



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames

*Please take notice that the Court, Third Division, issued a Resolution dated **June 21, 2023**, which reads as follows:*

**A.C. No. 13196 (Formerly CBD Case No. 18-5590) – OSCAR COMEQUE and CYNTHIA BONGALON, complainants, versus ATTY. ALEJANDRO N. ROJO, respondent.**

In this administrative case, Oscar Comeque and Cynthia Bongalon (complainants) charge Atty. Alejandro N. Rojo (respondent) with violation of Canon 18 of the Code of Professional Responsibility (CPR).

In the Affidavit Complaint<sup>1</sup> filed before the Integrated Bar of the Philippines (IBP) on December 15, 2017 complainants alleged that they were the defendants in Civil Case No. R-QZN-16-02159 for Complaint for Specific Performance (Demand for Reformation of Loan Instrument to Deed of Real Estate Mortgage with Claim for Interest and Damages) entitled *Sps. Kristine Angela Llarinas and Marlon Llarinas v. Sps. Cynthia Bongalon and Oscar Comeque* (civil case), which was lodged before the Regional Trial Court of Quezon City, Branch 104<sup>2</sup> (RTC). According to complainants, a certain Francisco K. Layag (Layag), whom they initially thought was a lawyer, promised to take care of the civil case, subject to payment of fees amounting to ₱5,000.00.<sup>3</sup> However, when complainants saw the Answer that was prepared to counter the complaint filed against them, they noticed that the pleading was drafted and signed by respondent as “Counsel for the Defendants.”<sup>4</sup> Complainants aver that they had neither met with nor spoken to respondent prior to the preparation of the Answer, but they trusted respondent with their case since Layag vouched that he personally knew respondent.<sup>5</sup>

Complainants claim that respondent failed to attend the scheduled hearings despite prior notice, resulting in complainants being declared in default and the case submitted for decision.<sup>6</sup> After said incident, respondent

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<sup>1</sup> *Rollo*, pp. 1-42.

<sup>2</sup> *Id.* at 1, 25-30.

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.* at 33.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> *Id.*

expressly refused to continue lawyering for complainants.<sup>7</sup> Nonetheless, complainants were able to convince him to prepare a Motion for Reconsideration, subject to payment of ₱3,000.00 and the condition that respondent would no longer sign as their counsel.<sup>8</sup> The Motion for Reconsideration was, however, denied by the RTC.<sup>9</sup>

For his part, respondent counters that the accusations imputed against him are nothing more than malicious and barefaced fabrications.<sup>10</sup> While respondent does not deny that he prepared and signed the aforementioned Answer upon the request of Layag, agreed to attend the hearings, drafted the Motion for Reconsideration and received payments therefor,<sup>11</sup> he clarifies that no professional engagement transpired between him and complainants.<sup>12</sup> Respondent avers that, if any, he only agreed to assist complainants out of sympathy.

In its Report and Recommendation<sup>13</sup> dated January 13, 2020, the IBP–Commission on Bar Discipline (IBP-CBD) found respondent liable for violating Canon 18 of the CPR, and recommended his suspension from the practice of law for one (1) year.<sup>14</sup> The IBP-CBD noted respondent’s own admissions and ruled that they clearly show that he agreed to represent complainants and to act as their counsel.<sup>15</sup> Thus, the IBP-CBD found ground to hold respondent liable for his failure to attend the scheduled hearings, despite prior notice. The IBP-CBD also noted that while he attended one hearing, records show that he arrived late, resulting in the case being submitted for decision.

On September 12, 2020, the IBP–Board of Governors (IBP-BOG) passed a resolution approving and adopting the Report and Recommendation of the IBP-CBD.<sup>16</sup>

## RULING

After a judicious review of the records of the case, the Court deems it proper to adopt the findings and recommendation of the IBP.

Canon IV of the Code of Professional Responsibility and Accountability<sup>17</sup> (CPRA) mandates lawyers to serve their clients with

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<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at 53, Answer.

<sup>11</sup> Id. at 57.

<sup>12</sup> Id. at 54-55.

<sup>13</sup> Id. at 226-231.

<sup>14</sup> Id. at 231.

<sup>15</sup> Id. at 229.

<sup>16</sup> Id. at 224-225, Notice of Resolution.

<sup>17</sup> A.M. No. 22-09-01 (May 29, 2023) provides:

competence, diligence, commitment, and skill consistent with the fiduciary nature of the lawyer-client relationship, regardless of the nature of the legal matter or issues involved, and whether for a fee or *pro bono*.

In *Sps. Vargas v. Atty. Oriño*<sup>18</sup> (*Vargas*), the Court explained that:

The case of *Samonte v. Jumamil* teaches ‘that a lawyer-client relationship commences when a lawyer signifies his agreement to handle a client’s case and accepts money representing legal fees from the latter.’ Once a member of the Bar agrees to provide his legal services to a client, but does not perform or deliver as promised, then he reneges upon the oath he took as a lawyer. Moreover, it has been held that the mere failure of the lawyer to perform the obligations due to his client is considered *per se* a violation of the lawyer’s oath. **Indeed, lawyers are duty bound to attend to their client’s cause with diligence, care and devotion, whether they accept it for a fee or for free, so much so that a lawyer’s neglect of a legal matter entrusted to him constitutes inexcusable negligence for which he must be held administratively liable.**<sup>19</sup> (Emphasis supplied)

At the outset, the Court states the obvious – a lawyer-client relationship existed between respondent and complainants. For one, respondent himself admitted that he extended his legal services to complainants, and in consideration thereof, received from complainants payments therefor. For another, respondent himself represented in the pleadings filed before the RTC that he was the “Counsel for Defendants.” Respondent cannot now deny this relationship by conveniently saying that no professional engagement ever existed between him and complainants and that he only offered his services to them out of pity.

In the present case, it is clear that respondent reneged on his duties to his clients and failed to serve them with the competence and diligence demanded of members of the Bar. Particularly, the Court takes issue with respondent’s preparation of the Answer only upon instruction of Layag, and without first discussing the facts and the issues with complainants, who were the defendants in the case and the signatories to the Verification and Certification of Non-Forum Shopping. The Court also finds respondent liable for his failure to attend the scheduled hearings despite prior notice, which resulted in complainants being declared in default.

Time and again, the Court has ruled that “until [a lawyer’s] withdrawal [is] approved, the lawyer remains counsel of record who is expected by his [or her] clients, as well as by the court, to do what the interests of his [or her]

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#### GENERAL PROVISIONS

**SECTION 1. Transitory provision.** – The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

<sup>18</sup> 852 Phil. 142 (2019).

<sup>19</sup> *Id.* at 147.

clients require.”<sup>20</sup> Respondent’s justification – that he was never professionally engaged by complainants – holds no water considering he himself made the RTC believe that he lawyered for the complainants. As aptly stated by the IBP, respondent should have filed the necessary manifestations or motions with the court if he really intended to withdraw his appearance.<sup>21</sup> That way, the notices would not have been sent by the RTC to him and complainants would have been properly represented in the subject civil case.

Gross negligence in the performance of duty, or conduct that is reckless and inexcusable, which results in the client being deprived of his or her day in court is classified as serious offense under Canon VI, Section 33 of the CPRA. If a respondent lawyer is found guilty thereof, the following sanctions may be imposed: (1) disbarment; (2) suspension from the practice of law for a period of exceeding six (6) months; (3) revocation of notarial commission and disqualification as notary public for not less than two (2) years; and/or (4) a fine exceeding ₱100,000.00.<sup>22</sup>

In *Vargas*, the Court suspended respondent lawyer therein from the practice of law for a period of one year for violating Canon 18 of the CPR, the counterpart provision of Canon IV of the CPRA. In light of the foregoing, as well as the recommendation of the IBP, the Court warrants the imposition of the same penalty against respondent herein.

**WHEREFORE**, premises considered, the Court finds ATTY. ALEJANDRO N. ROJO liable for violating Canon IV of the Code of Professional Responsibility and Accountability. He is hereby **SUSPENDED** from the practice of law for a period of one (1) year effective upon receipt of this Resolution, and **STERNLY WARNED** that a repetition of the same or similar wrongdoings will be dealt with more severely.

**SO ORDERED.**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
Division Clerk of Court  
*Misael*

Mr. Oscar Comeque & Ms. Cynthia Bongalon  
Complainants  
No. 15-A King James St., Kingspoint Subdivision  
Brgy. Bagbag, Novaliches, 1123 Quezon City

<sup>20</sup> *Venterez v. Cosme*, 561 Phil. 479, 489 (2007).

<sup>21</sup> *Rollo*, p. 229.

<sup>22</sup> CPRA, Canon VI, Section 37.

Atty. Alejandro N. Rojo  
Respondent  
No. 51-B Iba St., Sta. Mesa Heights  
1100 Quezon City

Atty. Amor P. Entila  
Officer-in-Charge  
OFFICE OF THE BAR CONFIDANT  
Supreme Court, 1000 Manila

Atty. Avelino V. Sales, Jr.  
Director for Bar Discipline  
INTEGRATED BAR OF THE PHILIPPINES  
Doña Julia Vargas Avenue  
Ortigas Center, 1605 Pasig City

JUDICIAL & BAR COUNCIL  
Supreme Court, 1000 Manila


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