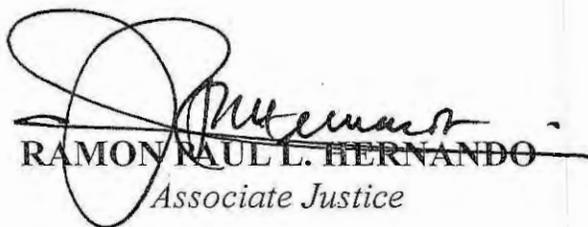
²⁹ A.C. No. 12221, June 10, 2019.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


RAMON RAUL L. HERNANDO
Associate Justice

(On official leave)
EDGARDO L. DELOS SANTOS
Associate Justice

(On leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice