



Republic of the Philippines
Supreme Court
Manila

EN BANC

PROBO H. CASTILLO,
Complainant,

A.C. No. 13786

Present:

-versus -

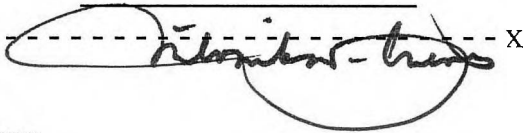
ATTY. JOSE N. LAKI,
Respondent.

GESMUNDO, C.J.,*
LEONEN,**
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,**
INTING,**
ZALAMEDA,
LOPEZ, M. V.,
GAERLAN,
ROSARIO,
LOPEZ, J. Y.,**
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:

June 18, 2024

X



X

DECISION

Zalameda, J.

Before Us is a verified Complaint¹ dated February 21, 2018 filed by Probo H. Castillo (complainant), praying for the disbarment of Jose N. Laki (Laki) on the ground of gross negligence and gross ignorance of the law,

* On official leave.

** Acting Chief Justice per Special Order No. 3097 dated June 13, 2024.

*** On official business.

¹ Rollo, pp. 1-4.



inefficiency, lack of integrity, and conduct unbecoming of a member of the bar.

Antecedents

In his verified Complaint, complainant alleged that he retained the legal services of Laki last November 2016 up to September 18, 2017, for the following cases:

- a. **LRD CAD Case No. 3447**, entitled "*In the matter of the petition to compel the surrender of Transfer Certificate of Title No. 505528-R, Register of Deeds of Pampanga, or in the alternative, the cancellation/annulment of said T.C.T. No. 505528-R, and the issuance of a new one in the name of the petitioner, pursuant to R.A. 7160 and Section 3107 in relation to Section 75 of P.D. 1529, Terencio H. Castillo, petitioner vs. Nelly Almario*"; (CAD Case)
- b. **LRC Case No. 3310**, entitled "*Petitioner to Cancel Adverse Claim Inscribed in TCT Nos. 231666-R, . . . of the Register of Deeds of Pampanga, Virginia Guanzon-Cordova, represented by Edna T. Lopez, vs. Probo H. Castillo, represented by Terencio H. Castillo and the Register of Deeds of Pampanga, Respondents*"; (LRC Case)
- c. **NPS No. III-13-INV-17E-00474**, criminal case for Estafa, entitled "*Terencio H. Castillo, Complainant v. Evelyn G. Magat, Respondent*"; and (First Estafa Case)
- d. **NPS No. III-13-INV-17E-00475**, criminal case for Estafa, entitled "*Terencio H. Castillo, Complainant, v. Evelyn G. Magat and Enrico G. Castillo, Respondents*." (Second Estafa Case)

According to complainant, CAD Case was dismissed without prejudice by the Regional Trial Court (RTC) of San Fernando, Pampanga, Branch 44, due to the failure to implead the Register of Deeds of Pampanga. The criminal complaint for Estafa was also dismissed by the Office of the City Prosecutor of Pampanga, for lack of probable cause. While the LRC Case prospered against him due to Laki's failure to file a comment or opposition to the petition.² Records also show that the two criminal complaints for Estafa, docketed as **NPS DOCKET No. III-13-INV-17-E-00474** and **NPS DOCKET No. III-13-INV-17-E-00475**, were filed on complainant's behalf,³ and were dismissed for lack of probable cause and insufficiency of evidence.⁴

² *Id.*

³ *Id.* at 9–11.

⁴ *Id.* at 11.



Complainant further averred that he paid Laki the amount of PHP 210,000.00 for his legal services. Despite their numerous meetings to discuss the above-mentioned cases, Laki failed to do anything. In a Letter dated September 18, 2017, Terence H. Castillo directed Laki to withdraw his appearance in all the cases he is handling for complainant.⁵ Hence, the instant disbarment complaint.⁶

On May 28, 2018, the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) ordered Laki to submit his Answer on the complaint against him.⁷

On July 26, 2018, Laki filed a Motion for Extension of Time to File Answer requesting that he be given 15 days from July 11, 2018, or until July 26, 2018, within which to file his Answer. However, no Answer was ever filed by Laki.⁸

The IBP-CBD issued a Notice of Mandatory Conference/Hearing on September 25, 2019, notifying the parties to appear on November 8, 2019 with a warning that non-appearance by the parties shall be deemed a waiver of their right to participate in the proceedings.⁹

On November 6, 2022, complainant filed a Manifestation¹⁰ dated November 5, 2019, manifesting that “he will no longer attend the mandatory conference for the reason that Laki was already disbarred by the Supreme Court on September 25, 2018, docketed as A.C. No. 11978” and that he “feels that justice has been done.”

Both parties failed to appear and the mandatory conference was consequently terminated. The parties were then directed to file their respective position papers, however, both parties failed to file their respective position papers.

Report and Recommendation of the IBP

In a Report and Recommendation¹¹ dated August 3, 2022, the Investigating Commissioner recommended that a fine amounting to PHP 20,000.00 be imposed upon Laki for his failure to abide the directives of the IBP and an additional PHP 20,000.00 for violation of Canon 18, Rules 18.02

⁵ *Id.* at 24.

⁶ *Id.* at 2.

⁷ *Id.* at 26.

⁸ *Id.* at 29.

⁹ *Id.* at 32.

¹⁰ *Id.* at 34.

¹¹ *Id.* at 43-51.



and 18.03 of the Code of Professional Responsibility (CPR). The dispositive portion reads:

WHEREFORE, in view of the foregoing, in lieu of a suspension, it is recommended that a **FINE AMOUNTING TO TWENTY THOUSAND PESOS (PHP 20,000.00)** be imposed against Respondent for his failure to abide by the directives of this Office and an **ADDITIONAL FINE OF TWENTY THOUSAND PESOS (PHP20,000.00)** for his violations of the Canon 18, Rules 18.02, and 18.03, with warning that repetition of similar acts or omissions will be dealt with severely.

RESPECTFULLY SUBMITTED.¹²

The Investigating Commissioner found that Laki was remiss of his duties in handling the cases of complainant when he negligently: 1) failed to include the Register of Deeds as respondent in the Petition to Compel the Surrender of Transfer Certificate of Title No. 505528-R, Register of Deeds Pampanga which thus proved to be detrimental to his client's case as the said case was dismissed; (2) filed two criminal complaints which were both dismissed outright for insufficiency of evidence; and (3) failed to file a written comment despite an order from the court to the detriment of complainant's cause. Clearly, all these failures constitute a violation of Laki's duty to exercise reasonable and ordinary care and diligence in the pursuit or defense of the case.¹³

The Investigating Commissioner pointed out that despite notice, Laki failed to file an answer or position paper and failed to attend the mandatory conference.¹⁴

The Investigating Commissioner also noted that Laki has already been disbarred in the case of *Mariano v. Laki*,¹⁵ and was fined in the latter case of *Nicolas v. Atty. Laki*.¹⁶ According to the Investigating Commissioner, these administrative cases show that he has a penchant for ignoring the rules.¹⁷

On November 12, 2022, the IBP-Board of Governors (BOG) issued a Resolution adopting and approving the Report and Recommendation of the Investigating Commissioner.¹⁸

¹² *Id.* at 51.

¹³ *Id.* at 50.

¹⁴ *Id.*

¹⁵ 840 Phil. 438 (2018) [*Per Curiam, En Banc*].

¹⁶ 896 Phil. 110 (2021) [*Per Curiam, En Banc*].

¹⁷ *Rollo*, p. 50.

¹⁸ *Id.* at 41.



Issue

The sole issue in this case is whether Laki violated Canon 18, Rules 18.02 and 18.03 of the CPR.

Ruling of the Court

The Court adopts the factual findings and recommendation of the IBP Board of Governors with modification in view of the Code of Professional Responsibility and Accountability (CPRA).

It bears noting, that on May 30, 2023, A.M. No. 22-09-01-SC, entitled “Code of Professional Responsibility and Accountability” (CPRA) took effect. Section 1 of the General Provisions of the CPRA provides that it shall apply to all pending and future cases involving members of the Bars, to wit:

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.

Thus, the Court shall resolve the instant administrative case against Laki under the framework of the CPRA.

The relationship between a lawyer and his client is one imbued with utmost trust and confidence. In this regard, clients are led to expect the lawyers would be ever-mindful of their cause, and accordingly, exercise the required diligence in handling their affairs. Accordingly, lawyers are required to maintain, at all times, a high standard of legal proficiency, and to devote their full attention, skill, and competence to their cases, regardless of their importance, and whether they accept them for a fee or for free.¹⁹

Canon IV, Sections 1 and 6 of the CPRA provide:

CANON IV *Competence and Diligence*

A lawyer professionally handling a client’s cause shall, to the best of his or her ability, observe competence, diligence, commitment, and skill

¹⁹ *Samonte v. Jumamil*, 813 Phil. 795, 802 (2017) [Per J. Perlas-Bernabe, First Division].



consistent with the fiduciary nature of the lawyer-client relationship, regardless of the nature of the legal matter[s] or issues involved, and whether for a fee or *pro bono*.

SECTION 1. Competent, efficient and conscientious service. – A lawyer shall provide legal service that is competent, efficient, and conscientious. A lawyer shall be thorough in research, preparation, and application of the legal knowledge and skills necessary for an engagement.

....

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.

In this case, We agree with the findings of the Investigating Commissioner that Laki was remiss of his duties in handling the cases of complainant. The records show that in November 2016, complainant retained the legal services of Laki to handle the cases of the former. *First*, the CAD case was dismissed without prejudice due to Laki's failure to implead the Register of Deeds of Pampanga as respondent in the said petition. *Second*, the two criminal cases filed by complainant were both dismissed outright for insufficiency of evidence. *Third*, the LRC case prospered against complainant due to Laki's failure to file a comment or opposition to the said petition despite an order from the trial court. Moreover, according to complainant, despite numerous meetings with Laki to discuss the status of the above-mentioned cases, he failed to do anything. Unfortunately, the records are silent as to the status of the said cases or whether Laki was able to rectify his errors. Nevertheless, it is evident that Laki's failure to observe competence and due diligence in handling the cases, which caused detriment to his client and ultimately led to the client hiring another lawyer, constitutes a violation of Canon IV, Sections 1 and 6 of the CPRA.

The Court in *Dayos v. Buri*,²⁰ held that:

When a lawyer accepts a case, his or her acceptance is an implied representation that he or she possesses the requisite academic learning, skill, and ability to handle the case. **The lawyer has the duty to exert his or her best judgment in the prosecution or defense of the case entrusted to him or her and to exercise reasonable and ordinary care and diligence in the pursuit or defense of the case.** Therefore, a lawyer's neglect of a legal matter entrusted to him or her by his or her client constitutes inexcusable negligence for which he or she must be held administratively liable. (Emphasis supplied; Citations omitted)

To reiterate, a lawyer who agrees to take up the cause of a client is expected to competently and diligently protect the latter's rights in accordance with his or her duties under the CPRA. Failure to do so would render the

²⁰ A.C. No. 13504, January 31, 2023 [*Per Curiam, En Banc*].



lawyer answerable not only to his or her client, but also to the legal profession, the courts, and society.²¹

In addition, the Court finds Laki's discourtesy toward the IBP and his defiance of its directives to submit his comment and/or position paper and to appear during the mandatory conference constitute less serious offense under Canon VI, Section 34 of the CPRA.²²

Having established Laki's administrative liability, the Court now determines the proper penalty.

The Court is aware that several cases had been filed against Laki, as pointed out by the Investigating Commissioner. In *Mariano v. Laki*,²³ the ultimate penalty of disbarment was imposed against him for dishonesty, unprofessional conduct, and violation of the CPR. In said case, Laki not only failed to file the petition for annulment of marriage despite receipt of the acceptance fee, he also failed to keep his client abreast with the developments and status of the case as he never provided the complainant a copy of the petition despite demand. Laki's failure to return the money also gives rise to the presumption that he has misappropriated it for his own use to the prejudice of, and in violation of, the trust reposed in him by the client. The Court also found deplorable Laki's act of giving assurance to Mariano that he can secure a favorable decision without the latter's personal appearance because the petition will be filed in the RTC of Tarlac, which is allegedly presided by a "friendly" judge who is receptive to annulment cases. Laki's misconduct was aggravated by his unjustified refusal to obey the orders of the IBP directing him to file an answer and to appear at the scheduled mandatory conference. This constitutes blatant disrespect for the IBP which amounts to conduct unbecoming lawyer.²⁴

Also, in *Nicolas v. Laki*,²⁵ the Court imposed the penalty of fine in lieu of disbarment in the amount of PHP 40,000.00 for violations of the CPR and an additional fine of PHP 20,000.00 for his failure to comply with the various directives of the IBP. Here, Laki violated the CPR when he neglected to file petition for nullity of marriage of a certain Joseph Darag (Joseph), the very pleading which would have initiated the entire process. Despite repeated prodding from complainant, Laki simply made excuses and foisted lies upon lies onto complainant to lead her to believe there was actual progress in Joseph's case when in fact there was none. Laki also assured complainant that

²¹ *Heirs of Spouses Reyes v. Brillantes*, A.C. No. 9594, April 5, 2022 [Per J. Inting, First Division].

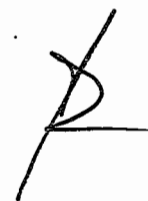
²² SECTION 34. Less serious offense. — Less serious offenses include:

....
(c) Violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings, including willful and deliberate disobedience of the orders of the Supreme Court and the IBP.

²³ 840 Phil. 438 (2018) [*Per Curiam, En Banc*].

²⁴ *Id.* at 442, 446-447.

²⁵ A.C. No. 12881, February 9, 2021 [*Per Curiam, En Banc*].



he could get a favorable decision should he file the petition for nullity of marriage in Bataan.

Simple negligence in the performance of duty, or such negligence which does not result in depriving the client his or her day in court and willful and deliberate disobedience of the orders of the IBP, are classified as less serious offense,²⁶ punishable by either: (1) suspension from the practice of law for a period within the range of one (1) month to six (6) months. . . ; or (2) a fine within the range of PHP 35,000.00 to PHP 100,000.00.²⁷

Considering that Laki has already been disbarred, the penalty of suspension from the practice of law can no longer be imposed upon him. But while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty for the sole purpose of recording it in his personal file with the Office of the Bar Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition to lift his disbarment.²⁸

Under Canon 6, Section 42 of the CPRA:

SECTION 42. *Penalty When the Respondent Has been Previously Disbarred.* — When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client, when proper. If the new charge deserves the penalty of a disbarment or suspension from the practice of law, it shall not be imposed but the penalty shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose. In the event that the disbarred lawyer applies for judicial clemency, the penalty so recorded shall be considered in the resolution of the same. (Emphasis Ours.)

Therefore, the Court deems it proper to give the corresponding penalty of six (6) months suspension from the practice of law for the sole purpose of recording it in his personal file in the OBC. The Court, likewise, considers it necessary to impose upon Laki a penalty of fine in the amount of PHP 100,000.00.²⁹ An additional fine in the amount of PHP 35,000.00 for his disobedience of the orders of the IBP-CBD.

²⁶ See CPRA, canon VI, sec. 34.

²⁷ See CPRA, canon VI, sec. 37 (b).

²⁸ *Valmonte v. Quesada, Jr.*, 867 Phil. 247, 252 (2019) [Per J. Hernando, Second Division].

²⁹ CPRA, canon VI, sec. 38. *Modifying circumstances.* – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances: . . .

(b) Aggravating Circumstances:

1. Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity[.]

ACCORDINGLY, the Court **FINDS** respondent Jose N. Laki guilty of violation of Canon IV, Sections 1 and 6 of the Code of Professional Responsibility and Accountability. He is **SUSPENDED** from the practice of law for a period of six months. However, considering that he has already been disbarred, this penalty can no longer be imposed but should be seriously considered if he subsequently applies for reinstatement.

In view of his continuing disbarment, Jose N. Laki is **ORDERED** to pay the penalty of **FINE** in the amount of PHP 100,000.00. He is likewise **ORDERED** to pay an additional penalty of **FINE** in the amount of PHP 35,000.00 for his disobedience to the orders of the Integrated Bar of the Philippines-Commission on Bar Discipline. Both penalties of fine are payable to this Court within 30 days from notice.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into the records of respondent Jose N. Laki. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator, which shall circulate the same to all courts in the country for their information and guidance.

SO ORDERED.

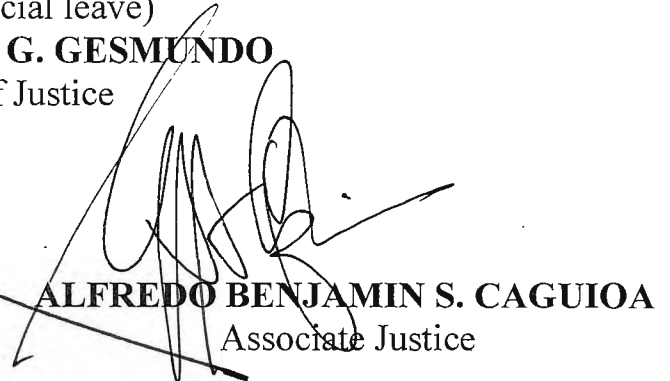

RODIL V. ZALAMEDA
Associate Justice

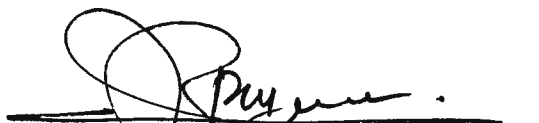
WE CONCUR:

(On official leave)

ALEXANDER G. GESMUNDO
Chief Justice

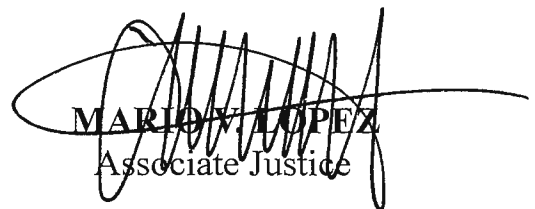

MARVIC M. V. F. LEONEN
Acting Chief Justice

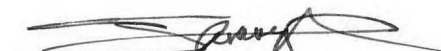

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

(On official business)
AMY C. LAZARO-JAVIER
Associate Justice

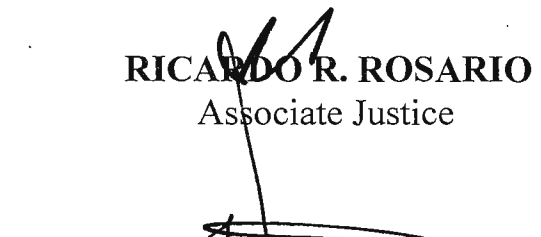
(On official business)
HENRI JEAN PAUL B. INTING
Associate Justice

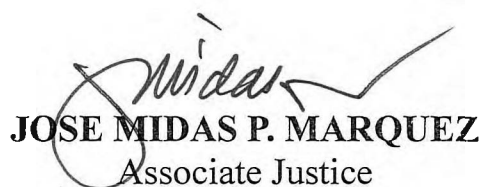

MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

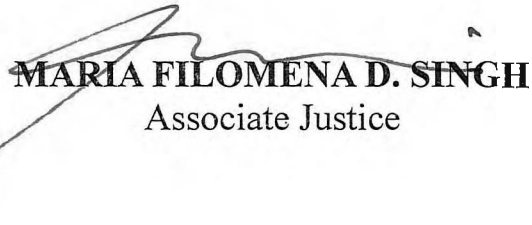

RICARDO R. ROSARIO
Associate Justice

(On official business)
JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice