



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ERMELINDA LAD VDA. DE
DOMINGUEZ, represented by
her Attorney-in-Fact,
VICENTE A. PICHON,
Complainant,

A.C. No. 5359

Present:

VELASCO, JR., *J.*, Chairperson.
PERALTA,
ABAD,
MENDOZA, and
LEONEN, *JJ.*

- versus -

ATTY. ARNULFO M.
AGLERON, SR.,
Respondent.

Promulgated:

March 10, 2014

Macapian

X -----X

RESOLUTION

MENDOZA, *J.*:

Complainant Ermelinda Lad Vda. De Dominguez (*complainant*) was the widow of the late Felipe Dominguez who died in a vehicular accident in Caraga, Davao Oriental, on October 18, 1995, involving a dump truck owned by the Municipality of Caraga. Aggrieved, complainant decided to file charges against the Municipality of Caraga and engaged the services of respondent Atty. Arnulfo M. Agleron, Sr. (*Atty. Agleron*). On three (3) occasions, Atty. Agleron requested and received from complainant the following amounts for the payment of filing fees and sheriff's fees, to wit: (1) June 3, 1996 – ₱3,000.00; (2) June 7, 1996 – ₱1,800.00; and September 2, 1996 – ₱5,250.00 or a total of ₱10,050.00. After the lapse of four (4) years, however, no complaint was filed by Atty. Agleron against the Municipality of Caraga.¹

Atty. Agleron admitted that complainant engaged his professional service and received the amount of ₱10,050.00. He, however, explained that their agreement was that complainant would pay the filing fees and other

¹ *Rollo*, pp. 1-2.

incidental expenses and as soon as the complaint was prepared and ready for filing, complainant would pay 30% of the agreed attorney's fees of ₱100,000.00. On June 7, 1996, after the signing of the complaint, he advised complainant to pay in full the amount of the filing fee and sheriff's fees and the 30% of the attorney's fee, but complainant failed to do so. Atty. Agleron averred that since the complaint could not be filed in court, the amount of ₱10,050.00 was deposited in a bank while awaiting the payment of the balance of the filing fee and attorney's fee.²

In reply,³ complainant denied that she did not give the full payment of the filing fee and asserted that the filing fee at that time amounted only to ₱7,836.60.

In the Report and Recommendation,⁴ dated January 12, 2012, the Investigating Commissioner found Atty. Agleron to have violated the Code of Professional Responsibility when he neglected a legal matter entrusted to him, and recommended that he be suspended from the practice of law for a period of four (4) months.

In its April 16, 2013 Resolution,⁵ the Integrated Bar of the Philippines (IBP) Board of Governors adopted and approved the report and recommendation of the Investigating Commissioner with modification that Atty. Agleron be suspended from the practice of law for a period of only one (1) month.

The Court agrees with the recommendation of the IBP Board of Governors except as to the penalty imposed.

Atty. Agleron violated Rule 18.03 of the Code of Professional Responsibility, which provides that:

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

Once a lawyer takes up the cause of his client, he is duty bound to serve his client with competence, and to attend to his client's cause with diligence, care and devotion regardless of whether he accepts it for a fee or

² Id. at 15-17.

³ Id. at 26-27.

⁴ Id. at 64-66.

⁵ Id. at 63.

for free.⁶ He owes fidelity to such cause and must always be mindful of the trust and confidence reposed on him.⁷

In the present case, Atty. Agleron admitted his failure to file the complaint against the Municipality of Caraga, Davao Oriental, despite the fact that it was already prepared and signed. He attributed his non-filing of the appropriate charges on the failure of complainant to remit the full payment of the filing fee and pay the 30% of the attorney's fee. Such justification, however, is not a valid excuse that would exonerate him from liability. As stated, every case that is entrusted to a lawyer deserves his full attention whether he accepts this for a fee or free. Even assuming that complainant had not remitted the full payment of the filing fee, he should have found a way to speak to his client and inform him about the insufficiency of the filing fee so he could file the complaint. Atty. Agleron obviously lacked professionalism in dealing with complainant and showed incompetence when he failed to file the appropriate charges.

In a number of cases,⁸ the Court held that a lawyer should never neglect a legal matter entrusted to him, otherwise his negligence renders him liable for disciplinary action such as suspension ranging from three months to two years. In this case, the Court finds the suspension of Atty. Agleron from the practice of law for a period of three (3) months sufficient.

WHEREFORE, the resolution of the IBP Board of Governors is hereby **AFFIRMED with MODIFICATION**. Accordingly, respondent **ATTY. ARNULFO M. AGLERON, SR.** is hereby **SUSPENDED** from the practice of law for a period of **THREE (3) MONTHS**, with a stern warning that a repetition of the same or similar wrongdoing will be dealt with more severely.

Let a copy of this resolution be furnished the Bar Confidant to be included in the records of the respondent; the Integrated Bar of the Philippines for distribution to all its chapters; and the Office of the Court Administrator for dissemination to all courts throughout the country.

SO ORDERED.



JOSE CATRAL MENDOZA
Associate Justice

⁶ *Uy v. Tansinsin*, A.C. No. 8252, July 21, 2009, 593 SCRA 296.

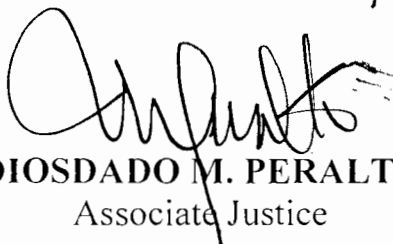
⁷ *Cariño v. De los Reyes*, 414 Phil. 667 (2001), citing *Santiago v. Fojas*, AM No. 4103, 248 SCRA 68.


⁸ *Fernandez v. Cabrera III*, 463 Phil. 352 (2003); *Uy v. Tansinsin*, A.C. No. 8252, July 21, 2009, 593 SCRA 296.

WE CONCUR:


PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson


DIOSDADO M. PERALTA
Associate Justice


ROBERTO A. ABAD
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice