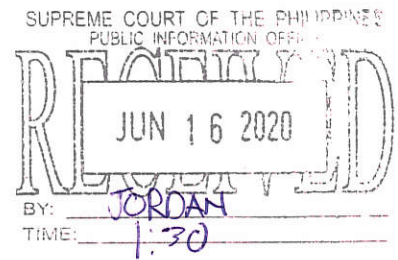




Republic of the Philippines  
Supreme Court  
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated February 3, 2020, which reads as follows:*

“A.C. No. 12671 (*Gemma S. Dumagan v. Atty. Rene S. Grapilon*). – The instant disbarment case<sup>1</sup> was filed by complainant Gemma S. Dumagan (Dumagan) against respondent Atty. Rene S. Grapilon (Atty. Grapilon) for allegedly abandoning Dumagan’s cause of action.

**Facts of the Case**

On November 16, 2017, Dumagan filed her Letter-Complaint<sup>2</sup> against Atty. Grapilon. Dumagan narrated that on February 8, 2017, she obtained the legal services of Atty. Grapilon and paid him ₱20,000.00 to help her institute an action against Dumagan’s sister-in-law, Daisy Silvestre (Silvestre). In exchange, Atty. Grapilon executed an Acknowledgment Receipt<sup>3</sup> showing the receipt of said amount.

Dumagan repeatedly went to Atty. Grapilon’s office asking for an update regarding her case, but Atty. Grapilon constantly told her that he has many things to finish. On the fourth week of March 2017, Dumagan recalled all the documents she submitted to Atty. Grapilon because of the latter’s failure to institute the criminal action and due to her fear that the case against Silvestre will not push through.

This incident prompted Dumagan to obtain another lawyer, Atty. Alfredo A. Castillo (Atty. Castillo), and paid ₱20,000.00 for his legal services.<sup>4</sup> With the assistance of Atty. Castillo, an Investigation Data Form<sup>5</sup> was executed on May 8, 2017 and an Information<sup>6</sup> for Grave Oral Defamation was filed against Silvestre on May 24, 2017.

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<sup>1</sup> Rollo, pp. 2-3.  
<sup>2</sup> Id.  
<sup>3</sup> Id. at 4.  
<sup>4</sup> Id. at 2-3.  
<sup>5</sup> Id. at 7.  
<sup>6</sup> Id. at 8.

**Recommendation of the Integrated Bar of the Philippines Commissioner  
and Board of Governors**

On April 6, 2018, the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline issued a Memorandum<sup>7</sup> dismissing the complaint against Atty. Grapilon for utter lack of merit.

The Commissioner found that Dumagan failed to present clear and preponderant evidence to show that Atty. Grapilon wilfully and deliberately engaged in false, unlawful, and dishonest conduct in violation of the Code of Professional Responsibility (CPR). Furthermore, the Commissioner ruled that there was no showing that Atty. Grapilon wilfully and deliberately abandoned Dumagan's cause of action.

On January 19, 2019, the IBP Board of Governors issued a Resolution<sup>8</sup> adopting the findings of the Investigating Commissioner to dismiss the complaint against Atty. Grapilon and instructed him to return the unutilized amount of ₱20,000.00.

**Ruling of the Court**

A lawyer, once he takes up the cause of his client, has the duty to serve such client with competence, and to attend to his client's cause with diligence, care, and devotion.<sup>9</sup> If the lawyer fails to file a complaint with the court on behalf of his client, despite receiving the necessary fees from the latter, is a violation of Canon 18, specifically, Rule 18.03 of the CPR, which states:

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

When Atty. Grapilon accepted the amount of ₱20,000.00 from Dumagan, it was understood that he agreed to take up the latter's case and that an attorney-client relationship between them was established. From then on, it was expected of Atty. Grapilon to serve Dumagan with competence and attend to her cause with fidelity, care, and devotion. However, Atty. Grapilon fell short in his duties as counsel, for he did not bother to file any complaint before the court or exert any effort in handling the case for almost two months. He even failed to return the unutilized acceptance fee after Dumagan retrieved the documents of her case. Considering all these acts, Atty. Grapilon clearly violated Rule 18.03, Canon 18 of the CPR.

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<sup>7</sup> Id. at 19-20.

<sup>8</sup> Id. at 17.

<sup>9</sup> *Aguilar-Dyquiango v. Atty. Arellano*, 789 Phil. 600 (2016).



In the case of *Reyes v. Vitan*,<sup>10</sup> the Court imposed upon Atty. Jeremias R. Vitan the penalty of suspension from the practice of law for six (6) months for violating Canon 18 of the CPR, particularly on his failure to do any legal acts for his client after receiving his legal fees worth ₱17,000.00 and failed to return the same.<sup>11</sup> We find that the same penalty must be imposed upon Atty. Grapilon.

**WHEREFORE**, the Court finds respondent Atty. Rene S. Grapilon **GUILTY** of violating Rule 18.03, Canon 18 of the Code of Professional Responsibility and is **SUSPENDED** from the practice of law for **SIX (6) MONTHS** effective from notice. Respondent Atty. Rene S. Grapilon is **ORDERED** to return to complainant Gemma S. Dumagan the full amount of twenty thousand pesos (₱20,000.00) within 5 days from notice hereof and is **DIRECTED** to submit to this Court proof of such payment. Respondent Atty. Rene S. Grapilon is **STERNLY WARNED** that a repetition of the same or similar act will be dealt with more severely.

**SO ORDERED.”**

Very truly yours,

*Misael DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
/6/2/2020

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A.C. No. 12671

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<sup>10</sup> 496 Phil. 1 (2005).

<sup>11</sup> Id. at 6.

