



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

N O T I C E

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 17, 2022** which reads as follows:*

“A.C. No. 13519 (*Uniwide Sales Realty and Resources Corporation v. Atty. Salvador B. Hababag*). – This administrative case arose from a Complaint¹ filed by the Uniwide Sales Realty and Resources Corporation (USRRC) represented by the Chairperson of its Board of Directors, Jimmy N. Gow, against Atty. Salvador B. Hababag (*Atty. Hababag*) for violation of the Code of Professional Responsibility (CPR) on account of his failure to file an appellant’s brief as USRRC’s counsel.

On October 13, 2016, USRRC filed a disbarment case against Atty. Hababag, before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (*Commission*).

USRRC averred that it engaged Atty. Hababag’s services as counsel in the case, “*United Sales Realty and Resources Corporation v. Maybank Philippines, Inc.*” docketed as Civil Case No. LP-13-0118, which was pending before the Regional Trial Court (RTC), Branch 275, Parañaque City. The RTC ruled in favor of Maybank Philippines, Inc. in the said civil case. Subsequently, a notice of appeal was filed before the RTC, Branch 275, Parañaque City. Records were elevated before the Court of Appeals (CA), and the case was re-docketed as CA-G.R. CV No. 103646. The CA issued a Resolution² dated July 21, 2015 and ruled that USRRC’s appeal is deemed abandoned and dismissed.

USRRC received a copy of the CA’s Judicial Records Division’s Letter/Directive dated January 12, 2015, on February 11, 2015, requiring USRRC to submit proof of service of two copies of its appellant’s brief upon Maybank Philippines, Inc. From the time of the receipt of the Letter/Directive on February 11, 2015, USRRC had 45 days or until March 28, 2015, to file its

¹ *Rolla*, pp. 2-13.

² Penned by Associate Justice Pedro B. Corales, with Associate Justices Sesinando E. Villon and Rodil V. Zaiameda (now a member of this Court), concurring; *id.* at 11-13.

appellant's brief, pursuant to Section 7,³ Rule 44 of the Rules of Court.⁴ Since USRRC failed to file its appellant's brief within the 45-day reglementary period, the CA outrightly dismissed the civil case, in accordance with Section 1(c),⁵ Rule 50 of the Rules of Court.

With this, USRRC filed a Complaint⁶ against Atty. Hababag, before the Commission. According to USRRC, Atty. Hababag's failure to file the appellant's brief within the 45-day reglementary period, to the prejudice of USRRC, is a flagrant violation of Canons 17, 18 and 19, and Rule 18.03 of the CPR:⁷

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.

X X X X

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 X X X

CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

In a Memorandum dated October 20, 2016, the Commission referred the Complaint to Commissioner Jose V. Cabrera (*Commissioner Cabrera*) for his recommendation. On November 7, 2016, Commissioner Cabrera found Atty. Hababag's failure to file an appellant's brief as violative of the above-mentioned Canons and Rule, and in addition, Rule 18.04:⁸

³ Section 7. *Appellant's brief*. — It shall be the duty of the appellant to file with the court, within forty-five (45) days from receipt of the notice of the clerk that all the evidence, oral and documentary, are attached to the record, seven (7) copies of his legibly typewritten, mimeographed or printed brief, with proof of service of two (2) copies thereof upon the appellee. (10a, R46) (**emphases supplied**)

⁴ *Rollo*, p. 12.

⁵ Section 1. *Grounds for dismissal of appeal*. — An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:

X X X X

(e) Failure of the appellant to pay the docket and other lawful fees as provided in section 5, Rule 40 and section 4 of Rule 41; (Bar Matter No. 803, 17 February 1998)

⁶ *Rollo*, pp. 2-13.

⁷ *Id.* at 3-4.

⁸ Records, Vol. II, p. 5.

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.

The Commission ordered Atty. Hababag to submit his verified answer, which he failed to do. Likewise, the parties failed to attend the mandatory conference scheduled. The parties also did not file their respective verified papers within the period given by the Commission. Since Atty. Hababag failed to submit a verified answer and verified position paper, he was deemed to have waived his right to present evidence on his behalf.⁹

On September 17, 2021, Commissioner Arnel Victor C. Valeña issued his Report and Recommendation which provides:

WHEREFORE, premises considered, it is respectfully recommended that Respondent ATTY. SALVADOR B. HABABAG, be suspended for six (6) months for violating the Code of Professional Responsibility and the Lawyer's Oath.

RESPECTFULLY SUBMITTED.

On March 17, 2022, the Board of Governors of the IBP issued a Resolution, which provides:

RESOLVED to **APPROVE** and **ADOPT**, as it is hereby **APPROVED** and **ADOPTED**, the Report and Recommendation of the Investigating Commissioner to impose upon Respondent Atty. Salvador B. Hababag of (sic) the penalty of **SUSPENSION from the practice of law for Six (6) Months**; and

RESOLVED FURTHER, to recommend the imposition upon the Respondent of a **FINE of Five Thousand Pesos (Php 5,000.00) each** for disobeying the directives of the Investigating Commissioner, i.e. failure to file an Answer, failure to file Mandatory Conference Brief, failure to appear during the Mandatory Conference, and failure to submit [his] Position Paper, **or a total of Twenty Thousand Pesos (Php 20,000.00).**¹⁰

Subsequently, the IBP Board's resolution and case records were forwarded to this Court.

⁹ *Id.*

¹⁰ *Id.* at 2-3.

Our Ruling

After a careful review of the records of the case, this Court resolves to adopt the factual findings of the Investigating Commissioner, and the penalty imposed by the IBP Board of Governors with modification.

There is no denying that Atty. Hababag failed to file an appellant's brief on behalf of his client before the CA. Canons 17, 18, 19, and Rules 18.03 and 18.04 of the CPR state:

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.

X X X X

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.

CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

Atty. Hababag's failure to file an appellant's brief before the CA resulted in the dismissal of USRRC's appeal. Similarly, in *Marilao v. Atty. Argawanon*,¹¹ this Court found Atty. Argawanon guilty of violating Canons 17, 18, 19 and Rules 18.03 and 18.04 of the CPR. Therein, respondent lawyer failed to file the appeal memorandum required by the RTC, which resulted in the dismissal of the appeal of the unlawful detainer case.

In *Marilao*,¹² this Court enumerated several cases where it found that a lawyer's non-filing of the mandatory pleadings before a court, constitutes gross negligence that violate his/her duties to his/her clients:

In the case of *In Re: Atty Briones*, the counsel failed to submit the required brief within the reglementary period which resulted to the continued incarceration of the client. In *Mariveles v. Mallari*, the lawyer, despite requesting for numerous extension of time, failed to file the Appellant's Brief to the prejudice of the client. In the case of *Figueras v.*

¹¹ A.C. No. 12886 (Notice) December 9, 2020.

¹² *Id.*

Jimenez, the counsel likewise failed to file the client's Appellant's Brief with note from the Court of Appeals that the motion for extension of time to file the brief was filed 95 days late from the time that it should have been filed. In the case of *Ramirez v. Buhayang-Margallo*, the lawyer failed to file the Appellant's Brief which resulted to the dismissal of the appeal of his client.¹³

Here, Atty. Hababag failed to comply with the fiduciary duty expected of him by his client. His failure to file the appellant's brief which resulted in the dismissal of the appeal amounts to gross negligence. USRRC was not able to fully litigate the merits of its case due to a technical procedure resulting in the dismissal of its appeal.

Atty. Hababag must keep in mind that an attorney-client relationship is imbued with utmost trust and confidence. Lawyers are expected to be mindful of their cause and to exercise the required degree of diligence in handling their affairs. Atty. Hababag is duty-bound to uphold and safeguard the interest of his clients. As USRRC's counsel, it is his duty to monitor USRRC's case. He is also obligated to exert all efforts to present every remedy authorized by law to safeguard his client's cause. Unfortunately, these duties expected of him were unfulfilled.

As regards the penalty, we affirm his suspension from the practice of law for six months, imposed by the IBP Board of Governors. Similar to this case are *Sta. Maria, et al. v. Atty. Atayde, Jr.*,¹⁴ *Alcantara v. Atty. Salas*,¹⁵ and *Spouses Gimena v. Vijiga*,¹⁶ where this Court imposed the penalty of suspension from the practice of law for six months and with stern warning, against counsels who failed to file their respective clients' appellant's brief. Consistent with existing jurisprudence, this Court finds it proper to suspend Atty. Hababag from the practice of law for six months.

As regards the fine to be imposed against Atty. Hababag, in addition to the suspension and stern warning, We reduce the amount from ₱20,000.00 to ₱5,000.00. In *Quitazol v. Atty. Capela*,¹⁷ the respondent lawyer was fined in the amount of ₱5,000.00 when he failed to file an answer, to attend the Mandatory Conference before the IBP Commissioner and to submit his Position Paper. Here, We find that Atty. Hababag's disobedience to the directives of the Investigating Commissioner when he failed to file an Answer, and when he failed to submit his Position Paper, shall be meted a penalty of ₱5,000.00.

¹³ *Id.*

¹⁴ A.C. No. 9197, February 12, 2020.

¹⁵ A.C. No. 3989, December 10, 2019.

¹⁶ 821 Phil. 185 (2017).

¹⁷ A.C. No. 12072, December 9, 2020.

FOR THESE REASONS, the Resolution dated March 17, 2022 of the IBP Board of Governors is hereby **AFFIRMED WITH MODIFICATION**. Respondent Atty. Salvador B. Hababag is **SUSPENDED** from the practice of law for a period of **SIX (6) MONTHS** with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.

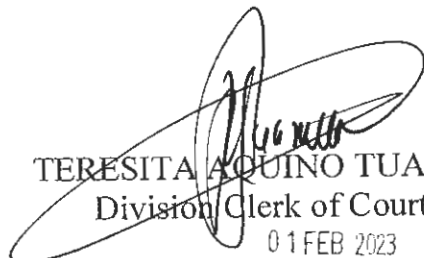
Atty. Salvador B. Hababag is **DIRECTED** to **FILE** a Manifestation with this Court that his suspension has started and to copy furnish all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Atty. Salvador B. Hababag is also meted a **FINE** in the amount of ₱5,000.00 for disobedience to the orders of the Integrated Bar of the Philippines. The payment shall be made within ten (10) days from notice of this Resolution.

Let a copy of this Resolution be furnished to: (1) the Office of the Bar Confidant to be appended to Atty. Salvador B. Hababag's personal record as an attorney; (2) the Integrated Bar of the Philippines for its information and guidance; and (3) the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TIAZON
Division Clerk of Court
01 FEB 2023

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*For circularization to all courts
Please notify the Court of any change in your address.
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