



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **December 7, 2022** which reads as follows:*

“A.C. No. 13065 [Formerly CBD Case No. 14-4101] (SPOUSES JOSE C. GILLO AND JEANETTE K. GILLO, Complainants v. ATTY. ROCHERRIE S. BAYOT, Respondent). — This administrative case was filed against a lawyer who received her professional fees but failed to accomplish the tasks in her professional engagement within a reasonable time.

ANTECEDENTS

In 2009, complainants, Spouses Jose C. Gillo and Jeanette K. Gillo (Spouses Gillo), purchased 10 parcels of land from the Province of Cavite in a public sale.¹ In 2011, Spouses Gillo engaged respondent, Atty. Rocherrie S. Bayot’s (Atty. Bayot) services to facilitate the payment of taxes, transfer of tax declarations, and certificates of title of these lots.² Atty. Bayot accepted the engagement for PHP 20,000.00. At that time, Atty. Bayot’s office was located in Tagaytay City.³ On different dates, Spouses Gillo paid Atty. Bayot the following amounts:⁴

Date	Amount
August 10, 2011	PHP 62,000.00
August 25, 2011	PHP 10,848.50
March 1, 2012	PHP 37,000.00
TOTAL	PHP 109,848.50

¹ *Rollo*, p. 1.

² *Id.* at 2.

³ *Id.*

⁴ *Id.* at 3.

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These amounts represented the payment of taxes, acceptance fees, and filing fees.⁵ After several months, Spouses Gillo started following up the status of the certificates of title. Atty. Bayot informed them that the taxes were already paid but could not present any document.⁶ Spouses Gillo found out later that Atty. Bayot neither paid the taxes nor filed any case.⁷ On September 13, 2013, Spouses Gillo wrote a letter to Atty. Bayot demanding the return of the amounts they paid by September 30, 2013.⁸ The letter was sent to Atty. Bayot's new office in Silang, Cavite.⁹

In January 2014, Spouses Gillo filed the administrative Complaint for disbarment.¹⁰ Allegedly, Atty. Bayot did not respond to the demand letter. She also vacated her office in Tagaytay City without informing them of her new office in Silang, Cavite. Fortunately, they were able to locate Atty. Bayot's new office.

In her Verified Answer,¹¹ Atty. Bayot acknowledged receipt of the PHP 62,000.00 for the payment of taxes. She had the taxes assessed and computed. However, the tax payment was delegated to her secretary. Unknown to her, the secretary did not pay the taxes. She only became aware of the unpaid taxes when Spouses Gillo started demanding payment receipts.

Atty. Bayot also admitted to having received PHP 37,000.00 for filing fees. However, she encountered budgetary constraints in publishing the Petition. The Regional Trial Court (RTC) required that the publisher be determined via raffle. The publication cost may range from PHP 2,500.00 to PHP 30,000.00 per lot, depending on the publisher. From the initial budget of PHP 2,500.00 per lot of publication fee, it became PHP 30,000.00. The Register of Deeds also refused to annotate the Warrant of Levy and Final Deed of Sale despite the request from the provincial treasurer. She claimed that these circumstances were beyond her control. She also attributed the delay in performing her tasks to heavy workload.

In her Position Paper,¹² Atty. Bayot manifested that she returned the PHP 109,848.50 demanded by Spouses Gillo for her peace of mind.¹³ She reiterated that the transferring of the tax declarations and certificates of title takes a long time. She was willing to correct any misunderstanding, but Spouses Gillo immediately filed several cases against her.¹⁴

⁵ *Id.* at 2-3.

⁶ *Id.* at 3.

⁷ *Id.*

⁸ *Id.* at 3-4.

⁹ *Id.*

¹⁰ *Id.* at 1-6.

¹¹ *Id.* at 37-40.

¹² *Id.* at 59-65.

¹³ *Id.* at 59.

¹⁴ *Id.* at 61.

**Report and Recommendation of the
Integrated Bar of the Philippines (IBP) ¹⁵**

The Investigating Commissioner found Atty. Bayot guilty of violating Rules 18.03 and 18.04 of the Code of Professional Responsibility (CPR). He recommended that Atty. Bayot be suspended from law practice for six (6) months.

The Investigating Commissioner found that Atty. Bayot agreed to render her professional services but failed to facilitate the transfer of titles and tax declarations of the parcels of land purchased by Spouses Gillo, and pay the taxes. Atty. Bayot also failed to inform her client of the status of the services rendered. She also did not inform Spouses Gillo of the change of her office address. The return of the paid amounts did not extinguish the administrative liability but may be considered in determining the penalty.¹⁶

On November 8, 2018, the IBP Board of Governors passed a Notice of Resolution,¹⁷ adopting the findings of fact and recommendation of the Investigating Commissioner:

*RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner to impose the penalty of SUSPENSION from the practice of law for six (6) months.*¹⁸ (Emphasis in the original)

In a Motion for Reconsideration,¹⁹ Atty. Bayot moved to reconsider the November 8, 2018 Resolution which recommended for her suspension from the practice of law for six months. On June 13, 2020, the IBP Board of Governors issued its Resolution denying the Motion for Reconsideration.²⁰ Thus, Atty. Bayot filed a Petition²¹ dated January 5, 2021 to annul the Resolution dated June 13, 2020 of the IBP Board of Governors.

RULING

This Court adopts the IBP Board of Governors' findings but modifies the penalty.

Lawyers are not obliged to advocate for every person who requests to be their client.²² However, once they agree to take up the client's cause, they

¹⁵ *Id.* at 71–77. Penned by Investigating Commissioner Pitero M. Reig.

¹⁶ *Id.* at 76.

¹⁷ *Id.* at 69.

¹⁸ *Id.*

¹⁹ *Id.* at 78–83.

²⁰ *Id.* at 99. The Resolution dated June 13, 2020 stated that the IBP Board of Governors ruled as follows:
Resolution No. CBD-2020-06-22
CBD Case No. 14-4101

Spouses Jose C. Gillo and Jeanette K. Gillo vs. Atty. Rocherrie S. Bayot
RESOLVED to DENY, as it is hereby DENIED, the Motion for Reconsideration filed by complainant, [sic] there being no new reason and/or new argument adduced to reverse the Resolution dated November 8, 2018 of the Board of Governors.

²¹ *Id.* at 88–98.

²² *Villaflores v. Atty. Limos*, 563 Phil. 453, 460 (2007) [Per J. Chico-Nazario, Third Division].

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owe fidelity to such cause and must be mindful of the trust and confidence reposed to them.²³

It is undisputed that Atty. Bayot agreed to render professional services for Spouses Gillo to pay the taxes and facilitate the transfer of the tax declarations and certificates of title of the 10 parcels of land. It is likewise undisputed that Spouses Gillo made advance payments on different dates. The handwritten notes in the computation of the taxes showed that Spouses Gillo must pay PHP 52,848.45. The amount of PHP 62,000.00 paid on August 10, 2011, was more than enough to cover the tax liability. Notably, the handwritten notes show that the excess of PHP 9,151.55 would be applied as payment of the acceptance fee. The remaining amount of PHP 10,848.50 of the acceptance fee was paid on August 25, 2011.²⁴

Canon 18 of the CPR, provides that “lawyer[s] shall serve [their] client with competence and diligence.” Rule 18.03 of the CPR, likewise, provides that “[lawyers] shall not neglect a legal matter entrusted to [them], and [their] negligence in connection therewith shall render [them] liable.” Rule 18.04 of the CPR, further provides that “[lawyers] shall keep the client informed of the status of the [their] case and shall respond within a reasonable time to the client’s request for information.”

Atty. Bayot failed to live up to these standards. She should pay the taxes within a reasonable time. It is a crucial step in transferring the tax declarations and certificates of title. Unfortunately, the taxes were not paid more than a year after receiving the payment. Atty. Bayot cannot simply pass the blame on her secretary. Although the legwork of paying taxes was delegated, it is incumbent upon Atty. Bayot to verify whether the taxes were paid by her subordinate. After all, Atty. Bayot is expected to inform Spouses Gillo whether the taxes were already paid.

It is likewise undisputed that Atty. Bayot received payment for filing fees, but no case was filed. Atty. Bayot is not expected to cover any deficiency in payment. The Engagement Agreement²⁵ entered by Spouses Gillo and Atty. Bayot provides that “[f]iling fees and similar court expenses shall be borne by the client.”²⁶ Suppose she finds an error in the estimated budget of filing fees and other necessary costs, then Atty. Bayot is duty-bound to inform Spouses Gillo and ask for the deficiency. Atty. Bayot only mentioned that the publication fees went over the estimated budget. There was no proof that she informed Spouses Gillo and that Spouses Gillo refused to pay for the deficiencies. On the contrary, Spouses Gillo were left in the dark on the status of transferring the certificates of title to their names.

²³ *Id.*, citing *Spouses Rabanal v. Atty Tugade*, 432 Phil. 1064, 1070 (2002) [Per J. Mendoza, Second Division].

²⁴ *Rollo*, p. 71.

²⁵ *Id.* at 27–28.

²⁶ *Id.* at 27.

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From these circumstances, Atty. Bayot accomplished nothing after more than a year from receiving payments. Worse, Atty. Bayot did not even respond to Spouses Gillo's demand letter until an administrative case was filed against her. Under Rule 16.03 of the CPR, "lawyer[s] shall deliver the funds and property of their client when due or upon demand."²⁷ Canon 16 of the CPR, provides that "lawyer[s], shall hold in trust all moneys and properties of [their] client that may come into [their] possession." Unless it is shown that professional services were rendered to Spouses Gillo or another arrangement was made, Atty. Bayot should have returned the money upon demand.

Atty. Bayot also moved to another office without informing Spouses Gillo of her new office address. Had it not been for their effort to locate the new office address, Spouses Gillo would not be able to follow up their cases and demand the return of the amounts they paid. Atty. Bayot failed to demonstrate that she exercised diligence and competence as provided under Canon 18 of the CPR.

Proper penalty

In cases involving a lawyer's negligence, the Court imposed penalties ranging from reprimand, fine of PHP 500.00 with warning, suspension of three months, six months, and even disbarment in aggravated cases.²⁸ The appropriate penalty rests within the Court's sound discretion based on the facts involved. Simple negligence, inattention, or carelessness that do not result in material or pecuniary damage to the client do not justify disbarment or suspension.²⁹ However, simple negligence without malice, deceit, or deliberate intent to cause damage to the client still merits rebuke from this Court.³⁰

In *Cristobal v. Atty. Renta*,³¹ the Court admonished the erring lawyer to exercise greater care and diligence in performing his duty. The Court found that the erring lawyer was negligent when he did not file the appropriate criminal proceedings despite receipt of the acceptance fees. He was ordered to restitute the amount.³²

In *Cariño v. Atty. De Los Reyes*,³³ the Court reprimanded an erring lawyer for accepting a case to file criminal complaints. The erring lawyer did not file the complaint despite accepting her professional fees. The Court observed that the non-filing of the case did not cause material prejudice to the client because the criminal case did not prescribe. The return of the lawyer's fee was also considered in reducing the penalty.³⁴

²⁷ *Somosot v. Atty. Pontevedra*, 522 Phil. 378, 385 (2006) [Per J. Quisumbing, Third Division].

²⁸ *Endaya v. Atty. Oca*, 457 Phil. 314, 329–330 (2003) [Per J. Tinga, Second Division].

²⁹ *Alcala v. De Vera*, 155 Phil. 33, 43 (1974) [Per J. Muñoz Palma, *En Banc*].

³⁰ *Id.*

³¹ 743 Phil. 145 (2014) [Per J. Villarama, Jr., Third Division], citing *Voluntad-Ramirez v. Atty. Bautista*, 697 Phil. 2, 5–7 (2012) [Per J. Carpio, Second Division].

³² *Id.* at 149.

³³ 414 Phil. 667 (2001) [Per J. Mendoza, Second Division].

³⁴ *Id.* at 673–674.

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Here, this Court finds that reprimand and a fine of PHP 5,000.00 would be commensurate to Atty. Bayot's infraction. These penalties are proportionate because there is no showing that Atty. Bayot acted with malice, bad faith, or ill motive in her failure to pay the taxes and transfer the tax declarations and certificates of title.³⁵ Aside from the delay, Spouses Gillo did not show that they suffered material prejudice due to Atty. Bayot's inaction. The Court also takes note that Atty. Bayot returned the entire amount paid by Spouses Gillo. Although the return of these amounts would not exonerate her liability, it should be considered in determining the proper penalty.³⁶

FOR THESE REASONS, the Court **AFFIRMS with MODIFICATION** the Notice of Resolution³⁷ of the Board of Governors of the Integrated Bar of the Philippines. Respondent Atty. Rocherrie S. Bayot is **REPRIMANDED** and **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely. Respondent is likewise **ORDERED** to pay a fine of PHP 5,000.00.

Let a copy of this Resolution be furnished the Office of the Bar Confidant to be attached to respondent Atty. Rocherrie S. Bayot's personal record. Copies of this Resolution should also be served on the Integrated Bar of the Philippines for its proper disposition.

SO ORDERED."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *18* // 18
18 JAN 2024

³⁵ See *Somosol v. Ponteyedra*, *supra* note 27, at 383.

³⁶ *Cariño v. De Los Reyes*, 414 Phil. 667, 674 (2001) [Per J. Mendoza, Second Division].

³⁷ *Rollo*, p. 102.

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OFFICE OF THE CHIEF ATTORNEY (x)
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Supreme Court, Manila

*with a copy of the November 8, 2018 IBP Resolution
Please notify the Court of any change in your address.
AC13065. 12/7/2022B(744)URES

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