



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SUSAN T. DE LEON,
Complainant,

A.C. No. 10441

Present:

- versus -

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA,* and
REYES, JJ.

ATTY. ANTONIO A. GERONIMO,
Respondent.

Promulgated:

14 FEB 2018

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DECISION

PERALTA, J.:

This case is pursuant to a disbarment complaint which Susan T. De Leon filed against Atty. Antonio A. Geronimo, for purportedly committing acts in violation of the Lawyer's Oath and the Code of Professional Responsibility (CPR).

The factual and procedural antecedents of the case are as follows:

Complainant Susan T. De Leon engaged the services of Atty. Antonio A. Geronimo on March 28, 2003 to represent her in a labor case, where De Leon's employees filed complaints for illegal dismissal and violations of labor standards against her. On November 26, 2003, the Labor Arbiter (LA) rendered a Decision¹ dismissing said complaints for illegal dismissal against De Leon, but ordering her to pay each of the employees ₱5,000.00 as financial assistance. Without being informed by Atty. Geronimo, the

* On official business.

¹ Rollo, pp. 11-16.

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employees filed an appeal before the National Labor Relations Commission (NLRC). On November 30, 2004, the NLRC reversed the LA decision, ordering De Leon and her co-respondents to reinstate the employees and pay them more than ₱7 Million.² When De Leon received a copy of the Motion for Reconsideration which Atty. Geronimo prepared, she was disappointed since the motion was composed of only three (3) pages and the arguments did not address all the issues in the assailed decision. Thus, De Leon later filed a Supplemental Motion for Reconsideration before the NLRC.³ On January 28, 2005, Atty. Geronimo provided her with copies of some of the records of her case, particularly the LA and NLRC decisions, after which, De Leon never heard from him again.

After several months of not hearing from her lawyer, De Leon finally decided to call Atty. Geronimo on March 1, 2006 to follow up on the status of both the Motion for Reconsideration and the Supplemental Motion for Reconsideration. Much to her surprise, Atty. Geronimo informed her that said motions had already been denied by the NLRC in a Resolution⁴ dated August 26, 2005, which he had received sometime in September 2005. When De Leon asked him if he elevated the case to the Court of Appeals (CA), Atty. Geronimo said that he did not. When she asked why, Atty. Geronimo replied that it did not matter anyway since she did not have any money, further telling her, “*Di ba wala ka naman properties?*” De Leon likewise asked him why he did not inform her that he had already received a copy of the Resolution denying the motions, to which he replied, “*Wala ka naman pera!*” At that point, De Leon told him that she’s terminating his services as her counsel. Thereafter, Atty. Geronimo filed a withdrawal of appearance as counsel.

On the other hand, Atty. Geronimo claims that De Leon filed the complaint against him for his perceived negligence even when he exerted his best defending her before the LA by filing the mandatory pleadings and supporting documents. After explaining that the LA ruling was already favorable to her, De Leon decided not to appeal the LA’s award of financial assistance and merely wait for the employees to file an appeal. Atty. Geronimo also explained to her remedies if the NLRC reversed the LA ruling; that she might be forced to bring the case to the CA and the Supreme Court. De Leon said that she had no more money to defray the expenses of the suit. On November 30, 2004, the NLRC promulgated its decision. On January 28, 2005, or six (6) days before February 3, 2005, the deadline for the filing of the Motion for Reconsideration of the NLRC Decision, De Leon called Atty. Geronimo and told him to give her the decisions of the LA and NLRC, and to surrender to her the entire case records because she would ask

² *Id.* at 448-470.

³ *Id.* at 414-421.

⁴ *Id.* at 424-425.



another lawyer to prepare her motion for reconsideration. Although Atty. Geronimo believed that, with the surrender of the case records and De Leon's statement that she would get another lawyer, he had already been relieved of his duties, he still prepared a motion for reconsideration on February 2, 2005. When he asked De Leon if she was ready to file the Motion for Reconsideration, the latter said no. So she signed the one he had prepared, verified it under oath, and filed it with the NLRC. For this, Atty. Geronimo did not collect any pleading fee. On February 16, 2005, however, De Leon filed a Supplemental Motion for Reconsideration which had been prepared by a lawyer who did not enter an appearance in the case. On September 6, 2005, Atty. Geronimo received a copy of the NLRC Resolution denying De Leon's motions. When he informed her of said Resolution and the requirements needed in filing a petition before the CA, De Leon said that she had no more money since her garment factory was already closed and she was unemployed. Atty. Geronimo told her that without money in the bank (De Leon construed this as "*Wala ka naman pera*"), the sheriff could not get anything from her. He also asked about her house and lot. De Leon said that they were living in the house owned by her husband's parents and they did not own any real property (De Leon construed this as "*'Di ba wala ka naman properties?*") He reiterated that without any money or property, the sheriff could not get anything from her. De Leon then remarked that she would no longer file a petition before the CA or if she would, another lawyer would have to prepare it for her. Thus, and since he was no longer in possession of the records of De Leon's case, Atty. Geronimo could not prepare the petition for *certiorari* before the CA.

On January 31, 2011, the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) recommended Atty. Geronimo's suspension from the practice of law, to wit:⁵

In view of the foregoing, it is respectfully recommended that the respondent be meted the penalty of suspension from [the] practice of law for a period of six (6) months.

Respectfully submitted, Pasig City, 31 January 2011.

On December 29, 2012, the IBP Board of Governors passed Resolution No. XX-2012-650,⁶ which adopted the abovementioned recommendation, with modification, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and

⁵ Report and Recommendation submitted by Commissioner Edmund T. Espina dated January 31, 2011; *id.* at 502-512.

⁶ *Rollo*, p. 501. (Emphasis in the original)



*Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering that Respondent was remiss in his duty as counsel for complainant, Atty. Antonio A. Geronimo is hereby **SUSPENDED from the practice of law for three (3) months.***

The Court's Ruling

The Court finds no cogent reason to depart from the findings and recommendation of the IBP that Atty. Geronimo must be sanctioned for his acts.

The relationship between a lawyer and a client is imbued with utmost trust and confidence. Lawyers are expected to exercise the necessary diligence and competence in managing cases entrusted to them. They commit not only to review cases or give legal advice, but also to represent their clients to the best of their ability without the need to be reminded by either the client or the court.⁷

Canon 17 and Canon 18, Rules 18.03 and 18.04 of the CPR provide:

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 client's request for information.

Here, when De Leon received a copy of the Motion for Reconsideration which Atty. Geronimo prepared, she was disappointed since the motion was composed of only three (3) pages and the arguments did not address all the issues in the assailed decision. After Atty. Geronimo had provided her with copies of the LA and NLRC decisions, De Leon never heard from him again. When she called him on March 1, 2006 to follow up on the status of the motions, she was so furious to learn that, not only had

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

the motions been denied by the NLRC, but worse, Atty. Geronimo no longer appealed the case to the CA. Atty. Geronimo's failure to inform his client about the adverse ruling of the NLRC, thereby precluding her from further pursuing an appeal, is a clear breach of Canons 17 and 18 of the CPR.

Clients are led to expect that lawyers would be ever-mindful of their cause and accordingly exercise the required degree of diligence in handling their affairs. Verily, a lawyer is expected to maintain at all times a high standard of legal proficiency, and to devote his full attention, skill, and competence to the case, regardless of its importance and whether he accepts it for a fee or for free. A lawyer's duty of competence and diligence includes not merely reviewing the cases entrusted to the counsel's care or giving sound legal advice, but also consists of properly representing the client before any court or tribunal, attending scheduled hearings or conferences, preparing and filing the required pleadings, prosecuting the handled cases with reasonable dispatch, and urging their termination without waiting for the client or the court to prod him or her to do so. Therefore, a lawyer's negligence in fulfilling his duties subjects him to disciplinary action.⁸

Atty. Geronimo was unjustifiably remiss in his bounden duties as De Leon's counsel. The lack of proper communication and coordination between De Leon and Atty. Geronimo is palpable but cannot possibly be attributed to the client's lack of diligence. It is rather incredible that while De Leon was supposedly no longer interested in filing an opposition to the appeal filed by the employees before the NLRC, she even took the entire records of the case from Atty. Geronimo in January 2005. Atty. Geronimo also argued that an opposition or a comment to said appeal is not a mandatory pleading but only a directory one. But prudence dictates that filing an opposition or comment to an appeal is always preferable rather than merely waiting and hoping that the NLRC would affirm the favorable LA ruling. Atty. Geronimo likewise explained that De Leon remarked that she would no longer file a petition before the CA. It is inconceivable that De Leon would simply refuse to oppose the NLRC's ruling considering that it ordered her and her co-respondents to reinstate the employees and pay them more than ₱7 Million. The fact is that she had been consistently kept in the dark as to the true status of her case, preventing her from pursuing an appeal. She would not have learned about it had she not called her lawyer herself to finally follow up.

Also, Atty. Geronimo believed that, with the surrender of the case records and De Leon's statement that she would get another lawyer, he had already been relieved of his duties as her counsel. This is, however, contrary to his subsequent actions. If this were true, he would have formally

⁸ *Id.* at 482.



withdrawn from De Leon's case as her registered counsel long before March 2006. But he even prepared a motion for reconsideration on February 2, 2005, which De Leon signed, verified under oath, and filed with the NLRC. Atty. Geronimo simply argues that he did not collect any pleading fee for the same.

Atty. Geronimo's negligence cost De Leon her entire case and left her with no appellate remedies. Her legal cause was orphaned, not because a court of law ruled on the merits of her case, but because a person privileged to act as her counsel failed to discharge his duties with the requisite diligence. Atty. Geronimo failed to exhaust all possible means to protect his client's interest, which is contrary to what he had sworn to do as a member of the legal profession.⁹

A problem arises whenever agents, entrusted to manage the interests of another, use their authority or power for their benefit or fail to discharge their duties. In many agencies, there is information asymmetry between the principal and the entrusted agent. That is, there are facts and events that the agent must attend to that may not be known by the principal. This information asymmetry is even more pronounced in an attorney-client relationship. Lawyers are expected, not only to be familiar with the minute facts of their cases, but also to see their relevance in relation to their causes of action or their defenses. It is the lawyer that receives the notices and must decide the mode of appeal to protect the interest of his or her client.¹⁰

Thus, the relationship between a lawyer and her client is regarded as highly fiduciary. Between the lawyer and the client, it is the lawyer that has the better knowledge of facts, events, and remedies. While it is true that the client chooses which lawyer to engage, he or she usually does so mostly on the basis of reputation. It is only upon actual engagement that the client discovers the level of diligence, competence, and accountability of the counsel that he or she chooses. In some cases, such as this one, the discovery comes too late. Between the lawyer and the client, therefore, it is the lawyer that should bear the full cost of indifference or negligence.¹¹

As regards the appropriate penalty, several cases show that lawyers who have been held liable for gross negligence for infractions similar to those of Atty. Geronimo's were suspended for a period of six (6) months. In *Spouses Aranda v. Atty. Elayda*,¹² the lawyer who failed to appear at the scheduled hearing despite due notice which resulted in the submission of the

⁹ *Id.*

¹⁰ *Id.* at 483.

¹¹ *Id.*

¹² 653 Phil. 1 (2010)



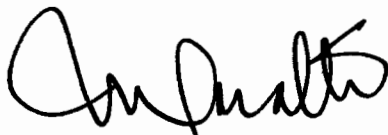
case for decision was found guilty of gross negligence and hence, suspended for six (6) months. In the case of *The Heirs of Tiburcio F. Ballesteros, Sr. v. Atty. Apiag*,¹³ the lawyer who did not file a pre-trial brief and was absent during the pre-trial conference was likewise suspended for six (6) months. In *Abiero v. Atty. Juanino*,¹⁴ the lawyer who neglected a legal matter entrusted to him by his client, in violation of Canons 17 and 18 of the CPR, was also suspended for six (6) months. Thus, consistent with existing jurisprudence, the Court finds it proper to impose the same penalty against respondent and accordingly suspends him for a period of six (6) months.

WHEREFORE, IN VIEW OF THE FOREGOING, the Court **SUSPENDS** Atty. Antonio A. Geronimo from the practice of law for a period of six (6) months and **WARNS** him that a repetition of the same or similar offense shall be dealt with more severely.

Let copies of this Decision be included in the personal records of Atty. Antonio A. Geronimo and entered in his file in the Office of the Bar Confidant.

Let copies of this Decision be disseminated to all lower courts by the Office of the Court Administrator, as well as to the Integrated Bar of the Philippines, for their information and guidance.


SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

¹³ 508 Phil. 113 (2005).

¹⁴ 492 Phil. 149 (2005).

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson

Mr. Kent
ESTELA M. PERLAS-BERNABE
Associate Justice

On official business
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

Reyes
ANDRES B. REYES JR.
Associate Justice