



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **September 8, 2020** which reads as follows:

“A.C. No. 10456 (Formerly CBD Case No. 15-4562) – DANILO D. VARGAS, complainant, versus ATTY. FELIPE P. ARCILLA, JR., respondent.

Complainant, Danilo D. Vargas (Vargas) filed this complaint¹ for negligence against his lawyer, Atty. Felipe P. Arcilla, Jr. (Atty. Arcilla), for failing to timely file a formal offer of evidence in a criminal case for *estafa* filed against Vargas.

The Case

Vargas was an accused in an *estafa* case entitled “*People of the Philippines v. Danilo D. Vargas*,” docketed as Criminal Case No. 07-1294 CFM, and filed before Branch 111 of the Regional Trial Court (RTC) of Pasay City. In the course of the trial of said case, the RTC ordered Vargas to file his formal offer of evidence within fifteen (15) days from notice. Vargas alleged that Atty. Arcilla failed to file the pleading within the required period, and was only able to do so after the lapse of two (2) months. Claiming that this failure of Atty. Arcilla led to his conviction, Vargas urged the Court to impose a disciplinary sanction against Atty. Arcilla for failing to defend his client’s cause to the best of his ability.²

In his Comment³ before the Court, Atty. Arcilla did not deny the allegation of Vargas that it took him two (2) months from the due date before he was able to file the formal offer of evidence on behalf

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183-B

¹ Rollo, pp. 1-2.

² Id. at 1, 59.

³ Id. at 59-61.

of Vargas. He maintained, however, that it was an honest mistake and was done without malice. Atty. Arcilla explained that he drafted the pleading days before the expiration of the due date and saved it into his computer with the intention of finalizing it later. Unfortunately, due to his heavy volume of work, Atty. Arcilla admitted that he had completely forgotten about the draft and failed to file the formal offer of evidence within the period required by the RTC.⁴

Atty. Arcilla explained further that Vargas was convicted by the RTC due to its appreciation of the whole body of evidence in the case and not because Vargas failed to file his formal offer of evidence on time. Atty. Arcilla also emphasized that Vargas was convicted of other deceits under Article 318 (1) of the Revised Penal Code (RPC) and not of *estafa* under Article 315 of the RPC, as charged in the Information.⁵

In a Resolution dated January 14, 2014, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.⁶

The IBP scheduled the case for a mandatory conference, which was postponed twice at the behest of both parties and because of their failure to file their respective mandatory conference briefs. In another scheduled mandatory conference, only Atty. Arcilla was present and was able to file his mandatory conference brief. After the termination of the mandatory conference, the IBP ordered the parties to file their verified position papers. It was also only Atty. Arcilla who was able to file his.⁷

In his verified position paper, Atty. Arcilla further recounted that he represented Vargas in two *estafa* cases, including Criminal Case No. 07-1294 CFM, and in an ejectment case, *pro bono*. On top of these, Atty. Arcilla also pointed out that he represented Vargas's son in another criminal case *pro bono*. He further emphasized that Vargas was acquitted in one of the criminal cases. As for Criminal Case No. 07-1294 CFM, save for his failure to timely file the formal offer of evidence, Atty. Arcilla asserted that he duly filed an appeal of the conviction of Vargas.⁸

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183-B

⁴ Id. at 59-60.

⁵ Id. at 60.

⁶ Id. at 118.

⁷ Id.

⁸ Id. at 118-119.

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The IBP's Report and Recommendation

In its Report and Recommendation⁹ dated June 9, 2016, the IBP-Commission on Bar Discipline (CBD) found Atty. Arcilla liable for his omission to timely file his client's formal offer of evidence. The IBP-CBD recommended that he be reprimanded for his act, with a warning that a repetition of the same would merit a more severe penalty.¹⁰

The IBP-CBD held that it is only when the lawyer fails by design, bad faith or gross omission to live up to the standard of ordinary care or diligence that he or she may be held liable therefor. The IBP-CBD noted that while it took Atty. Arcilla two (2) months to file the formal offer of evidence, the RTC had yet to hand down a decision in the case and there was no indication that it did not wait for Vargas to file said pleading. The IBP-CBD also observed that the prosecution did not file any motion to either hold Vargas to have waived his right to file the pleading or for the RTC to resolve the case in view of the lapse of the reglementary period to file it. The IBP-CBD thus concluded that Vargas was still within his right to file the formal offer of evidence, albeit belatedly.¹¹

However, the IBP-CBD also concluded that Atty. Arcilla is guilty under Canon 12 of the Code of Professional Responsibility (CPR) for his failure to exert every effort to assist in the speedy and efficient administration of justice. Atty. Arcilla should have observed the period given to his client by the RTC in filing the formal offer of evidence, or at the very least, should have moved for extension of time to file the same. His explanation of having a heavy workload was not a valid explanation on why he failed to do his duty.¹²

The IBP Board of Governors (BOG) issued a Resolution¹³ on May 27, 2017, which resolved to adopt and approve the IBP-CBD's Report and Recommendation with modification:

*RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner with modification of the imposible penalty by increasing it to **SUSPENSION from the practice of law for six (6) months.***¹⁴

- over -

183-B

⁹ Id. at 117-124.
¹⁰ Id. at 123-124.
¹¹ Id. at 121-122.
¹² See id. at 123.
¹³ Id. at 115-116.
¹⁴ Id. at 115.

The Court's Ruling

The Court affirms the findings of the IBP with modification.

Atty. Arcilla does not deny his failure to timely file the formal offer of evidence on behalf of Vargas, but posits that it was committed by pure inadvertence and was not attended with malice. The failure, however, is *by itself* a sin of omission on his part.¹⁵ It amounts to a violation of Canon 12, Canon 17, and Canon 18, Rule 18.03 of the CPR which clearly provide:

CANON 12 - A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

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.

x x x x

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

Thus, the fact that Vargas may not have been prejudiced with the negligence of Atty. Arcilla is beside the point. Prejudice to clients would only serve to compound a lawyer's negligence, but would not exculpate him or her from liability.

In the same manner, the excuse of a heavy workload will not justify a lawyer's negligence. Suffice it to state, the Court has not been remiss in reminding members of the Bar that when an action or proceeding is initiated in our courts, lawyers become the eyes and ears of their clients.¹⁶ As such, lawyers are expected to prosecute or defend the interests of their clients without need for reminders. The privilege of the office of attorney grants lawyers the ability to warrant to their client that they will manage the case as if it were their own.¹⁷ Thus, a lawyer should accept only as much cases as he can efficiently handle in order to sufficiently protect his or her clients' interests. It is not

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183-B

¹⁵ See *Abiero v. Juanino*, A.C. No. 5302, February 18, 2005, 452 SCRA 1, 9.

¹⁶ *Ramirez v. Buhayang-Margallo*, A.C. No. 10537, February 3, 2015, 749 SCRA 13, 15.

¹⁷ *Id.* at 15.

with

enough that a lawyer possesses the qualification to handle the legal matter; he or she must also give adequate attention to his or her legal work.¹⁸

Neither should the Court turn a blind eye to a lawyer's omission because his or her representation of the complainant is *pro bono*. The duty of a lawyer to take up his or her client's case with utmost fidelity should never be measured by its profitability on the lawyer's part. The Court in *Ramirez v. Buhayang-Margallo*¹⁹ held that the professional relationship between a lawyer and a client remains the same regardless of the reasons for the acceptance by counsel, and regardless of whether the case is highly paying or *pro bono*.

Given the foregoing, the Court agrees with the conclusion of the IBP and likewise finds Atty. Arcilla administratively liable for his negligent act of filing a pleading on behalf of his client two (2) months after the reglementary period to file the same had already lapsed. The Court, however, cannot adopt the recommendation of the IBP-BOG to increase the penalty against Atty. Arcilla to a six (6)-month suspension, as the same is too harsh and especially because the recommended modification was not explained and substantiated. Instead, the Court fully agrees with the recommendation of the IBP-CBD to impose the penalty of reprimand on Atty. Arcilla, considering that this is his first infraction. The Court adds further that the penalty of reprimand is commensurate with the infraction, as well, bearing in mind that it was not compounded with the interest of Vargas in the criminal case being prejudiced thereby.²⁰

WHEREFORE, the Court finds Atty. Felipe C. Arcilla, Jr. **GUILTY** of violating Canon 12, Canon 17, Canon 18, Rule 18.03 of the Code of Professional Responsibility. He is hereby **REPRIMANDED** with a stern warning that a repetition of the same offense or similar acts in the future shall be dealt with more severely.

The Notice of Resolution No. XXII-2017-1087 dated May 27, 2017 of the Integrated Bar of the Philippines' Board of Governors; and the Notice of Resolution dated October 5, 2018 of the Integrated Bar of the Philippines' Board of Governors, transmitted by Letter

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183-B

¹⁸ *Lijauco v. Terrado*, A.C. No. 6317, August 31, 2006, 500 SCRA 301, 307.

¹⁹ *Supra* note 16, at 15.

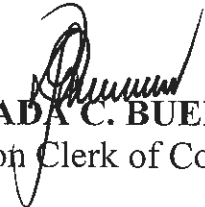
²⁰ In *Fernandez v. Novero, Jr.*, A.C. No. 5394, December 2, 2002, 393 SCRA 240, the Court suspended the respondent counsel for a month after he failed to file his formal offer of exhibits which proved fatal to the cause of his client since it led to the dismissal of the case. The Court also found that the respondent's inefficiency was compounded when he filed a motion for reconsideration outside the reglementary period, which was thus accordingly denied by the trial court. *Id.* at 244, 246.

WST


dated November 29, 2019 of Director Randall C. Tabayoyong, Integrated Bar of the Philippines' Commission on Bar Discipline, together with the records and compact disc containing the PDF file of the case, are both **NOTED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
183-B 

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