# EVERDINA C. ANGELES VS. ATTY. WILFREDO B. LINA-AC A.C. No. 12063; JANUARY 8, 2019 EN BANC RESOLUTION; JUSTICE MARVIC LEONEN

Legal Ethics: Code of Professional Responsibility – Fourfold duties of a lawyer

"The practice of law is a privilege, and lawyers who fail to meet the strict standards of legal proficiency, morality, and integrity will have their names stricken out of the Roll of Attorneys."

### **FACTS:**

Sometime in February 2010, Everdina Angeles engaged the services of Atty. Wilfredo Lina-ac to file a petition for the nullity of her marriage with her husband. She paid him his professional fee in several tranches, for a total of P50,000.00.

Angeles repeatedly followed up with Atty. Lina-ac on the status of her case. In October 2010, Atty. Lina-ac sent her a copy of a Complaint, which bore the "received" stamp of the Regional Trial Court Branch 11, Manolo Fortich, Bukidnon.

Angeles brought up an error in the Complaint with Atty. Lina-ac, who promised to rectify it. Months passed, yet her counsel failed to provide her a copy of the corrected Complaint, despite her repeated follow-ups. Fed up with his excuses, Angeles verbally asked Atty. Lina-ac in the second week of May 2011 to return the P50,000.00 she paid him.

On May 25, 2011, Angeles went to the Regional Trial Court to inquire about her case status, and was shocked to discover that there was no pending petition for the nullity of her marriage, and that the stamp used in the Complaint provided by Atty. Lina-ac was not official.

Angeles confronted Atty. Lina-ac about this, to which he admitted that he never filed her Complaint. He also promised to return the money she paid him.

Despite their agreement to sever their attorney-client relationship, Atty. Lina-ac on June 16, 2011 filed a Complaint before the Regional Trial Court for the nullity of Angeles' marriage.

On June 29, 2011, Angeles sent Atty. Lina-ac a Demand Letter for the immediate return of all the money she paid him. She expressed her dismay at how he swindled her and deliberately went against their agreement by filing the second Complaint without her

consent. She then informed him that she would file the appropriate criminal and administrative cases against him.

On May 17, 2012, Angeles filed before the Provincial Prosecutor a Complaint for estafa against Atty. Lina-ac, and forwarded the same Complaint to the Integrated Bar of the Philippines Misamis Oriental Chapter.

# **ISSUE/S**:

- 1. What is the duty of Atty. Lina-ac as a lawyer?
- 2. Whether Atty. Lina-ac's subsequent filing of the petition for nullity will exculpate him from any administrative liability.
- 3. What are the fourfold duties of a lawyer?

# **RULING:**

1. Atty. Lina-ac is duty bound to protect Angeles' interests.

The degree of service expected of him as an advocate was his "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability." The high degree of service required of a lawyer is brought about by the lawyer's fiduciary duty toward the client, with their relationship marked "with utmost trust and confidence."

The Code of Professional Responsibility likewise imposes an exacting standard and requires lawyers to serve their clients with competence, fidelity, and diligence:

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.

 $\,$  CANON 18 – A lawyer shall serve his client with competence and diligence.

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

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.

Atty. Lina-ac fell short of the standard required of him as complainant's legal counsel when he failed to serve his client with competence and diligence.

Angeles engaged Atty. Lina-ac 's services to secure a declaration nullifying her marriage with her husband. However, despite complainant's considerable efforts at coming up with the cash for Atty. Lina-ac's professional fees, Atty. Lina-ac did not reciprocate with similar diligence toward her case. Further, instead of filing an actual petition for the nullity of complainant's marriage, he attempted to hoodwink complainant by furnishing her a copy of a Complaint with a fraudulent received stamp from the Regional Trial Court.

2. The belated filing of the petition will not exculpate Atty. Lina-ac from any administrative liability under Rule 18.03 of the CPR which states: "a lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable."

Atty. Lina-ac's deceitful conduct violates Rule 1.01 of the Code of Professional Responsibility, which provides, "A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct."

Worse, even after their attorney-client relationship was severed, Atty. Linaac filed a second Complaint in a blatant attempt to cover up his earlier negligence and thwart complainant's efforts to recover the money she paid him. Atty. Linaac's repeated duplicity toward complainant reflects his lack of integrity, and is a clear violation of the oath he took before becoming a lawyer.

The practice of law is a privilege given to lawyers who meet the high standards of legal proficiency and morality, including honesty, integrity, and fair dealing [Del Mundo v. Atty. Capistrano 685 Phil. 687 (2012)].

3. Lawyers must perform their fourfold duty to society, the legal profession, the courts, and their clients, in accordance with the values and norms of the legal profession as embodied in the Code of Professional Responsibility. Falling short of

this standard, the Court will not hesitate to discipline an erring lawyer by imposing an appropriate penalty based on the exercise of sound judicial discretion in consideration of the surrounding facts.

# **PENALTY:**

SUSPENSION from the practice of law for two (2) years. He is ORDERED to return to complainant Everdina C. Angeles the amount of Fifty Thousand Pesos (P50,000.00) with interest at the rate of six percent (6%) per annum.