



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 3, 2022 which reads as follows:

“A.C. No. 13469 [Formerly CBD Case No. 19-6030] (*Elizabeth Y. Trinidad v. Atty. Wigberto R. Tañada, Jr.*) – The Court **NOTES** the Notice of Resolution No. CBD-XXV-2021-12-12 dated December 2, 2021 of the Integrated Bar of the Philippines (IBP) Board of Governors which modified the Report and Recommendation dated June 14, 2021 of the Investigating Commissioner, and recommend instead, the imposition upon respondent the penalty of reprimand for violation of Rule 18.03 of the Code of Professional Responsibility, after taking into consideration the facts of the case; 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.

In CBD Case No. 19-6030, complainant Elizabeth Trinidad (Trinidad) charged respondent Atty. Wigberto Tañada, Jr. (Atty. Tañada) with negligence and betrayal of trust of his client. She alleged that she engaged the services of Atty. Tañada for the purpose of nullifying, through a petition for certiorari, the dismissal of the complaint for illegal dismissal she filed against New World Makati Hotel, et al. before the National Labor Relations Commission (NLRC). Atty. Tañada, however, simply allowed the reglementary period to lapse without him filing the petition for certiorari. This “negligence and betrayal of trust” caused her to lose her cause of action against her employer. Atty. Tañada, therefore, should be held liable therefor, and accordingly disbarred.¹

In his Answer dated October 4, 2019, Atty. Tañada countered that although he initially declined to accept the case referred to him by one Joselito Santillana (Santillana), he eventually expressed his willingness to file the necessary petition for certiorari should the motion for reconsideration earlier filed by Trinidad before the NLRC be denied. It was in December 2018 when he received a photocopy of the records from Santillana together with the ₱5,000.00 as filing fee for the intended petition. On January 7, 2019, he received a text message from Santillana following up the status of the case.

¹ Rollo, p. 1-3.

During their conversation, Santillana told him that Trinidad received the denial of the motion for reconsideration on December 20, 2018.² He, therefore, had in mind that he had sixty (60) days from said date within which to file the intended petition.

On February 7, 2019, Trinidad sent him a message, also following up the status of the case. Trinidad mentioned that the last day for filing the intended petition was on January 28, 2019, which had already expired. Thus, he immediately called up Trinidad who confirmed that she received the denial of her motion for reconsideration on November 30, 2018, and not on December 20, 2018, as earlier conveyed to him by Santillana. Hence, he could not file the intended petition for certiorari as of February 7, 2019 or any date thereafter because the sixty (60) day period from November 30, 2019 had already expired; and not because he was negligent. As it was, he was initially fed with an erroneous date of receipt of the denial of the motion for reconsideration, hence, he erred in the computation of the sixty-day period. In any event, he immediately returned the ₱5,000.00 to Trinidad.³

After due proceedings, the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD), in its Report and Recommendation dated June 14, 2021, found Atty. Tañada liable for violation of Rule 18.03⁴ of Canon 18 of the Code of Professional Responsibility (CPR) for his alleged failure to render service with adequate diligence to his client. It further recommended that Atty. Tañada be suspended for one (1) month from the practice of law with warning that a repetition of the same or similar acts will warrant a more severe penalty.⁵

Under Resolution No. CBD-XXV-2021-12-12 dated December 2, 2021, the Board of Governors of the Integrated Bar of the Philippines (IBP-BOG) reduced the penalty to reprimand.⁶

We adopt and affirm the findings and recommendation of the IBP-BOG. When Atty. Tañada accepted his engagement as counsel for Trinidad for the purpose of filing the intended petition for certiorari, he thereby agreed to serve his client with competence and diligence in handling the subject case. This means ascertaining the actual date when his client received the adverse resolution for the purpose of computing the period within which to file the intended petition for certiorari before the Court of Appeals. Unfortunately, he did not do so. Instead, he recklessly relied on the mere say-so of the person who referred the case to him and who gave him the wrong date.

² Id. at 46-50.

³ Id. at 48.

⁴ Rule 18.03.- A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

⁵ *Rollo*, pp. 135-140.

⁶ Id. at 133.

The CPR mandates a lawyer to exercise the necessary diligence and competence in managing cases that are entrusted to them.⁷ Once a lawyer accepts a case, Canon 18⁸ of the CPR states that it is incumbent upon him or her to act with diligence, skill, and competence in handling the same. Atty. Tañada's actions certainly fell short of the diligence so required of him.

In *Villaflores v. Limos*,⁹ we held that the main responsibility in acquiring the required information remains with the lawyer. In that case, we found Atty. Limos administratively liable for violation of Canon 18 of the CPR for his failure to file the Appellant's Brief despite the failure of his client to inform him of the exact date of the Notice to File the Appellant's Brief. Similar to this case, the Court in *Villaflores* found the errant lawyer negligent for the failure to file the pleading within the reglementary period. Hence, regardless of any lack of communication from the client, it is always the duty of the lawyer to ascertain the period within which to file the appropriate action.

While Atty. Tañada's failure to exercise the due diligence required of a member of the legal profession justifies the imposition of a disciplinary sanction, we take into account the circumstances of this case which demonstrate the lack of bad faith on his part. First, Atty. Tañada was really fed the wrong information by Santillana as to the actual date of receipt of the denial by the NLRC. At that time, he had no reason to doubt the veracity of the information relayed to him by Santillana. Too, upon receipt of the text message regarding the real due date for filing of the intended petition, he immediately called his client to clarify the date of her receipt and told her that he could no longer file the same on her behalf. Also, he immediately returned the ₱5,000.00 to Trinidad.

Atty. Tañada's acts, therefore, show mere simple negligence, which is defined as the "failure to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference."¹⁰

It has been stressed that the determination of whether an attorney should be disbarred or merely suspended for a period involves the exercise of sound judicial discretion. The penalties for a lawyer's failure to file a brief or other pleading range from reprimand, warning with fine, suspension and, in grave cases, disbarment.¹¹ Considering that he only acted with simple negligence and there is lack of bad faith on the part of Atty. Tañada, admonition with warning is deemed the appropriate penalty.

⁷ *Ramirez v. Atty. Buhayang-Margallo*, 752 Phil. 473, 480-481 (2015).

⁸ **CANON 18 - A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.**

⁹ 563 Phil. 453, 462 (2007).

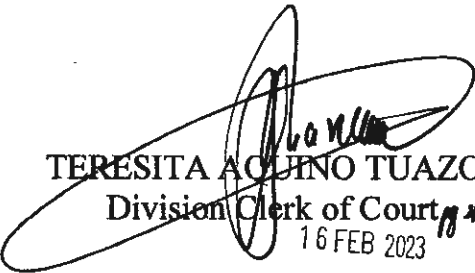
¹⁰ *Republic v. Canastillo*, 551 Phil. 987, 996 (2007).

¹¹ *Figueras v. Atty. Jimenez*, 729 Phil. 101, 108 (2014).

ACCORDINGLY, Atty. Wigberto R. Tañada, Jr. is found liable for violation of Canon 18 of the Code of Professional Conduct. He is hereby **ADMONISHED with a STERN WARNING** that the commission of the same or similar acts shall be dealt with more severely. Let a copy of this resolution be attached to the records of Atty. Wigberto R. Tañada, Jr. in the Office of the Bar Confidant.

SO ORDERED.” (Kho, Jr., J., on leave.)

By authority of the Court:


TERESITA ACUNIO TUAZON
Division Clerk of Court
16 FEB 2023

ELIZABETH Y. TRINIDAD (reg)

Complainant

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TAÑADA VIVO & TAN (reg)

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Supreme Court, Manila

THE BAR CONFIDANT (x)

Supreme Court, Manila

*For this resolution only

Please notify the Court of any change in your address.

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