



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 25, 2023** which reads as follows:*

“A.C. No. 8986 [Formerly CBD Case No. 17-5442] (*Reynaldo M. Siquig v. Atty. Raleston F. Falcutilla*¹).—This resolves the verified letter² filed by complainant Reynaldo M. Siquig (Siquig) against his former lawyer, Atty. Raleston F. Falcutilla (Atty. Falcutilla), in relation to the handling of his case.

Antecedents

The records show that Siquig is one of the defendants in a civil case for Judicial Settlement, Adjudication and Accounting of Estate filed before the Regional Trial Court (RTC) of Baler, Aurora, Branch 66.³ In a Decision,⁴ the trial court ordered Siquig to render an accounting of the income derived from the subject property and to pay the plaintiffs attorney’s fees and litigation expenses.⁵

Within the period for filing an appeal or motion for reconsideration, Atty. Falcutilla did not file any pleading for Siquig.⁶ This prompted the plaintiffs in the civil case to file a Motion for Execution,⁷ citing the finality of the Decision.⁸

¹ Falcutilla is also spelled as “Falcutila” and Raleston as “Releston” in some parts of the *rollo*.

² *Rollo*, pp. 1-2.

³ *Id.* at 45.

⁴ *Id.* at 45-64. Penned by Judge Armando A. Yanga.

⁵ *Id.* at 63-64. The dispositive portion reads:

WHEREFORE, in view of the [foregoing] considerations, the Court hereby renders judgment:

1. Ordering [Siquig] to render an accounting of the income derived from the property being held by him covered by TCT No-(T-71574)-1870 x x x; and to pay plaintiff the sum of Php 10,000 as attorney’s fees and expenses of litigation; and costs.

x x x x

SO ORDERED.

⁶ *Id.* at 74-75.

⁷ *Id.* at 65-66.

⁸ *Id.* at 65.

In response to the plaintiffs' motion, Atty. Falcutilla filed a Comments and/or Opposition,⁹ stating that there was no proof that his office received a copy of the Decision considering that the Registry Return Receipt merely stated "December 2006" as date of receipt, with no particular date.¹⁰ Because of this, the period within which to file a motion for reconsideration supposedly has not yet lapsed.¹¹ Accordingly, Atty. Falcutilla prayed that the plaintiff's Motion for Execution be denied and that Siquig's Motion for Reconsideration,¹² which Atty. Falcutilla attached in the Comments and/or Opposition, be admitted instead.¹³

In an Order,¹⁴ the trial court rejected Atty. Falcutilla's arguments on the supposed lack of proof of receipt and granted the plaintiffs' Motion for Execution instead.¹⁵ It noted that the Registry Return Receipt clearly showed that the Decision was received by Atty. Falcutilla's office in December 2006 and that even if it was received on the last day of December 2006, the Comments and/or Opposition with the attached Motion for Reconsideration, which was filed only on March 26, 2007, was still belatedly filed.¹⁶

Hence, Siquig's present letter, where he alleges that he was informed by Atty. Falcutilla of the adverse Decision only five months after it was rendered and only after he inquired with the trial court; and that when he confronted Atty. Falcutilla, the latter promised that he would file an appeal but failed to do so, *viz.*:

I would like to file a formal complaint for disbarment against my former lawyer, Atty. Releston F. Falcutilla [sic] of No. 4273 Emilia St., Palanan, Makati City.

I secured the services of Atty. Falcutilla [sic] to represent me in a civil case at the RTC, Branch 66, Baler, Aurora. Unfortunately, we lost in the case. However, Atty. Falcutilla [sic] only informed me of the court decision dated November 21, 2006 after 5 months, that is, after I made a follow-up with the RTC and I was informed sometime in December, 2007 that there was already a decision. After I learned of the decision, I immediately went to see Atty. Falcutilla [sic] in Makati City and showed to him the court decision. He told me that he will appeal the decision and asked for P6,000.00 for the appeal which I paid to him. However, I went to the RTC and learned that he did not file any appeal, hence, my complaint for his disbarment for his conduct unbecoming a lawyer, among others.

⁹ Id. at 67-68.

¹⁰ Id. at 67.

¹¹ Id.

¹² Id. at 69-73.

¹³ Id. at 67.

¹⁴ Id. at 74-75. Penned by Judge Armando A. Yanga.

¹⁵ Id.

¹⁶ Id.

Thank you and I hope for your immediate action on my compliant [sic].¹⁷

In his Comments,¹⁸ Atty. Falcutilla stated that appeal was no longer proper at that time, and that Siquig's claim is belied by his admission in the Sheriff's Return that he already partially complied with the Writ of Execution.¹⁹ He nevertheless admitted that every time he went to Aurora to represent Siquig, he was paid an amount of PHP 5,000.00 for his appearance fee, cost of fuel, food, and accommodation.²⁰

Report and Recommendation of the Integrated Bar of the Philippines

In a Report and Recommendation,²¹ the Investigating Commissioner recommended that the case be dismissed for lack of evidence, viz.:

In view of the foregoing, it is respectfully recommended that the administrative case filed against ATTY. RALESTON F. FALCUTILA be **DIMISSED**.

RESPECTFULLY SUBMITTED.²²

The Investigating Commissioner noted that Siquig failed to submit any evidence to support his letter, and that he failed to appear or explain his absence in the proceedings before the Integrated Bar of the Philippines (IBP).²³

In a Notice of Resolution,²⁴ the IBP Board of Governors reversed and set aside the Commissioner's recommendation, and recommended that Atty. Falcutilla be suspended from the practice of law for six months instead, viz.:

RESOLVED to REVERSE and SET ASIDE, as it is hereby REVERSED and SET ASIDE, the Report and Recommendation of the Investigating Commissioner in the above-entitled case and, for negligence in handling his client's case, Atty. Raleston F. Falcutilla [sic] is hereby recommended to be SUSPENDED from the practice of law for six (6) months.

*RESOLVED FURTHER, that the Commission prepare an EXTENDED RESOLUTION explaining the recommendation of the Board of Governors in this case.*²⁵

¹⁷ Id. at 1.

¹⁸ Id. at 42-44.

¹⁹ Id. at 43-44.

²⁰ Id. at 44.

²¹ Id., unpaginated. Signed by Commissioner Atty. Stephanie M. Cas-Refina.

²² Id., unpaginated.

²³ Id., unpaginated.

²⁴ Id., unpaginated. Signed by National Secretary Roland B. Inting.

²⁵ Id.

The IBP Board of Governors noted in its Extended Resolution²⁶ that based on the records of the case, Atty. Falcutilla indeed failed to file a timely remedy to the adverse Decision and also failed to inform Siquig of the said judgment.²⁷

Issue

Is Atty. Falcutilla negligent in handling his client's case?

Our Ruling

We sustain the findings and recommendation of the IBP Board of Governors.

Canon 18 of the Code of Professional Responsibility (CPR) states that “[lawyers] shall serve [their] client with competence and diligence.” Under Rules 18.03 and 18.04, serving a client with competence and diligence entails not neglecting a legal matter entrusted to them and keeping the client informed of the status of the case, *viz.*:

RULE 18.03 A lawyer shall not neglect a legal matter entrusted to [him/her], and [his/her] negligence in connection therewith shall render [him/her] liable.

RULE 18.04 A lawyer shall keep the client informed of the status of [his/her] case and shall respond within a reasonable time to the client's request for information.

In *Katipunan, Jr. v. Carrera*,²⁸ the Court ruled that the failure of a lawyer to timely and adequately inform the client of the status of the case destroys the trust reposed on the lawyer and on the legal profession as a whole. Further, in *Spouses Adecer v. Akut*,²⁹ the Court held that a lawyer's neglect of a legal matter, such as the failure to timely file a motion for reconsideration or appeal, subjects the lawyer to liability for negligence.³⁰ Hence, the Court has imposed disciplinary sanctions for failure to timely inform the client of the status of the case and for the belated filing of a motion for reconsideration, *viz.*:

Respondent's agreement to handle complainant's case, as shown by his receipt of his legal fees, is an assurance and representation to his client that he would be diligent and competent in handling the case. **This includes the timely filing of the motion for reconsideration, constantly updating on the status of the case, and availing of the proper remedy, such as filing a notice of appeal when the motion for reconsideration**

²⁶ Id., unpaginated.

²⁷ Id.

²⁸ A.C. No. 12661, February 19, 2020.

²⁹ 522 Phil. 542 (2006).

³⁰ Id. at 553. Citations omitted.

will be denied. Thus, his actuations are contrary to Canon 18, and Rule 18.03 of the CPR, which state:

X X X X

In this case, it is clear that respondent filed the motion for reconsideration 17 days late. Also, when the motion for reconsideration was denied he, likewise, failed to file a notice of appeal. Because of this, the judgment has attained finality and judgment was executed against complainant. **Without a doubt, this exhibits his inexcusable lack of care and diligence in managing his client's cause in violation of Canon 18, and Rule 18.03 of the CPR.** As such, he neglected the legal matters entrusted to him for which he must be clearly held administratively liable.³¹ (Emphases supplied)

Here, the records support the IBP Board of Governor's findings that Atty. Falcutilla failed to timely inform Siquig of the adverse Decision of the trial court, and similarly failed to timely file an appeal, which rendered the adverse ruling final and executory.

First, in his pleadings, it is glaring that Atty. Falcutilla never denied belatedly informing his client of the Decision. Rather than addressing Siquig's verified claim, Atty. Falcutilla simply went on to state that the trial court denied the Motion for Reconsideration and that eventually, Siquig partially complied with the Writ of Execution.³² But even if Siquig eventually complied with the Decision, his compliance is not relevant to the issue of whether Siquig was indeed belatedly informed of the Decision. Since Atty. Falcutilla failed to deny and simply attempted to evade the question, and considering further that Siquig attested to the truth of his claim,³³ the Court finds for Siquig.

Second, that Atty. Falcutilla failed to file a timely remedy to the adverse judgment of the trial court is clear from records of the case. In the June 1, 2007 Order of the trial court, it noted that the Registry Return Receipt plainly showed that the Decision was received by Atty. Falcutilla's office in December 2006, and that even if it was received on the last day of December, the Comments and/or Opposition with the attached Motion for Reconsideration, filed three months later, was still late, to wit:

The records likewise clearly show that a copy of the decision was mailed to [Atty. Falcutilla] on November 21, 2006 at his law office in Makati City. The registry return receipt shows that the date of delivery of said decision was written as December 2006. The experience of this Court in mailing communications from Baler, Aurora to Metro Manila to include Makati City takes only 7-10 days at most to reach its destination. It is safe to assume that when said decision was mailed on November 21, 2006, the

³¹ *Lorenzo-Nucum v. Cabalan*, A.C. No. 9223, June 9, 2020.

³² *Rollo*, pp. 43-44.

³³ *Id.* at 2.

mail should have reached the law office of said counsel by the first week of December wherein the 15-day period shall start to toll. **Even assuming that the delivery of a copy of said decision had been delayed up to the end of December 2006 [,] considering the filing of Motion for Reconsideration with this Court on March 26, 2007, clearly, it is filed out of time and does not merit any consideration.**³⁴ (Emphasis supplied)

Based on this, there is no question that Atty. Falcutilla belatedly filed the motion. Since the Decision had already attained finality, appeal was no longer possible.

For failure to serve Siquig with competence and diligence, specifically by failing to timely inform him of the status of the case and by failing to timely file a remedy to the Decision, Atty. Falcutilla deserves to be administratively disciplined. In *Quitazol v. Capela*,³⁵ the Court ruled that a six-month suspension from the practice of law is a commensurate penalty to the failure of lawyers to comply with Rules 18.03 and 18.04, Canon 18 of the CPR, to wit:

A member of the Bar may be penalized, even disbarred, or suspended from [his/her] office as an attorney for violation of the lawyer's oath and/or for breach of the ethics of the legal profession as embodied in the CPR. The appropriate penalty for a negligent lawyer depends on the exercise of sound judicial discretion based on the surrounding facts. In several instances, the Court imposed upon negligent lawyers a penalty of suspension of six months from the practice of law. In *Caranza Vda. de Saldivar*, a lawyer was suspended for six months for his failure to file a pre-trial brief and attend the scheduled preliminary conference. In *Spouses Aranda v. Atty. Elayda*, a six-month suspension was also imposed when the respondent lawyer failed to appear in a scheduled hearing despite due notice, which resulted in the submission of the case for decision. Likewise, in *Penilla v. Atty. Alcid, Jr.*, the respondent lawyer's explanation that he failed to update his client of the status of the case because their time did not always coincide was considered too flimsy an excuse, and the Court accordingly suspended the lawyer for six months. We further held in *Spouses Adecer v. Atty. Akut*, that an attorney's failure to timely file a motion for reconsideration, or an appeal, renders [him/her] liable for negligence, which is penalized with suspension for six months. In *Spouses Rabanal v. Atty. Tugade*, the lawyer who failed to file an appellant's brief before the CA despite being granted extensions of time, was also suspended for six months. Following these precedents, we deem it just and proper to suspend Atty. Capela from the practice of law for a period of six months.³⁶

Accordingly, the Court sustains the IBP Board of Governor's recommendation to suspend Atty. Falcutilla from the practice of law for six months. He is reminded that being a lawyer is a privilege burdened with

³⁴ Id. at 75.

³⁵ A.C. No. 12072, December 9, 2020.

³⁶ Id. Citations omitted.



conditions, among which is to serve the client with competence and diligence.³⁷ When lawyers fail to comply with such condition and exhibit negligence in handling their clients' case, they may be subjected to disciplinary proceedings and imposed administrative sanctions.³⁸


WHEREFORE, this Court resolves to **ADOPT** and **APPROVE** the findings of fact and recommendation of the Integrated Bar of the Philippines' Board of Governors in the August 22, 2020 Notice of Resolution and the July 1, 2022 Extended Resolution in CBD Case No. 17-5442. Respondent **ATTY. RALESTON F. FALCUTILLA** is **SUSPENDED** from the practice of law for **SIX (6) MONTHS** effective immediately upon receipt of this Resolution, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

Respondent is **DIRECTED** to immediately file a Manifestation to the Court that the suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered appearance as counsel.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be entered into respondent's records, and to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts throughout the country for their information and guidance.

SO ORDERED.” *Rosario, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
JCB

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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³⁷ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 18.

³⁸ *Sta. Maria v. Atayde, Jr.*, A.C. No. 9197, February 12, 2020.

Mr. Reynaldo M. Siquig
Complainant
Brgy. San Roque, San Manuel
2438 Pangasinan

Atty. Raleston F. Falcutilla
Respondent
8-414 Francisca Tower
EDSA cor. Sgt. Borromeo
South Triangle, 1103 Quezon City
- and/or -
Purok 10, Barangay Tacunan
Tugbok District, 8000 Davao City

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

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