



Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

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THIRD DIVISION

MYRNA GOMEZ STEWART,  
Complainant,

A.C. No. 13982  
(Formerly CBD Case No. 19-5970)

Present:

- versus -

CAGUIOA, J.,  
Chairperson,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, JJ.

ATTY. CRISALDO R. RIOFLORIDO,  
Respondent.

Promulgated:  
July 17, 2024  
MisDcBatt

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DECISION

GAERLAN, J.:

Before the Court is a Complaint-Affidavit<sup>1</sup> filed by Myrna Gomez Stewart (Stewart) before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) against Atty. Crisaldo R. Rioflorido (Atty. Rioflorido) for violation of the Code of Professional Responsibility (CPR).

The Facts

Stewart met Atty. Rioflorido when she was looking for a lawyer who could handle the cases of violation of Republic Act No. 9262<sup>2</sup> and concubinage that she filed against her husband. Further, Stewart averred that during their meeting, Atty. Rioflorido made assurances that he could

<sup>1</sup> Rollo, pp. 1-7.

<sup>2</sup> An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes, approved on March 8, 2004.

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influence the provincial prosecutor and guaranteed that he could deliver a favorable ruling. Because of these assurances, Stewart engaged the services of Atty. Rioflorido,<sup>3</sup> and signed an Engagement Agreement<sup>4</sup> dated April 12, 2018, which provides, among others, that:

On the basis of our initial discussions, we confirm our agreement to act as legal counsel in relation with the two (2) criminal cases you filed against Thomas Nelson Stewart III and Mely Jean Carreon Manual pending before the Office of the Provincial Prosecutor of Cavite. . .<sup>5</sup>

Pursuant to the Engagement Agreement, Stewart paid Atty. Rioflorido the amount of PHP 100,000.00 – PHP 60,000.00 as acceptance fee, and PHP 40,000.00 for legal expenses.<sup>6</sup>

On May 2, 2018, Stewart and Atty. Rioflorido had a meeting where she handed to Atty. Rioflorido all pertinent documents in relation to the pending cases she filed against her husband. She, likewise, paid Atty. Rioflorido the amount of PHP 30,000.00. Stewart alleged that Atty. Rioflorido asked for more money, but the latter did not heed his request.<sup>7</sup>

On May 10, 2018, Stewart sent a text message to Atty. Rioflorido, asking for updates regarding the cases. He responded that he would follow-up with the Office of the Prosecutor. However, Stewart did not receive any feedback thereon.<sup>8</sup>

On May 18, 2018, Stewart texted Atty. Rioflorido asking for feedback, but Atty. Rioflorido did not reply.<sup>9</sup> Again, on May 22, 2018, Stewart sent a text message to Atty. Rioflorido asking him to inform her of any developments, to which Atty. Rioflorido replied that he would go to the Office of the Prosecutor to follow-up.<sup>10</sup> After such correspondence, Stewart did not hear from Atty. Rioflorido again.<sup>11</sup>

After several months, Stewart sent a text message to Atty. Rioflorido on August 23, 2018. In her text messages, Stewart stated that Atty. Rioflorido failed to do anything as her counsel. Thus, she decided to just ask for a refund

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

<sup>4</sup> *Id.* at 8–9.

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 2 & 12.

<sup>9</sup> *Id.* at 2 & 13.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 2.

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and a return of all the documents that she handed to him.<sup>12</sup> On August 24, September 3, and September 7, 2018, Stewart again sent messages to Atty. Rioflorido, asking him when she could pick up her documents and receive her refund. However, Atty. Rioflorido did not respond to any of her messages.<sup>13</sup>

Considering that Atty. Rioflorido did not reply to her text messages, Stewart decided to send an email<sup>14</sup> to Atty. Rioflorido, demanding the return of her money and her documents:

This is a formal demand for you to return my documents and money. You did not do anything about my cases nor reported to me what you have done. The engagement contract is terminated and you are not to represent me in any capacity.<sup>15</sup>

Despite her demand, Atty. Rioflorido still failed to reply to her email, and ignored her request for the return of her money and documents. Thus, sometime in October 2018, Stewart decided to ask help from the radio station of Mr. Raffy Tulfo, whose staff communicated with Atty. Rioflorido. Atty. Rioflorido said that he would contact Stewart, but unfortunately, to date, Atty. Rioflorido had not reached out to Stewart.<sup>16</sup>

For Atty. Rioflorido's blatant failure to heed Stewart's demands, the latter was constrained to file her Complaint before the IBP, alleging that Atty. Rioflorido failed to uphold his duties as counsel, in clear violation of the CPR.<sup>17</sup> In response to Stewart's allegations, Atty. Rioflorido filed his Verified Answer,<sup>18</sup> claiming that: *one*, he never gave assurances that he could influence the prosecutor to rule in Stewart's favor;<sup>19</sup> and *two*, he had been in constant communication with Stewart.<sup>20</sup>

### Report and Recommendation of the CBD

In its Report and Recommendation,<sup>21</sup> the CBD found Atty. Rioflorido administratively liable for violation of Canons 17 and 18 of the CPR, as well as the Lawyer's Oath. Thus, the CBD recommended that Atty. Rioflorido be

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<sup>12</sup> *Id.* at 14–15.

<sup>13</sup> *Id.* at 15.

<sup>14</sup> *Id.* at 16–17.

<sup>15</sup> *Id.* at 17.

<sup>16</sup> *Id.* at 3.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 22–28.

<sup>19</sup> *Id.* at 24.

<sup>20</sup> *Id.* at 24–25.

<sup>21</sup> *Id.* at 113–122; rendered by Commissioner Maria Raquel S. Chavez.

suspended from the practice of law for a period of one year and directed him to return the money and the documents handed to him, thus:

**WHEREFORE**, all premises considered, it is respectfully recommended that for violation of Canons 17 and 18 of the CPR as well as the lawyer's oath, Atty. Crisaldo R. Rioflorido be **SUSPENDED** from the practice of law for one (1) year. He is also **DIRECTED** to return to Complainant the amount paid to him as well as the paper work in relation to the criminal cases, within fifteen (15) days from receipt of notice.<sup>22</sup> (Emphasis in the original)

In resolving the case against Atty. Rioflorido, the CBD observed that the evidence presented by the parties show that despite receiving a total amount of PHP 130,000.00 as legal fees from Stewart, Atty. Rioflorido did not act upon Stewart's case, nor did he respond to her requests for updates. In fact, the CBD noted that, contrary to the assertions of Atty. Rioflorido, the text messages between him and Stewart clearly reveal that he was unresponsive, and that his only text message to Atty. Rioflorido was that he will follow up with the Office of the Prosecutor. The CBD, likewise, noted that Atty. Rioflorido failed to return Stewart's money and documents despite repeated demands. Hence, the CBD found that Atty. Rioflorido is guilty of violating the CPR because he failed to serve his client with competence, diligence, and due care.

### **IBP Board of Governors' Resolution**

On June 9, 2023, the IBP Board of Governors issued a Resolution,<sup>23</sup> approving and adopting the recommendation of the CBD:

#### **RESOLUTION NO. CBD-XXV-2023-06-53**

**RESOLVED**, to **APPROVE** and **ADOPT**, as it is hereby **APPROVED** and **ADOPTED**, the Report and Recommendation of the Investigating Commissioner, to mete out upon respondent Atty. Crisaldo R. Rioflorido the penalty of **SUSPENSION from the practice of law for ONE (1) YEAR**, and that he be **DIRECTED TO RETURN** to the complainant the amount of Php 100,000.00, with legal interest thereon from the finality of the Supreme Court's decision affirming this recommendation, that was entrusted to him in the course of professional engagement and for which respondent failed to account.<sup>24</sup> (Emphasis in the original)

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<sup>22</sup> *Id.* at 121.

<sup>23</sup> *Id.* at 111-112.

<sup>24</sup> *Id.* at 111.

*J*

### The Court's Ruling

After a careful examination of the records of the case, the Court resolves to adopt, with modification, the recommendation of the IBP Board of Governors.

It is undisputed that there exists an attorney-client relationship between Stewart and Atty. Rioflorido. This means that Atty. Rioflorido is duty-bound to maintain, at all times, a high standard of legal proficiency, and to devote his full attention, skill, and competence, to his client's case.<sup>25</sup>

Significantly, under Canon IV, Section 6 of the Code of Professional Responsibility and Accountability (CPRA),<sup>26</sup> lawyers must not neglect any legal matter entrusted to them by their clients, and must keep their clients informed of the status of their cases:

**SECTION 6. *Duty to update the client.*** — A lawyer shall regularly inform the client of the status and the result of the matter undertaken, and any action in connection thereto, and shall respond within a reasonable time to the client's request for information. (Emphasis in the original)

Such duty correlates to the mandate that lawyers must diligently and seasonably act on any legal matter entrusted by a client.<sup>27</sup> In fact, in *Gabucan v. Atty. Narido, Jr.*,<sup>28</sup> the Court stressed the importance of keeping clients informed of the status of their case:

A lawyer's duty to keep his client constantly updated on the developments of his case is crucial in maintaining the client's confidence. The lawyer needs to inform his client, timely and adequately, important updates and status affecting the client's case. He should not leave his client in the dark as how he is defending the client's interest.<sup>29</sup>

Similarly, in *Tan v. Diamante*,<sup>30</sup> the Court recapitulated the significance of a lawyer's duty in notifying clients of the status of their case:

<sup>25</sup> See *Sanchez v. Perez*, A.C. No. 12835, February 3, 2021 [Per J. Lopez, M., Second Division].

<sup>26</sup> A.M. No. 22-09-01-SC, approved on April 11, 2023.

<sup>27</sup> See CPRA, Canon IV, sec 3.

**Section 3. *Diligence and punctuality.*** — A lawyer shall diligently and seasonably act on any legal matter entrusted by a client.

A lawyer shall be punctual in all appearances, submissions of pleadings and documents before any court, tribunal or other government agency, and all matters professionally referred by the client, including meetings and other commitments. (Emphasis in the original)

<sup>28</sup> 861 Phil. 122 (2019) [Per J. Carandang, *En Banc*].

<sup>29</sup> *Id.* at 133.

<sup>30</sup> 740 Phil. 382 (2014) [*Per Curiam, En Banc*].

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As an officer of the court, it is the duty of an attorney to inform his client of whatever important information he may have acquired affecting his client's case. He should notify his client of any adverse decision to enable his client to decide whether to seek an appellate review thereof. Keeping the client informed of the developments of the case will minimize misunderstanding and loss of trust and confidence in the attorney. The lawyer should not leave the client in the dark on how the lawyer is defending the client's interests. . .<sup>31</sup> (Citation omitted)

Meanwhile, in *Sps. Montecillo v. Atty. Gatchalian*,<sup>32</sup> the Court expressly proclaimed that a lawyer need not wait for their clients to ask for the status of their case. Instead, the Court elucidated that it is a lawyer's duty to advise their clients without any undue delay. Moreover, in *Calisay v. Atty. Esplana*,<sup>33</sup> the Court pronounced that a lawyer cannot shift the blame to his or her client for failing to follow up on the case because the responsibility to inform the client of the status of his or her case lies with the lawyer.

Guided by these standards that lawyers must uphold, the Court finds that Atty. Rioflorido failed to exercise the diligence required of lawyers and that he was remiss in his duties as Stewart's counsel. Based on the records, Atty. Rioflorido did not keep Stewart informed of the status of her cases within a reasonable time, despite several attempts on the part of Stewart to inquire about the status of the cases that she filed. Thus, for failing to render any service to his client, and for failing to update Stewart about the status of her cases, Atty. Rioflorido is guilty of simple negligence.

Canon VI, Section 33(d) of the CPRA defines gross negligence as "conduct that is reckless and inexcusable, which results in the client being deprived of his or her day in court." On the other hand, simple negligence is the kind of negligence of a lawyer where the client is not deprived of his or her day in court.<sup>34</sup>

In the present case, Atty. Rioflorido is guilty only of simple negligence because his failure to give updates about the cases filed by Stewart did not result to a deprivation or violation of Stewart's right to due process. Nowhere in the evidence presented does it suggest that Stewart lost any procedural recourse or available remedy because of Atty. Rioflorido's negligence. Likewise, there is no indication that Atty. Rioflorido failed to file any important pleading or to appear during a scheduled hearing. Hence, Atty.

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<sup>31</sup> *Id.* at 389.

<sup>32</sup> 811 Phil. 636 (2017) [Per J. Perlas-Bernabe, First Division].

<sup>33</sup> A.C. No. 10709, August 23, 2022 [Per J. Gaerlan, Third Division].

<sup>34</sup> Section 34. *Less serious offenses*. — Less serious offenses include:

....  
(b) Simple negligence in the performance of duty, or such negligence which does not result in depriving the client of his or her day in court;

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Rioflorido's negligent acts only constitute simple negligence, which is considered a less serious offense under the CPRA.

Section 37(b) of the CPRA provides that a less serious offense warrants the imposition of any or a combination of the following sanctions: (1) suspension from the practice of law for a period within the range of one month to six months; (2) revocation of notarial commission and disqualification as notary public for less than two years; or (3) a fine within the range of PHP 35,000.00 to PHP 100,000.00. Accordingly, the Court finds that the penalty of suspension from the practice of law for a period of six months should be imposed on Atty. Rioflorido.

Apart from his failure to give prompt updates to Stewart, the records also show that Atty. Rioflorido failed to promptly turn-over the documents and records entrusted to him upon the severance of his legal services. He, likewise, failed to refund the money paid to him. These acts and omissions of Atty. Rioflorido clearly violate the provisions of the CPRA. In particular, Canon III, Sections 49 and 56, of the CPRA provide:

**Section 49. Accounting during engagement.** — A lawyer, during the existence of the lawyer-client relationship, shall account for and prepare an inventory of any fund or property belonging to the client, whether received from the latter or from a third person, immediately upon such receipt.

When funds are entrusted to a lawyer by a client for a specific purpose, the lawyer shall use such funds only for the client's declared purpose. **Any unused amount of the entrusted funds shall be promptly returned to the client upon accomplishment of the stated purpose or the client's demand.**

....

**Section 56. Accounting and turn over upon termination of engagement.** — A lawyer who is discharged from or terminates the engagement shall, subject to an attorney's lien, **immediately render a full account of and turn over all documents, evidence, funds, and properties belonging to the client.**

The lawyer shall cooperate with the chosen successor in the orderly transfer of the legal matter, including all information necessary for the efficient handling of the client's representation.

A lawyer shall have a lien upon the funds, documents, and papers of the client which have lawfully come into his or her possession and may retain the same until the fair and reasonable fees and disbursements have been paid, and may apply such funds to the satisfaction thereof. (Emphasis supplied)

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Thus, for Atty. Rioflorido's failure to surrender the pertinent documents and records handed to him by Stewart, Atty. Rioflorido is guilty of unjustified failure or refusal to render and accounting of his client's property. Such act is considered a less serious offense under Canon VI, Section 34(n) of the CPRA,<sup>35</sup> which is penalized by any or a combination of the following sanctions: (1) suspension from the practice of law for a period within the range of one month to six months; (2) revocation of notarial commission and disqualification as notary public for less than two years; or (3) a fine within the range of PHP 35,000.00 to PHP 100,000.00.<sup>36</sup>

Meanwhile, with respect to Atty. Rioflorido's failure to return Stewart's money despite repeated demands, the case of *Bondoc v. Atty. Licudine*<sup>37</sup> proves instructive. In the said case, the Court expressed that when a client entrusts money to his or her lawyer for a specific purpose, such as: to file an action or to appeal an adverse judgment, and the lawyer fails to spend the money for such person, the lawyer must immediately return the said money to the client.

Notably, the failure to return a client's money gives rise to the presumption that the lawyer has misappropriated the funds. As pronounced in *Romo v. Atty. Ferrer*.<sup>38</sup>

A lawyer shall account for all money or property collected or received for or from the client. The duty to render an accounting is absolute. The failure to do so upon demand amounts to misappropriation which is a ground for disciplinary action not to mention the possible criminal prosecution.<sup>39</sup>

Misappropriation of a client's funds or property constitutes a gross violation of professional ethics and a betrayal of public confidence in the legal profession.<sup>40</sup> It, likewise, shows a lawyer's lack of integrity and propriety, which requires the imposition of disciplinary action<sup>41</sup> as it is considered serious offense under Canon VI, Section 33(g) of the CPRA,<sup>42</sup> which warrants the imposition of any or a combination of the following sanctions: (1)

<sup>35</sup> **Section 34. Less serious offenses.** — Less serious offenses include:

.....  
(n) Unjustifiable failure or refusal to render an accounting of the funds or properties of a client[.] (Emphasis in the original)

<sup>36</sup> See CPRA, Canon VI, sec. 37(b).

<sup>37</sup> 875 Phil. 45 (2020) [Per J. Gesmundo, *En Banc*].

<sup>38</sup> 889 Phil. 595 (2020) [Per J. Lopez, *En Banc*].

<sup>39</sup> *Id.*

<sup>40</sup> *Padilla v. Atty. Samson*, 816 Phil. 954 (2017) [Per J. Peralta, *En Banc*].

<sup>41</sup> *Minas v. Atty. Doctor, Jr.*, 869 Phil. 530 (2020) [Per *Curiam*, *En Banc*].

<sup>42</sup> **Section 33. Serious offenses.** — Serious offenses include:

.....  
(g) Misappropriating a client's funds or properties[.] (Emphasis in the original)



disbarment; (2) suspension from the practice of law for a period exceeding six months; (3) revocation of notarial commission and disqualification as notary public for not less than two years; or (4) a fine exceeding PHP 100,000.00.<sup>43</sup>

Here, Atty. Rioflorido failed to promptly return the money entrusted to him despite Stewart's repeated demands and the termination of his services as counsel. Notwithstanding several opportunities to return the funds, Atty. Rioflorido still failed to do so. The presumption of misappropriation, thus, arises.

At this juncture, it must be underscored that on numerous occasions, the Court has imposed the penalty of suspension from the practice of law on lawyers who have failed to return the money of their clients. In *Campos v. Atty. Estebal*,<sup>44</sup> the Court imposed the penalty of suspension from the practice of law for a period of one year when the lawyer failed to return the money he received when he did not secure the tourist visas on behalf of his clients. In *Ong v. Atty. Meris*,<sup>45</sup> the Court suspended a lawyer from the practice of law for a period of one year when he did not return the money entrusted for the transfer and registration of real property in his client's name. Further, in *Yuzon v. Atty. Agleron*,<sup>46</sup> the Court imposed the penalty of suspension from the practice of law for a period of one year on a lawyer who converted his client's money that he received in trust for the purchase of a house and lot. Verily, the Court finds that Atty. Rioflorido must be subjected to the same punishment.

In addition, considering that Atty. Rioflorido is liable for three separate offenses, i.e., **simple negligence** for failing to update Stewart of the status of her cases, **unjustifiable failure to render an accounting** and turn-over Stewart's property upon the termination of his services as counsel, and **misappropriation of client's funds**, the Court must impose separate penalties for each offense, in accordance with Canon VI, Section 40 of the CPRA, which provides:

**Section 40. Penalty for multiple offenses.** — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment.

<sup>43</sup> See CPRA, Canon VI, sec. 37(a).

<sup>44</sup> 792 Phil. 542 (2016) [Per J. Del Castillo, Second Division].

<sup>45</sup> A.C. No. 9702, April 4, 2018 [Notice, Third Division].

<sup>46</sup> 824 Phil. 321 (2018) [Per J. Peralta, Second Division].

If a single act or omission gives rise to more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense. (Emphasis in the original)

In view thereof, the Court finds that Atty. Rioflorido must be sanctioned in the following manner: *first*, for his failure to render legal services and failure to update his client about the status of her cases, Atty. Rioflorido must be suspended from the practice of law for a period of six months; *second*, for his unwarranted failure or refusal to render an accounting, Atty. Rioflorido must also be suspended from the practice of law for a period of six months, and *third*, for his unjustified withholding of his client's funds, Atty. Rioflorido must be suspended from the practice of law for a period of one year.

All in all, the Court adopts the factual findings of the IBP Board of Governors, with modification as to the recommended penalty. Atty. Rioflorido must suffer the penalty of suspension from the practice of law for a total period of two years. Likewise, Atty. Rioflorido must return the full amount of PHP 130,000.00 he received as legal fees to Stewart, with legal interest at the rate of 6% per annum.

**ACCORDINGLY**, the Court finds respondent Atty. Crisaldo R. Rioflorido **GUILTY** of violation of: (1) Canon IV, Section 6 of the Code of Professional Responsibility and Accountability; and (2) Canon III, Sections 49 and 56 the Code of Professional Responsibility and Accountability. He is **SUSPENDED** from the practice of law for a total period of **TWO YEARS**, effective immediately upon his receipt of this Decision, with a **STERN WARNING** that a repetition of the same or similar act will be dealt with more severely.


He is, likewise, **ORDERED** to return to complainant Myrna Gomez Stewart, the amount of PHP 130,000.00, which shall earn legal interest at the rate of 6% per annum from his receipt of this Decision until full payment. He is **DIRECTED** to submit to the Court proof of restitution within 10 days from payment. Failure to comply with this directive shall warrant the imposition of a more severe penalty. Finally, Atty. Crisaldo R. Rioflorido is **ORDERED** to report to this Court the date of his receipt of this Decision in order to determine when his suspension from the practice of law shall take effect.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be attached to the personal record of Atty. Crisaldo R. Rioflorido;

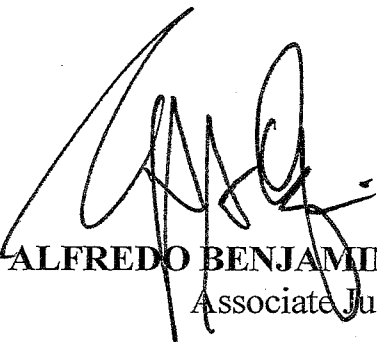
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the Office of the Court Administrator for dissemination to all lower courts; and the Integrated Bar of the Philippines, for proper guidance and information.

**SO ORDERED.**

  
**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**JAFAR B. DIMAAMPAO**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice

