



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

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

“A.C. No. 13344 [Formerly CBD Case No. 17-5283] (*Raul R. Pascual v. Atty. Thomas Dean M. Quijano*). – This resolves the administrative Complaint¹ filed by complainant Raul R. Pascual (complainant) against respondent Atty. Thomas Dean M. Quijano (respondent) for violation of the Code of Professional Responsibility (CPR).

Antecedents

On 26 January 2016, respondent agreed to be complainant’s counsel in a case he intended to file against his siblings, Edgargo Pascual, Conception Pascual, and Loreto Pascual for sum of money, accounting, and damages. Complainant paid ₱50,000.00 as acceptance fee and ₱54,000.00 for the filing fees.²

After seven months, or on 23 August 2016, complainant asked respondent about the status of the case. Respondent went to complainant’s house, gave him a copy of the complaint, and informed him that he had just filed the complaint an hour before going there.³

Angered by the delay, complainant asked respondent to return the ₱104,000.00 he received from him. Later on, complainant learned that respondent received a commission from negotiating the sale of a property owned by his daughter, in the amount of ₱700,400.00. Thus, complainant sent a text message to respondent, again demanding for the money he

¹ *Rollo*, pp. 19-21.

² *Id.* at 18.

³ *Id.* at 20.

A small, handwritten signature or mark in the bottom right corner of the page.

initially paid respondent. Failing to receive any reply, complainant sent respondent a Demand Letter.⁴

Complainant then filed the instant administrative complaint. He claimed that when he hired respondent, he had emphasized that as an 88-year-old man, he wished to expedite the filing of the case because he wanted it resolved before he dies. He alleged that because of the delay, he lost trust in respondent. He also found unethical respondent's failure to return the ₱104,000.00 despite secretly negotiating with one of his daughters.⁵

In his Verified Answer,⁶ respondent claimed that in early 2015, complainant consulted him regarding a dispute with all his siblings involving certain properties in Metro Manila. Complainant's siblings allegedly took all the income from such properties without giving him his share. Complainant furnished him with photocopies of the titles to the properties, and upon seeing that these copies were secured a long time ago, respondent withheld deciding on what legal recourse to take. He deemed it proper to inquire and secure updated copies of such titles from the Register of Deeds.⁷

Sometime in May 2015, respondent allegedly had an occasion to travel to Manila. Through a Special Power of Attorney⁸ (SPA) executed by complainant, respondent secured copies of the titles to the properties. He claimed that he did not receive anything from complainant as payment for securing these titles.⁹

After seeing that complainant is still the registered owner of the properties, respondent sent a demand letter to his siblings demanding complainant's share in the income of these properties. Complainant's siblings replied that they have been regularly giving him his share.¹⁰

Respondent allegedly examined complainant's bank accounts for several months and discovered that complainant's siblings have, indeed, been giving complainant his share. He claimed that by January 2016, he already had a case prepared. However, complainant's wife died, and all of his children returned to the Philippines from abroad, and sought his help to settle their mother's estate.¹¹

In August 2016, respondent filed a Complaint for Sum of Money, Accounting and Damages,¹² which was docketed as Civil Case No. 7893. He was thus bewildered why complainant suddenly told him that he was no

⁴ Id.

⁵ Id. at 11.

⁶ Id. at 39-41.

⁷ Id. at 39.

⁸ Id. at 51.

⁹ Id. at 39-40.

¹⁰ Id. at 40.

¹¹ Id.

¹² Id. at 43-45.

longer interested to pursue the case and wanted the return of the fees without regard to the work he has done.¹³

Respondent believes that he was not remiss in his duties and that he had done everything he could to assist complainant. He argues that he is entitled to the fees he received as reasonable compensation for the amount of work he had done, and should thus be allowed to keep it.¹⁴

During the mandatory conference, complainant failed to appear. Meanwhile, respondent was represented by his lawyer, Atty. Kamenev Kiril P. Dagpin (Atty. Dagpin).¹⁵

Report and Recommendation of the IBP

After the mandatory conference,¹⁶ the Investigating Commissioner issued a Report,¹⁷ which recommended that respondent be admonished for his acts. The Investigating Commissioner found that respondent is entitled to retain the ₱104,000.00 because of the work he had done for complainant. Further, the Investigating Commissioner did not find anything unethical about respondent accepting employment from complainant's daughters. However, it was found that respondent was remiss in informing complainant about the status of his case.¹⁸

The IBP Board of Governors issued on 15 December 2019, a Resolution¹⁹ adopting the findings of facts and recommendation of the Investigating Commissioner. The IBP Resolution reads:

CBD Case No. 17-5283

Raul R. Pascual vs. Atty. Thomas Dean M. Quijano

RESOLVED to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, **with modification** the Report and Recommendation of the Investigating Commissioner in the above-entitled case and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and for his unjustified delay in the filing of the case, Atty. Thomas Dean M. Quijano is hereby **ADMONISHED**.

RESOLVED, FURTHER, that the Commission prepare an extended resolution explaining the Board action.²⁰

¹³ Id. at 40.

¹⁴ Id.

¹⁵ Id. at 62.

¹⁶ Id. at pp. 225-226

¹⁷ Report and Recommendation, pp. 1-7. Signed by Commissioner Denise Monina F. Uy.

¹⁸ Id. at 6-7.

¹⁹ Notice of Resolution; signed by Assistant National Secretary Jose Angel B. Guidote, Jr.

²⁰ Id.

In its Extended Resolution,²¹ the Board of Governors, while mostly agreeing with the Investigating Commissioner, found the delay in filing the complaint inexcusable. It noted that the complaint was dated 15 February 2016, but was only filed 23 August 2016. It also disagreed with the Investigating Commissioner that the respondent's engagement as counsel for complainant's daughters constitutes as an excuse for failing to attend to respondent's case. Nonetheless, it deemed that admonition is sufficient to penalize respondent, given that his work in the settlement of the estate of complainant's wife inured to his benefit.²²

Issue

The issue in this case is whether respondent violated his ethical duties to his client because of the delay in filing the complaint, and in failing to return the ₱104,000.00 despite complainant's demand.

Ruling of the Court

The practice of law is not merely application of legal knowledge and skills, it is also a form of public service. For this reason, Our rules require that lawyers not merely provide rudimentary legal advice or representation, but specifically requires that it be done with competence, loyalty, diligence, *viz.:*

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.

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.

Jurisprudence further teaches that the duty of the lawyer to the client starts the moment that attorney-client relationship is created, with or without fee and regardless of the existence of a written contract.²³ A lawyer's consent to employment also constitutes as a concurrent undertaking to render service with the highest ideals of professionalism, confidentiality, and loyalty.

²¹ Extended Resolution, pp. 1-5. Signed by Deputy Director for Bar Discipline Ramon Manolo A. Alcasabas.

²² *Id.* at 4.

²³ *See Sison v. Dumlao*, A.C. No. 11959, 28 April 2021.

In this case, respondent's liability centers on his failure to promptly file the complaint. Indeed, he was approached by complainant in the early months of 2015 about his predicament. It appearing that he undertook to investigate further on the status of the titles to complainant's properties, it can therefore be concluded that attorney-client relationship was already created at such earlier time although he received the ₱104,000.00 in 2016.²⁴ Based from his actions, it is clear that he acquiesced in assisting complainant handle the dispute with his siblings. Thus, from such time, he was also bound to observe the ethical duties that are concomitant to professional employment. Indeed, when a lawyer takes a client's cause, he [or she] covenants that he [or she] will exercise due diligence in protecting his [or her] rights. The failure to exercise that degree of vigilance and attention expected of a good head of the family makes such lawyer unworthy of the trust reposed in him [or her] by his [or her] client and makes him [or her] answerable not just to [his or her] client but also to the legal profession, the courts, and society.²⁵ In this case, instead of filing the complaint as soon as possible from the time that he accepted the employment in 2015, respondent was only able to file it on 23 August 2016.

Respondent attempted to justify the delay by narrating that in 2015, he investigated and sought current copies of the titles to the properties. He also purportedly communicated with complainant's siblings demanding payment for the latter's share in the properties. The following year, respondent maintained that he already had a legal strategy and complaint drafted, but it was not filed because of the intervening death and settlement of the estate of complainant's wife.²⁶

This Court does not find respondent's explanation meritorious.

At the outset, petitioner knew about complainant's cause of action as early as the first quarter of 2015. As can be gleaned from his Answer to the instant complaint, complainant's cause of action was straightforward. He was seeking payment for his share on co-owned properties. The case was not convoluted, nor did it appear to involve complex legal issues. While this Court is unprepared to punish him for investigating the status of the titles to the properties, and in communicating with complainant's siblings, this Court finds that a year of delay in the actual filing of the complaint is unjustified.

Complainant has made it clear, and respondent has not denied, that his fervent wish is that the case be filed and resolved as soon as possible given his advanced age. Thus, respondent should have taken efforts to expeditiously request for the necessary documents and asked for payment from complainant's siblings as soon as it was possible. However, this Court does not find anything in respondent's Verified Answer indicative of these efforts. Instead, he reasoned that he had to confer with complainant and

²⁴ *Rollo*, p. 4.

²⁵ *Emiliano Court Townhouses Homeowners Association v. Dioneda*, 447 Phil. 408, 415 (2003).

²⁶ *Rollo*, p. 39.

investigate the case further. This Court finds these allegations flimsy, doubtful, and self-serving. They are unsupported with evidence, and on the contrary, further underscored respondent's lack of appreciation on the urgency of the matter at hand. It is uncertain from respondent's answer when did complainant's siblings respond to his demand letter, or when did he supposedly meet with complainant to discuss the matter of remitted payments, and how did these events stall the filing of the complaint.

This Court is also unmoved by respondent's claim that he examined complainant's bank account to justify his failure to file the complaint earlier. It does not appear from the record that such examination involved various accounts or voluminous records which would require such long period of time. Further, the amounts remitted to complainant's account do not go into the substantive elements of complainant's cause of action as to be absolutely necessary in the drafting of the complaint.

Even if this Court considers the delay as part of respondent's case preparation, what is apparent, though, is the fact that complainant had no clue on the status of the case after he executed a SPA in respondent's favor. Indeed, his failure to communicate the updates on the case manifests his indifference to complainant's situation, and a violation of his ethical duty to him. A lawyer must endeavor to periodically and promptly advise clients about the developments in their case so that they can make informed decisions about all matters essential to their case.²⁷

As to the delay from February until August 2016, this Court fully agrees with the opinion of the IBP-Board of Governors. Despite the close relationship between his clients, respondent was not excused from his undertaking to expedite the filing of complainant's case. More importantly, he was not released from his obligation to update complainant of the cause of delay. Contrary to the Investigating Commissioner's opinion, this Court is unprepared to relieve lawyers of the obligation under Rule 18.04 on the ground of constructive notice to their clients. Complainant was not obliged nor expected to tolerate the delay in the prosecution of his case, even if he knew that respondent took charge in the settlement of the estate of his wife. Not only will this reasoning greatly dilute the lawyers' ethical obligations of loyalty and candor, it may also have adverse consequences in further sanctioning delay in the administration of justice. Verily, the public has a stake in the lawyer's due performance of his or her professional and ethical obligations. Lawyers who perform that duty with diligence and candor not only safeguard the interests of the client, but also serve the ends of justice. They do honor to the bar and help maintain the community's respect for the legal profession.²⁸

Moreover, if it were true that the complaint was indeed finished as early as 15 February 2016, as the date of the complaint states, it would not

²⁷ See *Sanchez v. Perez*, A.C. No. 12835, 03 February 2021.

²⁸ See *Gone v. Ga*, 662 Phil. 611, 616 (2011).

have taken too much of respondent's time to have it filed in the trial court. Even if this Court assumes that respondent is without an administrative staff to handle the mailing or filing, six months is too long of a period to accomplish it. Without further elaboration on respondent's part, this Court is left to speculate on the reasons why it took him so long to file the complaint with the trial court, and only after complainant asked him about it. It is crucial to point out that when respondent met complainant at his house, he had just filed the complaint an hour before that meeting. It is thus apparent that respondent failed to give due attention to complainant's case as the timing of the events establish that he would not have filed the complaint had it not been for complainant's follow up on its status. This Court has always reminded lawyers to manage their workload efficiently. In accepting new cases, they should not deprive their "older" cases of the same competence and efficiency they devote on these new cases, or cause prejudice to other clients in one way or another.²⁹

This Court has imposed varying penalties for violations of Canons 17 and 18 of the CPR ranging from reprimand to suspension from the practice of law for a period of six months to three years, and even disbarment.

In *Yap v. Dantes*,³⁰ this Court imposed the penalty of reprimand on a lawyer who failed to file an appellant's brief. In fixing the penalty, the Court noted that respondent lawyer's advanced age and the fact that it was his first infraction.

Meanwhile, in *Sanchez v. Perez*,³¹ the Court suspended the lawyer for six months due to his failure to attend the pre-trial proceedings that led to the dismissal of the case, and his failure to communicate the status of the case to his client. In *Marilao v. Argawanon*,³² this Court opined that a six-month suspension is proper if the lawyer's negligence causes unfavorable consequences to the client's interests.

On the other hand, a one-year suspension was imposed in *Ocampo v. Lorica IV*,³³ when the lawyer failed to promptly inform his clients of the adverse decision, and asking ₱25,000.00 before drafting a motion for reconsideration. In that case, instead of personally notifying his clients of the adverse decision, the respondent lawyer sent a letter through mail. Having received the information, two days before the deadline, the clients sought help from their lawyer who then asked for additional ₱25,000.00. Failing to gather such an amount, the clients were forced to look for another lawyer who was able to file the motion in their behalf. Likewise, a one-year suspension was imposed in *Parsons v. Agdon*,³⁴ for the lawyer's neglect in attending to the adoption case in behalf of her clients.

²⁹ See *Heirs of Gayares v. Pacific Asia Overseas Shipping Corp.*, 691 Phil. 46, 55 (2012).

³⁰ A.C. No. 11741, 19 June 2019.

³¹ A.C. No. 12835, 03 February 2021.

³² A.C. No. 12886, 09 December 2020.

³³ A.C. No. 12790, 23 September 2020.

³⁴ A.C. No. 12412 16 September 2020.

In *Ereñeta v. Salvado*,³⁵ the Court suspended the respondent lawyer for two years upon his failure to secure registration of titles to his client's properties. In that case, the Court took into consideration the lawyer's previous suspension for making misrepresentations to his clients and issuing worthless checks.

A longer period of suspension was imposed in *Portuguese, Jr. v. Centro*,³⁶ for the lawyer's failure to update and protect the client's interest against an adverse decision, and later on, execution of such judgment. In that case, this Court imposed a three-year suspension from the practice of law, with warning that a repetition of the same or similar act shall be dealt with more severely.

In *Telles v. Dancel*,³⁷ the Court disbarred the lawyer for his neglect in filing a formal offer of evidence in the trial court, and appellant's brief in the Court of Appeals despite notice. The Court explained that the lawyer violated both his [or her] professional obligations to his [or her] client and to the court.

Guided by the foregoing jurisprudence and the fact that this appears to be respondent's first infraction, this Court finds that the penalty of reprimand is proper, with stern warning that a repetition of the same or similar act will be punished more harshly. Moreover, this Court finds it just to order respondent to account for his actual expenses in securing the titles, and filing the complaint in court. Any balance from such amount should be returned to complainant.³⁸

WHEREFORE, premises considered, respondent **ATTY. THOMAS DEAN M. QUIJANO** is hereby **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or similar act shall be dealt with severely.

He is likewise **ORDERED** to **RENDER** the necessary accounting of expenses incurred relative to the acquisition of updated copies of the titles to complainant's properties subject of Civil Case No. 7893 pending before the Regional Trial Court of Iligan City, and **RETURN** to complainant the amount of ₱104,000.00, within 30 days from notice of this resolution.

Let a copy of this Resolution be entered in Atty. Thomas Dean M. Quijano's record with the Office of the Bar Confidant, and notice of the same be served on the Integrated Bar of the Philippines and on the Office of the Court Administrator for circulation to all courts in the country.

³⁵ A.C. No. 10424, 05 May 2021.

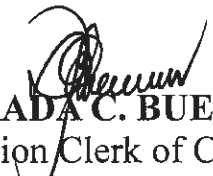
³⁶ A.C. No. 12875, 26 January 2021.

³⁷ A.C. No. 5279, 08 September 2020.

³⁸ See *Basiyo v. Alisuag*, A.C. No. 11543, 818 Phil. 761, 768-769 (2017).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

146
SEP 27 2022

Mr. Raul R. Pascual
Complainant
Purok 1, Dalipuga
9200 Iligan City

Atty. Thomas Dean M. Quijano
Respondent
QUIAJANO LAW OFFICE
No. 0018B De Leon Street
9200 Iligan City

Integrated Bar of the Philippines
15 Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

Office of the Bar Confidant (x)
Supreme Court

Office of the Court Administrator (x)
Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court



UR

