



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 22, 2022** which reads as follows:*

**“A.C. No. 13454 [Formerly CBD Case No. 17-5312] (Mamerto C. Suico, Complainant v. Atty. Perfecto G. Dumay-as, Respondent).** — This Court **NOTES** the Notice of Resolution No. CBD-XXV-2022-02-15 dated February 12, 2022 of the Integrated Bar of the Philippines (*IBP*) Board of Governors which approved and adopted the Report and Recommendation dated March 30, 2020 of the Investigating Commissioner to dismiss the complaint for lack of merit; transmitted by letter dated March 25, 2022 of Director Avelino V. Sales, Jr., IBP Commission on Bar Discipline, together with the records and flash drive file of the case.

This Court resolves an administrative complaint seeking the disbarment of Atty. Perfecto G. Dumay-as (*Atty. Dumay-as*) for violation of Canon 18 of the Code of Professional Responsibility.

**Facts**

Sometime in 2015, Mamerto C. Suico (*Suico*) met with Atty. Dumay-as to ask about the enforcement of a divorce decree, which was granted to him by a Nevada Court, here in the Philippines. Atty. Dumay-as assured him that he had experience handling such cases and that he was fully capable of assisting him in filing a petition before the courts for the judicial recognition and enforcement of the said foreign judgment. Acting on his assurances, Suico then secured the legal services of Atty. Dumay-as to assist him in filing a petition for the recognition and enforcement of a foreign judgment.<sup>1</sup>

In December 2015, Atty. Dumay-as, acting on behalf of Suico, filed a petition for the recognition and/or enforcement of a foreign judgment before the Regional Trial Court of Muntinlupa City. The petition was docketed as SP Pro. Case No. 16-009 and was raffled to Branch 276.<sup>2</sup> Branch 276, however, is not a family court. Consequently, the petition was re-raffled to Branch 207 and its records were transmitted to the said branch on March 21, 2016.<sup>3</sup> Suico

<sup>1</sup> *Rollo*, p. 5.

<sup>2</sup> *Id.* at 22.

<sup>3</sup> *Id.*

was displeased when he learned about this as it delayed the adjudication of his petition. He blamed Atty. Dumay-as for filing his petition in the wrong court. Atty. Dumay-as reasoned that he had no control in the raffling of cases. The fact that their petition was raffled to a regular court was beyond his control.

On November 21, 2016, the Regional Trial Court issued an Order<sup>4</sup> directing Atty. Dumay-as to comply with the procedure laid down in *Medina v. Koike*.<sup>5</sup> After the hearing, Suico berated Atty. Dumay-as for not knowing about the said case. Atty. Dumay-as clarified that they filed their petition a few months before this Court promulgated the decision in the said case. Clearly, he had no way of knowing about the procedure laid down in the case of *Medina v. Koike*.

Atty. Dumay-as then reminded Suico that they needed to submit to the Regional Trial Court the authenticated copy of his divorce decree. Irked, Suico retorted it was Atty. Dumay-as' duty as his lawyer to secure the authenticated copy of his documentary evidence. Atty. Dumay-as again explained that the consular office requires the physical presence of Suico in requesting the authentication of his documents. As such, he alone could not secure it for him. The two then agreed to meet on February 6, 2017 so that Atty. Dumay-as can return Suico's documents for these to be authenticated.

Suico arrived in Manila on February 2, 2017.<sup>6</sup> As agreed, he went to Atty. Dumay-as' office around 3:00 p.m. on February 6, 2017. Atty. Dumay-as, however, was not around. Incensed, Suico made a scene in Atty. Dumay-as' office demanding that he needed to make good of their agreement to meet on time. Atty. Dumay-as was then forced to call Suico to explain that his car broke down while he was on his way back to his office. Suico felt mistreated and thought that Atty. Dumay-as made his life miserable and stressful. Worse, Atty. Dumay-as wasted his time and money as he had to fly to Manila from Cebu just to meet with him. Vexed, Suico walked out of his office and refused to speak or meet with him again.

During the scheduled hearing on February 13, 2017, Suico appeared in court but Atty. Dumay-as was nowhere to be found. Seething, Suico informed the presiding judge that he had plans of filing an administrative case against Atty. Dumay-as due to his alleged incompetence in handling his case. The presiding judge took note of this and advised Suico to secure the services of a new lawyer to assist him in his case. In Atty. Dumay-as' defense, he averred that he had yet to receive the authenticated documents from Suico.

---

<sup>4</sup> *Id.* at 23.

<sup>5</sup> 791 Phil. 645 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>6</sup> *Rollo*, p. 38.

Consequently, he had to ask the Regional Trial Court to re-schedule the said hearing to a later date.<sup>7</sup>

Making good of his manifestation, Suico then filed a verified complaint against Atty. Dumay-as on March 10, 2017. On March 30, 2020, the Commission on Integrity and Bar Discipline reported that they found the administrative complaint against Atty. Dumay-as to be without merit. As such, the instant case was recommended to be dismissed because the two parties were found to have trust issues with each other.<sup>8</sup>

All the same, the investigating commissioner held that Atty. Dumay-as should not be faulted for the delay in the resolution of Suico's petition. The allegation that Atty. Dumay-as is incompetent was found to be baseless. Seeing as the rift between the two could no longer be mended, Atty. Dumay-as was ordered to return the Twenty Thousand Pesos (PHP 20,000.00) that he received from Suico as half of his acceptance fee and the documents that were in his possession.<sup>9</sup>

The Board of Governors of the Integrated Bar of the Philippines issued a Resolution<sup>10</sup> approving and adopting the report and findings of the investigating commissioner.

### **This Court's Ruling**

This Court concurs with the findings of fact, conclusions of law, and recommendations of the Investigating Commissioner.

Suico is primarily asking this Court to punish Atty. Dumay-as for his alleged incompetence in handling his case before the Regional Trial Court. Canon 18 of the Code of Professional Responsibility obliges lawyers to serve their clients competently and diligently. This includes their responsibility to prepare each time they would handle any legal matter.<sup>11</sup> Failure of a lawyer to deal with the legal matter of their client shall render them administratively liable.<sup>12</sup> Aside from this, lawyers are mandated to ensure that they are updated with new legal developments.<sup>13</sup>

---

<sup>7</sup> *Id.* at 27–28.

<sup>8</sup> *Id.* at 36–43.

<sup>9</sup> *Id.* at 41–43.

<sup>10</sup> *Id.* at 34–35. The February 12, 2022 Resolution was penned by National Secretary Doroteo Lorenzo B. Aguila, Board of Governors of the Integrated Bar of the Philippines, Pasig City.

<sup>11</sup> Rule 18.02 of Canon 18 of the Code of Professional Responsibility.

<sup>12</sup> Rule 18.03 of Canon 18 of the Code of Professional Responsibility.

<sup>13</sup> Canon 5 of the Code of Professional Responsibility.

While this Court commiserates with the slow progress of Suico's case and understands his exasperation for the delay in its adjudication, this Court finds that Atty. Dumay-as should not be blamed for the same. This Court elaborated in the case of *Seares, Jr. v. Atty. Gonzales-Alzate*<sup>14</sup> as to what would constitute negligence that is punishable under the Code of Professional Responsibility, to wit:

For administrative liability under Canon 18 to attach, the negligent act of the attorney should be gross and inexcusable as to lead to a result that was highly prejudicial to the client's interest. Accordingly, the Court has imposed administrative sanctions on a grossly negligent attorney for unreasonable failure to file a required pleading, or for unreasonable failure to file an appeal, especially when the failure occurred after the attorney moved for several extensions to file the pleading and offered several excuses for [their] nonfeasance. The Court has found the attendance of inexcusable negligence when an attorney resorts to a wrong remedy, or belatedly files an appeal, or inordinately delays the filing of a complaint, or fails to attend scheduled court hearings. Gross misconduct on the part of an attorney is determined from the circumstances of the case, the nature of the act done and the motive that induced the attorney to commit the act.<sup>15</sup> (Citations omitted)

There is nothing on the records of this case that would show that Atty. Dumay-as' alleged negligent acts were so gross and inexcusable as to greatly prejudice Suico's interest. On the contrary, it would appear that Atty. Dumay-as repeatedly reminded Suico of the pieces of documentary evidence that he needed to personally secure so that they could present it in Court. Moreover, the causes for the postponement of the scheduled hearings were beyond Atty. Dumay-as' control. This Court has consistently held the following as regards complaints against lawyers, to wit:

The purpose of disbarment is to protect the court and the public from the misconduct of officers of the court and to ensure the administration of justice by requiring that those who exercise this important function shall be competent, honorable and trustworthy men [and women] in whom courts and clients may repose confidence. An attorney enjoys the legal presumption that [they are] innocent of the charges preferred against [them] until contrary is proved; and as an officer of the court, [they are] presumed to have performed [their] duty in accordance with [their] oath. In disbarment proceedings, the burden of proof rests upon the complainant, and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof. Indeed, considering the serious consequences of the disbarment or suspension of a member of the Bar, the Supreme Court has consistently held that clearly preponderant evidence is necessary to justify the imposition of administrative penalty.

....

---

<sup>14</sup> 698 Phil. 596 (2012) [Per J. Bersamin, First Division].

<sup>15</sup> *Id.* at 602-603.

The profession of an attorney is acquired after long and laborious study. It is a lifetime profession. By years of patience, zeal and ability, the attorney may be able to amass considerable means to support [themselves] and [their] family, besides the honor and prestige that accompany [their] office and profession. To deprive [them] of such honored station in life which would result in irreparable injury must require proof of the highest degree, which We find nowhere here. While courts will not hesitate to mete out proper disciplinary punishment upon lawyers who fail to live up to their sworn duties, they will, on the other hand, protect them from the unjust accusations of dissatisfied litigants. The success of a lawyer in [their] profession depends almost entirely on [their] reputation. Anything which will harm [their] good name is to be deplored. Private persons, and particularly disgruntled opponents, may not, therefore, be permitted to use the courts as vehicles through which to vent their rancor on members of the Bar.<sup>16</sup>

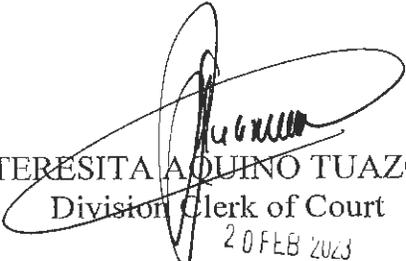
All the same, it is evident that Suico is no longer satisfied with the legal services provided by Atty. Dumay-as. This, however, is not within this Court's jurisdiction to decide in the absence of gross and inexcusable negligence.

In addition, this Court finds the recommendation of the Investigating Commissioner to order Atty. Dumay-as to return the Twenty Thousand Pesos (PHP 20,000.00) that he received from Suico as half of his acceptance fee and the documents that are still in his possession to be just.

**FOR THESE REASONS**, the Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations of the Investigating Commissioner in the Report and Recommendation dated March 30, 2020, which the Board of Governors of the Integrated Bar of the Philippines likewise **ADOPTED** and **APPROVED**. The Complaint against Atty. Perfecto Dumay-as is **DISMISSED**.

**SO ORDERED.**"

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
20 FEB 2023

<sup>16</sup> *Santos v. Dichoso*, 174 Phil. 115 (1978) [Per J. Guerrero, First Division].

MAMERTO SUICO (reg)  
Complainant  
Coral Bay Lot 3, Blk. 2 Tungkop,  
Minglanilla City, Cebu City

ATTY. PERFECTO DUMAY-AS (reg)  
Respondent  
Unit E, 2<sup>nd</sup> Floor, Mariden Building  
Martyr's Avenue, Trece Martires City  
Cavite

COMMISSIONER AVELINO V. SALES, JR. (reg)  
IBP Commission on Bar Discipline  
DOROTEO LORENZO B. AGUILA (reg)  
National Secretary  
Integrated Bar of the Philippines  
Doña Julia Vargas Avenue  
Ortigas Center, 1605 Pasig City

INTEGRATED BAR OF THE PHILIPPINES (reg)  
Doña Julia Vargas Avenue  
Ortigas Center, 1605 Pasig City

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

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

THE BAR CONFIDANT (x)  
Supreme Court, Manila

*Please notify the Court of any change in your address.*  
AC13454. 08/22/2022B(203)URES *11/17*