



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 5, 2022** which reads as follows:*

“**A.C. No. 13134 [Formerly CBD Case No. 18-5506] (Joe Marie C. Besagar v. Atty. Jason A. Cantil)**. – Before this Court is a Complaint<sup>1</sup> for disbarment filed by complainant Joe Marie C. Besagar (Besagar) against respondent Atty. Jason A. Cantil (Atty. Cantil). Allegedly, Atty. Cantil failed to inform his client, Besagar, that his labor complaint was dismissed by the Labor Arbiter resulting to the loss of opportunity to file an appeal before the National Labor Relations Commission (NLRC).<sup>2</sup>

The Court **NOTES** the Report<sup>3</sup> dated 27 June 2019, of the Investigating Commissioner and the Resolution<sup>4</sup> dated 13 June 2020 of the Integrated Board of the Philippines’ (IBP) Board of Governors, and resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations therein.

The quantum of proof necessary for a finding of guilt in a disbarment case is substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.<sup>5</sup> Besagar has the burden of proving his allegations against Atty. Cantil. It is a basic rule that reliance on mere allegations, conjectures, and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence.<sup>6</sup>

Besagar laments that Atty. Cantil failed to apprise him of the status of his case, which led to a lost opportunity to appeal an unfavorable decision of the Labor Arbiter to the NLRC. However, these claims have no ground to

<sup>1</sup> *Rollo*, pp. 1-4.

<sup>2</sup> *Id.* at 2-3.

<sup>3</sup> *Id.*, unpaginated (Report, pp. 1-14).

<sup>4</sup> *Id.*, unpaginated (Notice of Resolution, pp. 1-2).

<sup>5</sup> *Elanga v. Pasok*, A.C. No. 12030, 29 September 2020.

<sup>6</sup> *Tan v. Alvarico*, A.C. No. 10933, 03 November 2020.

hold on for failure of Besagar to present any evidence to establish that Atty. Cantil was indeed remiss in his duty as counsel.

Although Rule 18.04, Canon 18 of the Code of Professional Responsibility is explicit that a lawyer “shall keep the client informed of the status of his [or her] case and shall respond within a reasonable time to the client’s request for information,”<sup>7</sup> a lawyer who exercised every measure to contact a client but failed to do so is deemed to be in compliance with the said rule. In this case, this Court finds that Besagar failed to establish that respondent has neglected his duty to inform him of the status of the case. Besagar’s lack of notice of the Labor Arbiter’s decision cannot be attributed to the negligence of Atty. Cantil. Besagar did not sufficiently demonstrate that Atty. Cantil recklessly kept him out of the loop. Neither did he attempt to dispute Atty. Cantil’s explanation that his contact number was unreachable and his address incomplete.

Indeed, communication is a shared responsibility between counsel and client.<sup>8</sup> Counsel must inform the client of the status of the proceeding,<sup>9</sup> and the client, in turn, bears the responsibility to monitor the status of his or her case.<sup>10</sup> While the lawyer is bound to regularly update his or her client about the case, the client also has a correlative duty to be in contact with his or her lawyer from time to time in order to be informed of the progress and developments of their case.<sup>11</sup>

In this case, compared to Atty. Cantil’s efforts to contact Besagar, the records bear no proof that the latter made similar attempts to follow up with his lawyer or the Labor Arbiter about the case. From the last hearing before the Office of the Labor Arbiter on 30 May 2017, it took Besagar six months before he went back to check up on his case. This long period of inaction on the part of Besagar evinces disinterest and failure to exercise diligence in keeping up to date with the status of his case.

Disbarment is the most severe form of disciplinary sanction, and as such, the power to disbar must always be exercised with great caution for only the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the bar.<sup>12</sup> Not even a mirage of misconduct is visible in this case. Atty. Cantil did all he could do under the circumstances to contact Besagar, and may not be faulted for failing to contact his client.

Further, Atty. Cantil prepared Besagar’s Position Paper and Reply. These acts evince the effort and responsibility on the part of Atty. Cantil to champion the cause of his client and negates indication of negligence or

<sup>7</sup> *Sanchez v. Perez*, A.C. No. 12835, 03 February 2021.

<sup>8</sup> *See Spouses Aranda v. Elayda*, 653 Phil. 1, 9 (2010).

<sup>9</sup> *Id.*

<sup>10</sup> *See In re: Abellana v. Paredes*, G.R. No. 232006, 10 July 2019.

<sup>11</sup> *Id.*

<sup>12</sup> *In Re: Lopez*, A.C. No. 7986, 27 July 2021.


misconduct. Nonetheless, Atty. Cantil indubitably cannot complete the filing of the appeal with the NLRC on his own. It is a settled procedural rule that the certification against forum shopping must be executed by the party-pleader and not the counsel.<sup>13</sup> Hence, the preparation of an appeal without the requisite certification from Besagar would be an exercise in vain.

In all, having no iota of evidence to support Besagar's allegations, there is no basis to hold Atty. Cantil administratively liable. Consequently, the latter's right to be presumed innocent and to have regularly performed his duty as officer of the court must remain in place.<sup>14</sup>

**WHEREFORE**, the instant administrative complaint against respondent Atty. Jaron A. Cantil is **DISMISSED**. Accordingly, the case is deemed **CLOSED** and **TERMINATED**.

**SO ORDERED.**" *Marquez, J., on official leave.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**,  
Division Clerk of Court<sup>13</sup>

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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<sup>13</sup> *Viloria v. Heirs of Gaetos*, G.R. No. 206240, 12 May 2021.

<sup>14</sup> *Morales v. Borres, Jr.*, A.C. No. 12476, 10 June 2019.

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