



Republic of the Philippines
Supreme Court
Manila

EN BANC

GLORIA P. JINON,

Complainant,

-versus-

ATTY. LEONARDO E. JIZ,

Respondent.

A.C. No. 9615

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, *JJ.*

Promulgated:

MARCH 05, 2013

X-----X

DECISION

PERLAS-BERNABE, J.:

Before the Court is an administrative complaint¹ for disciplinary action filed by complainant Gloria P. Jinon (Gloria) before the Committee on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) against respondent Atty. Leonardo E. Jiz (Atty. Jiz) for neglecting her case, misappropriating funds, and assigning her case to another lawyer without her consent, in violation of the provisions of the Code of Professional Responsibility.

¹ *Rollo*, pp. 2-6.

The Facts

The complaint alleged that Gloria, after the death of her brother Charlie in July 2001, entrusted two (2) land titles covering properties owned by their deceased parents to her sister-in-law, Viola J. Jinon (Viola): one located in Mangasina, Sta. Barbara, Iloilo (Sta. Barbara Property) and the other at No. 12 Valencia St., Poblacion, Leganes, Iloilo (Leganes Property) covered by Transfer Certificate of Title (TCT) No. T-119598.²

Eventually, Gloria sold the Sta. Barbara Property, which resulted in disagreements between her and Viola regarding their respective shares in the proceeds. Consequently, Viola refused to return to Gloria TCT No. T-119598, prompting Gloria to engage the services of Atty. Jizon April 29, 2003 to recover the said title, for which she immediately paid an acceptance fee of ₱17,000.00.³ In their subsequent meeting, Atty. Jiz assured the transfer of the title in Gloria's name.

On August 13, 2003, Gloria, upon Atty. Jiz's instructions, remitted the amount of ₱45,000.00⁴ to answer for the expenses of the transfer. However, when she later inquired about the status of her case, she was surprised to learn from Atty. Jiz that a certain Atty. Caras was handling the same. Moreover, when she visited the Leganes Property, which has been leased out to one Rose Morado (Rose), she discovered that Atty. Jiz has been collecting the rentals for the period June 2003 up to October 2004, which amounted to ₱12,000.00. When she demanded for the rentals, Atty. Jiz gave her only ₱7,000.00, explaining that the balance of ₱5,000.00 would be added to the expenses needed for the transfer of the title of the Leganes Property to her name.

The foregoing incidents prompted Gloria to terminate the legal services of Atty. Jiz and demand the return of the amounts of ₱45,000.00 and ₱5,000.00 through a letter⁵ dated September 22, 2004, which has remained unheeded.

To date, Atty. Jiz has not complied with his undertaking to recover TCT No. T-119598 from Viola and effect its transfer in Gloria's name, and has failed to return her money despite due demands. Hence, the instant administrative complaint praying that Atty. Jiz: (1) be ordered to reimburse the total amount of ₱67,000.00 (₱17,000.00 acceptance fee, ₱45,000.00 for the transfer of title, and ₱5,000.00 as unremitted rentals for the Leganes Property); and (2) be meted disciplinary action that the Court may deem fit under the circumstances.

² Id. at 2.

³ Id. at 8.

⁴ Id. at 9

⁵ Id. at 10.

In his Answer⁶ and Position Paper,⁷ Atty. Jiz admitted accepting Gloria's case but claimed that it was only for the purpose of protecting her rights against her sister-in-law, Viola. According to him, the extent of his legal services covered the negotiation and consummation of the sale of the Sta. Barbara Property for a fee of ₱75,000.00; recovery of TCT No. T-119598 from Viola; and the possible filing of an ejectment case against the tenant of the Leganes Property. For his attorney's fees, Gloria had partially paid the sum of ₱62,000.00 inclusive of the acceptance fee of ₱17,000.00, leaving an unpaid balance of ₱13,000.00.

Atty. Jiz also alleged that Gloria approached him to secure another owner's copy of a title she purportedly lost, but which would turn out to be in Viola's possession. Despite her offer to pay legal fees amounting to ₱100,000.00, he claimed to have refused to file a "fraudulent cadastral case." He likewise denied having committed to file one or to refer the case to another lawyer.⁸

Thus, Atty. Jiz asseverated that he was not remiss in his legal duties to Gloria. Denying liability to reimburse Gloria for any amount, much less for ₱45,000.00, he claimed that he had rendered the corresponding legal services to her with fidelity and candor. In particular, he pointed to the demand letters he sent to Viola for the return of the subject title and to Rose, the tenant of the Leganes Property, requiring the submission of the itemized expenses for the repair of the leased property. He also claimed to have caused the execution of a lease contract covering the Leganes Property. Hence, he prayed that the complaint against him be dismissed.

The Action and Recommendation of the IBP

After the parties' submission of their respective position papers,⁹ the CBD, through Commissioner Cecilio A.C. Villanueva (Commissioner Villanueva), submitted its October 8, 2010 Report and Recommendation.¹⁰ He found Atty. Jiz to have been remiss in his duty to update his client, Gloria, regarding her case, and to respond to Gloria's letter terminating his services and demanding the refund of the sum of ₱45,000.00, in violation of Rule 18.04, Canon 18 of the Code of Professional Responsibility which states:

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.

⁶ Id. at 65-68.

⁷ Id. at 136-146.

⁸ Id. at 66.

⁹ Id. at 117-124 for complainant; and Id. at 136-146 for respondent.

¹⁰ Id. at 156-168.

Commissioner Villanueva also observed that the scope of the legal services that Atty. Jiz undertook to perform for Gloria could have been clarified had he been more candid with the exact fees that he intended to collect. Recognizing, however, the legal services rendered by Atty. Jiz in the form of legal advice, sending of demand letters to Viola and Rose and collecting rentals from the latter, he found the amount of ₱17,000.00 as sufficient and reasonable remuneration for his services. Moreover, Atty. Jiz's disregard of the CBD's orders – to submit his answer on time and attend hearings – showed disrespect to the judiciary and his fellow lawyers.

With these findings, Commissioner Villanueva held Atty. Jiz to have committed improper conduct and recommended that he be (1) ordered to refund to Gloria the amount of ₱45,000.00 with legal interest, and (2) reprimanded, with a stern warning that a more drastic punishment will be imposed upon him for a repetition of the same acts.

On December 10, 2011, the IBP Board of Governors passed Resolution No. XX-2011-303,¹¹ adopting with modification the Commission's Report and Recommendation, to wit:

*RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A" and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and finding Respondent remiss in his duty and for disregarding the Orders of the Commission, Atty. Leonardo E. Jiz is hereby **SUSPENDED** from the practice of law for two (2) years and to Ordered to Restitute complainant the amount of P45,000.00 and 12% interest from the time he received the amount until fully paid within sixty (60) days from notice.*

The Issue

The sole issue before the Court is whether Atty. Jiz should be held administratively liable for having been remiss in his duties as a lawyer with respect to the legal services he had undertaken to perform for his client, Gloria.

The Court's Ruling

After a careful perusal of the records, the Court concurs with the findings of Commissioner Villanueva and the IBP Board of Governors that

¹¹ Id. at 155.

Atty. Jiz was remiss in his duties as a lawyer in neglecting his client's case, misappropriating her funds and disobeying the CBD's lawful orders requiring the submission of his pleadings and his attendance at hearings. He should thus be suspended from the practice of law in conformity with prevailing jurisprudence.

The practice of law is considered a privilege bestowed by the State on those who show that they possess and continue to possess the legal qualifications for the profession. As such, lawyers are expected to maintain at all times a high standard of legal proficiency, morality, honesty, integrity and fair dealing, and must perform their four-fold duty to society, the legal profession, the courts and their clients, in accordance with the values and norms embodied in the Code.¹² "Lawyers may, thus, be disciplined for any conduct that is wanting of the above standards whether in their professional or in their private capacity."¹³

The Code of Professional Responsibility provides:

CANON 16 – A LAWYER SHALL HOLD IN TRUST ALL MONEYS AND PROPERTIES OF HIS CLIENT THAT COME INTO HIS POSSESSION.

RULE 16.01 – A lawyer shall account for all money or property collected or received for or from the client.

x xx xxx x xx

RULE 16.03 – A lawyer shall deliver the funds and property of his client when due or upon demand.

x xx xxx xxx

CANON 18. – A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.

x xx xxx xxx

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

x xx xxx xxx

Undeniably, "when a lawyer takes a client's cause, he covenants that he will exercise due diligence in protecting the latter's rights. Failure to exercise that degree of vigilance and attention expected of a good father of a family makes the lawyer unworthy of the trust reposed on him by his client and makes him answerable not just to client but also to the legal profession, the court and society."¹⁴

¹² *Molina v. Magat*, A.C. No. 1900, June 13, 2012, 672 SCRA 1, 6.

¹³ *Tumbokon v. Pefianco*, A.C. No. 6116, August 1, 2012, 678 SCRA 60, 64.

¹⁴ *Del Mundo v. Capistrano*, A.C. No. 6903, April 16, 2012, 669 SCRA 462, 468, citing *Dalisay v. Mauricio, Jr.*, 496 Phil. 393, 399-400 (2005).

Moreover, money entrusted to a lawyer for a specific purpose, such as for the processing of transfer of land title, but not used for the purpose, should be immediately returned.¹⁵ “A lawyer’s failure to return upon demand the funds held by him on behalf of his client gives rise to the presumption that he has appropriated the same for his own use in violation of the trust reposed to him by his client. Such act is a gross violation of general morality as well as of professional ethics. It impairs public confidence in the legal profession and deserves punishment.”¹⁶

In this case, Atty. Jiz committed acts in violation of his sworn duty as a member of the bar. Aside from the demand letter¹⁷ dated April 29, 2003 which he sent to Viola, he failed to perform any other positive act in order to recover TCT No. T-119598 from Viola for more than a year. He also failed to return, despite due demand, the funds allocated for the transfer of the title that he received from her.

The claim that the total amount of ₱62,000.00 that Gloria paid him was for the services he rendered in facilitating the sale of the Sta. Barbara Property is belied by the receipt¹⁸ dated April 29, 2003, which states that the amount of ₱17,000.00 paid by Gloria was for “consultation and other legal services” he would render “up to and including April 30, 2003.” His handwritten notation at the bottom portion made it clear that he received the said amount “as full payment.” He likewise failed to substantiate his averment that he actually facilitated the sale of the Sta. Barbara Property.

Furthermore, respondent’s infractions were aggravated by his failure to comply with CBD’s directives for him to file his pleadings on time and to religiously attend hearings, demonstrating not only his irresponsibility but also his disrespect for the judiciary and his fellow lawyers. Such conduct was unbecoming of a lawyer who is called upon to obey court orders and processes and is expected to stand foremost in complying with court directives as an officer of the court.¹⁹ As a member of the bar, he ought to have known that the orders of the CBD as the investigating arm of the Court in administrative cases against lawyers were not mere requests but directives which should have been complied with promptly and completely.²⁰

In *Rollon v. Naraval*,²¹ the Court suspended respondent Atty. Naraval from the practice of law for two (2) years for failing to render any legal

¹⁵ *Dhaliwal v. Dumaguing*, A.C. No. 9390, August 1, 2012, 678 SCRA 68, 71, citing *Adrimisin v. Javier*, A.C. No. 2591, 532 Phil. 639, 645 (2006).

¹⁶ *Id.*

¹⁷ *Rollo*, p. 150.

¹⁸ *Id.* at 8.

¹⁹ *Sibulo v. Ilagan*, 486 Phil. 197, 203-204 (2004).

²⁰ *Belleza v. Macasa*, A.C. No. 7815, July 23, 2009, 593 SCRA 549, 557.

²¹ 493 Phil. 24 (2005).

service even after receiving money from the complainant and for failing to return the money and documents he received.

Similarly, in *Small v. Banares*,²² the respondent was suspended from the practice of law for two (2) years for failing to file a case for which the amount of ₱80,000.00 was given him by his client; to update the latter of the status of the case; and to return the said amount upon demand.

Likewise, in *Villanueva v. Gonzales*,²³ the Court meted the same punishment to the respondent lawyer for (1) having failed to serve his client with fidelity, competence and diligence; (2) refusing to account for and to return his client's money as well as the titles over certain properties owned by the latter; and (3) failing to update his client on the status of her case and to respond to her requests for information, all in violation of the Code of Professional Responsibility.

Considering the foregoing relevant jurisprudence, the Court finds it appropriate to adopt the recommendation of the IBP Board of Governors to suspend Atty. Jiz from the practice of law for two (2) years. With respect to the amount that he should refund to Gloria, only the sum of ₱45,000.00 plus legal interest should be returned to her, considering the finding that the initial payment of ₱17,000.00 was reasonable and sufficient remuneration for the actual legal services he rendered.

The Court notes that in administrative proceedings, only substantial evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required.²⁴ Having carefully scrutinized the records of this case, the Court therefore finds that the standard of substantial evidence has been more than satisfied.

WHEREFORE, respondent Atty. Leonardo E. Jiz, having clearly violated Rules 16.01 and 16.03, Canon 16 and Rule 18.03, Canon 18 of the Code of Professional Responsibility and disobeyed lawful orders of the Commission on Bar Discipline, is **SUSPENDED** from the practice of law for two (2) years, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely. He is **ORDERED** to return to complainant Gloria P. Jinon the full amount of ₱45,000.00 with legal interest of 6% *per annum* from date of demand on September 22, 2004 up to the finality of this Decision and 12% *per annum* from its finality until paid.


²² 545 Phil. 226 (2007).

²³ A.C. No. 7657, February 12, 2008, 544 SCRA 410.

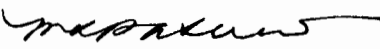
²⁴ *Babante-Caples v. Caples*, A.M. No. HOJ-10-03, November 5, 2010, 634 SCRA 498, 502.


Let a copy of this Decision be furnished the Office of the Bar Confidant to be entered into respondent's records as attorney. Copies shall likewise be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

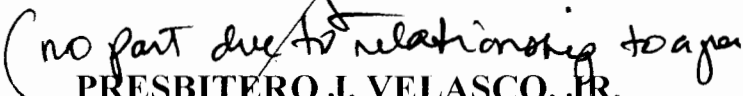
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:

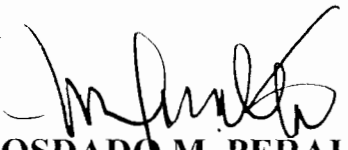

MARIA LOURDES P. A. SERENO
Chief Justice

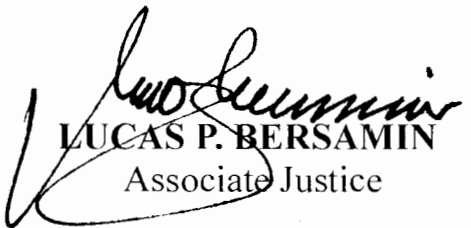

ANTONIO T. CARPIO
Associate Justice

(no part due to relationship to a party)

PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice