



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

**IN RE: RESOLUTION DATED A.C. No. 10117
 AUGUST 14, 2013 OF THE
 COURT OF APPEALS IN CA- Present:
 G.R. CV NO. 94656,**

CARPIO, *Chairperson*
 BRION,
 DEL CASTILLO,
 MENDOZA, and
 LEONEN, *JJ.*

-versus-

ATTY. GIDEON D.V. MORTEL,
 Respondent.

Promulgated:
25 JUL 2016

X-----X

RESOLUTION

LEONEN, J.:

This resolves an administrative complaint charging respondent Atty. Gideon D.V. Mortel (Atty. Mortel) with disobedience or defiance of lawful court orders, amounting to gross misconduct and insubordination or disrespect.¹ The complaint arose from the proceedings before the Court of Appeals in *Bank of the Philippine Islands v. Angelita De Jesus*, through her *Attorney-in-Fact Jim Dulay*,² which Atty. Mortel handles.³

¹ Rollo, p. 15, Statement of Facts Re: Suspension of Atty. Gideon V. Mortel. This was signed by Associate Justice Hakim S. Abdulwahid of the Sixth Division, Court of Appeals, Manila.

² The case was docketed as CA-G.R. CV No. 94656.

³ Id.at 2, Court of Appeals Resolution.

On July 20, 2010, the Court of Appeals issued a Notice⁴ for Atty. Mortel to file an appellant's brief on behalf of his client, Angelita De Jesus,⁵ within the reglementary period of 45 days from notice.⁶

Atty. Mortel recently moved out of his office at Herrera Tower, Makati City due to the high cost of maintenance.⁷ Looking for a new office,⁸ he requested to use the address of his friend's law firm as his address on record for *Bank of the Philippine Islands*.⁹ Atty. Marcelino Ferdinand V. Jose (Atty. Jose), Managing Partner of MFV Jose Law Office, granted this request sometime in August 2010.¹⁰ Atty. Mortel's address on record was then listed at Unit 2106, Philippine AXA Life Center, 1286 Sen. Gil Puyat Ave., Makati City,¹¹ the same address as MFV Jose Law Office.¹²

All communication, court orders, resolutions, notices, or other court processes addressed to MFV Jose Law Office were received by the law firm's staff.¹³ The staff would pass these to the desk of Atty. Jose for monitoring and checking. Atty. Jose would then forward these to the handling lawyer in the office.¹⁴ The law firm's messenger, Randy G. Lucero (Lucero), was tasked with informing Atty. Mortel whenever there was a resolution or order pertinent to *Bank of Philippine Islands*.¹⁵

Bank of Philippine Islands was not included in MFV Jose Law Office's list or inventory of cases.¹⁶ Thus, Atty. Jose "simply attached a piece of paper with notation and instructions on the same, advising [Lucero] . . . to forward it to Atty. Mortel."¹⁷

Initially, Randy De Leon (De Leon), Atty. Mortel's messenger, went to MFV Law Office to inquire if it had received notices for Atty. Mortel.¹⁸ None came at that time.¹⁹ Thus, De Leon left his number with Lucero, and the two messengers agreed that Lucero would text De Leon should any court

⁴ CA. INT. RULES, Rule IV, sec. 4(a)(1.6) provides:

SEC. 4. Processing of Ordinary Appeals. –

(a) In Civil Cases. –

1.6 Within ten (10) days from completion of the records, issue a notice to file appellant's brief within forty-five (45) days from receipt thereof. The notice shall require that a certified true copy of the appealed decision or order be appended to the brief.

⁵ *Rollo*, p. 2.

⁶ *Id.* at 3.

⁷ *Id.* at 33, Omnibus Motion with Profuse Apologies.

⁸ *Id.* at 39, Atty. Jose's Affidavit.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² *Id.* at 39.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 41, Lucero's Affidavit.

¹⁶ *Id.* at 39.

¹⁷ *Id.*

¹⁸ *Id.* at 41.

¹⁹ *Id.*

notice or order for Atty. Mortel arrive.²⁰

On August 16, 2010, instead of heeding the Court of Appeals Notice to file the appellant's brief, Atty. Mortel moved to withdraw Angelita De Jesus' appeal²¹ in light of an amicable settlement on the disputed property.²² After the Motion to Withdraw Appeal was filed, he stopped communicating with MFV Law Office and instructed De Leon to do the same.²³

In the Resolution dated September 20, 2010, the Court of Appeals directed Atty. Mortel to secure and submit Angelita De Jesus' written conformity to the Motion to Withdraw Appeal within five (5) days from notice.²⁴ Atty. Mortel did not comply.²⁵

In the Resolution dated November 11, 2010, the Court of Appeals again directed Atty. Mortel to comply with the September 20, 2010 Resolution and warned him of disciplinary action should he fail to secure and submit Angelita De Jesus' written conformity to the Motion within the reglementary period.²⁶ Atty. Mortel did not comply.²⁷

Thus, on February 23, 2011, the Court of Appeals resolved to "den[y] the motion to withdraw appeal; . . . reiterat[e] the notice dated July 20, 2010, directing [Angelita De Jesus] to file appellant's brief within . . . [45] days from notice; and . . . direc[t] Atty. Mortel to show cause why he should not be cited in contempt for non-compliance with [the Court of Appeals] order."²⁸

The February 23, 2011 Resolution was sent to Angelita De Jesus' address on record, but it was returned with the notation "moved out" on the envelope.²⁹

On March 28, 2011, the Court of Appeals resolved to direct Atty. Mortel to furnish it with Angelita De Jesus' present and complete address within 10 days from notice. Atty. Mortel did not comply.³⁰

In the Resolution dated July 5, 2011, the Court of Appeals again ordered Atty. Mortel to inform it of Angelita De Jesus' address within 10

²⁰ Id.

²¹ Id. at 44, Dulay's Affidavit.

²² Id. at 34.

²³ Id. at 24, Comment.

²⁴ Id. at 2.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id. at 2-3.

²⁹ Id. at 3.

³⁰ Id.

days from notice.³¹ Atty. Mortel did not comply.³²

In the Resolution dated October 13, 2011, the Court of Appeals directed Atty. Mortel, for the last time, to inform it of Angelita De Jesus' address within 10 days from notice.³³ Still, Atty. Mortel did not comply.³⁴

In the Resolution dated January 10, 2012, the Court of Appeals ordered Atty. Mortel to show cause, within 15 days, why he should not be held in contempt for non-compliance with the Court of Appeals Resolutions.³⁵ Atty. Mortel ignored this.³⁶

In the Resolution dated May 16, 2012, the Court of Appeals found Atty. Mortel liable for indirect contempt.³⁷ It ordered him to pay ₱10,000.00 as fine.³⁸ Atty. Mortel did not pay.³⁹

On August 13, 2012, the Court of Appeals resolved to (1) again order Atty. Mortel to pay, within 10 days from notice, the fine of ₱10,000.00 imposed upon him under the May 16, 2012 Resolution;⁴⁰ (2) require Atty. Mortel to follow the July 5, 2011 and October 13, 2011 Resolutions that sought information from him as to his client's present address;⁴¹ and (3) warn him that failure to comply with the Resolutions within the reglementary period will constrain the Court of Appeals "to impose a more severe sanction against him."⁴² Atty. Mortel snubbed the directives.⁴³

According to the Court of Appeals, the Cashier Division reported that Atty. Mortel still did not pay the fine imposed despite his receipt of the May 16, 2012, August 13, 2012, and October 17, 2012 Resolutions.⁴⁴

In the Resolution dated April 26, 2013, the Court of Appeals directed Atty. Mortel to show cause why it should not suspend him from legal practice for ignoring its May 16, 2012 Resolution (which fined him for ₱10,000.00).⁴⁵ The April 26, 2013 Resolution was sent to his address on record at Unit 2106, Philippine AXA Life Center, 1286 Sen. Gil Puyat Ave.,

³¹ Id.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id. at 4.

⁴² Id.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

Makati City,⁴⁶ as shown in the registry return card.⁴⁷

Despite having ignored 11 Court of Appeals Resolutions,⁴⁸ Atty. Mortel did not show cause for him not to be suspended.⁴⁹ The Court of Appeals found that his “failure or obstinate refusal without justification or valid reason to comply with the [Court of Appeals’] directives constitutes disobedience or defiance of the lawful orders of [the Court of Appeals], amounting to gross misconduct and insubordination or disrespect.”⁵⁰

In the Resolution dated August 14, 2013, the Court of Appeals suspended Atty. Mortel from legal practice for six (6) months and gave him a stern warning against repeating his actions.⁵¹ Atty. Mortel was also directed to comply with the previous Resolutions of the Court of Appeals. The dispositive portion of the Resolution reads:

WHEREFORE, Atty. Gideon D.V. Mortel, counsel for respondent-oppositor-appellant, is hereby **SUSPENDED** from the practice of law for a period of six (6) months effective from notice, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

Further, Atty. Mortel is **DIRECTED** to comply with the May 16, 2012 *Resolution* and other related *Resolutions* issued by this Court within ten (10) days from notice hereof.

Let copies of this Resolution be furnished the Supreme Court for its information and appropriate action.

SO ORDERED.⁵² (Emphasis in the original)

On October 2, 2013, pursuant to Rule 138, Section 29⁵³ of the Rules of Court, the Court of Appeals submitted before this Court a certified true copy of the August 14, 2013 Resolution, which suspended Atty. Mortel from legal practice, together with a statement of facts from which the suspension order was based.⁵⁴

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id. at 2–5. The ignored Resolutions are dated September 20, 2010, November 11, 2010, February 23, 2011, March 28, 2011, July 5, 2011, October 13, 2011, January 10, 2012, May 16, 2012, August 13, 2012, October 17, 2012, and April 26, 2013.

⁴⁹ Id. at 5.

⁵⁰ Id. at 15, Statement of Facts Re: Suspension of Atty. Gideon V. Mortel.

⁵¹ Id. at 5.

⁵² Id. at 5–6.

⁵³ RULES OF COURT, Rule 138, sec. 29 provides:

SEC. 29. *Upon suspension by Court of Appeals or Court of First Instance, further proceedings in Supreme Court.* – Upon such suspension, the Court of Appeals or the Court of First Instance shall forthwith transmit to the Supreme Court a certified copy of the order or suspension and a full statement of the facts upon which the same was based. Upon the receipt of such certified copy and statement, the Supreme Court shall make full investigation of the facts involved and make such order revoking or extending the suspension, or removing the attorney from his office as such, as the facts warrant.

⁵⁴ *Rollo*, pp. 7–16.

On October 23, 2013, the Office of the Bar Confidant issued a Report stating that it docketed the Court of Appeals' August 14, 2013 Resolution as a regular administrative case against Atty. Mortel.⁵⁵

In the Resolution dated January 20, 2014, this Court noted and approved the administrative case, furnished Atty. Mortel a copy of the August 14, 2013 Resolution, and required him to comment within 10 days from notice.⁵⁶ This Court forwarded it to his address on record.⁵⁷

On February 25, 2014, Atty. Jose read this Court's January 20, 2014⁵⁸ Resolution meant for Atty. Mortel,⁵⁹ and saw that Atty. Mortel had been suspended by the Court of Appeals.⁶⁰ He "immediately tried looking for Atty. Mortel's mobile number" to inform him of this development.⁶¹ On the following day, he was able to reach Atty. Mortel through a mutual friend.⁶²

Four (4) years passed since the Court of Appeals first sent a Resolution⁶³ to Atty. Mortel, through MFV Jose Law Office, in 2010. Atty. Jose asked Lucero, his messenger, why these Resolutions were not forwarded to Atty. Mortel.⁶⁴

Lucero stated that he would usually text De Leon, Atty. Mortel's messenger, whenever there was an order or resolution pertinent to the case.⁶⁵ However, after a few messages, De Leon no longer texted back.⁶⁶ Lucero added that he "had no other way of finding [De Leon]" and knew nothing of De Leon's whereabouts.⁶⁷ He hoped that either Atty. Mortel or De Leon would pick up the mails sent by the Court of Appeals for Atty. Mortel.⁶⁸ Not knowing how to contact Atty. Mortel's messenger, Lucero simply kept the copies in the office racks or on his table.⁶⁹

On March 5, 2014, Atty. Mortel filed before the Court of Appeals an

⁵⁵ Id. at 18, Resolution dated January 20, 2014.

⁵⁶ Id.

⁵⁷ Id. at 39, Atty. Jose's Affidavit.

⁵⁸ Only the January 20, 2014 Resolution contained the information that Atty. Mortel was suspended by the Court of Appeals (Id. at 19). The Resolution dated February 9, 2015 did not contain this information (Id. at 48).

⁵⁹ *Rollo*, p. 39.

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

⁶³ Id. at 2.

⁶⁴ Id. at 39.

⁶⁵ Id.

⁶⁶ Id. at 41.

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ Id. at 39.

Omnibus Motion and Manifestation with Profuse Apologies.⁷⁰ He informed the Court of Appeals of his present address at No. 2806 Tower 2, Pioneer Highlands, Mandaluyong City.⁷¹ He also prayed for (1) the reinstatement of the Motion to Withdraw Appeal, (2) the acceptance of his compliance with the September 20, 2010 and November 11, 2010 Resolutions of the Court of Appeals (which sought for his client's conformity to the Motion), (3) the grant of his Motion, and (4) the recall of all previous orders or resolutions of the Court of Appeals.⁷²

In his Comment⁷³ dated March 7, 2014, Atty. Mortel argues that he honestly believed that the case was already closed and terminated in light of his Motion to Withdraw Appeal.⁷⁴ Atty. Mortel avers that “[h]e did not expect that a requirement of conformity of the client would be needed in as much as the act of counsel binds the client[.]”⁷⁵ According to him, the filing of a motion to withdraw appeal is a matter of right, which did not need his client's conformity.⁷⁶ Thus, he did not bother to visit MFV Jose Law Office again or send his messenger to check with the law firm if there were resolutions or orders for him.⁷⁷

According to Atty. Mortel, the Court of Appeals Resolutions never reached him.⁷⁸ He interposes the defense of “sheer lack of or absence of knowledge . . . as all Resolutions of the Court [of Appeals] were received by the messenger of MFV Jose Law Office but not forwarded to him.”⁷⁹ Finally, he claims that he had no reason to refuse to comply, had he known of the orders or resolutions.⁸⁰

In the Resolution⁸¹ dated February 9, 2015, this Court noted Atty. Mortel's Comment and required the Sixth Division of the Court of Appeals Manila to file a reply within 10 days from notice.

In the Resolution⁸² dated May 30, 2016, this Court dispensed with the filing of the reply.

For resolution are the following issues:

⁷⁰ Id. at 32–38.

⁷¹ Id. at 37.

⁷² Id. at 32.

⁷³ Id. at 20–27-A.

⁷⁴ Id. at 20.

⁷⁵ Id.

⁷⁶ Id. at 21.

⁷⁷ Id. at 34–35.

⁷⁸ Id. at 34.

⁷⁹ Id. at 20.

⁸⁰ Id.

⁸¹ Id. at 48.

⁸² Id. at 52.

First, whether there are grounds for this Court to probe into Atty. Marcelino Ferdinand V. Jose's possible administrative liability; and

Second, whether respondent Atty. Gideon D.V. Mortel should be imposed a disciplinary sanction.

I

This Court has the authority to discipline an errant member of the bar.⁸³ Rule 139-B, Section 1 of the Rules of Court provides that “[p]roceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*[.]”⁸⁴ However, the lawyer must have the “full opportunity upon reasonable notice to answer the charges against him [or her,] among others.”⁸⁵ Thus:

RULE 138 ATTORNEYS AND ADMISSION TO BAR

....

SEC. 30. *Attorney to be heard before removal or suspension.* — No attorney shall be removed or suspended from the practice of his profession, until he has had full opportunity upon reasonable notice to answer the charges against him, to produce witnesses in his own behalf, and to be heard by himself or counsel. But if upon reasonable notice he fails to appear and answer the accusation, the court may proceed to determine the matter *ex parte*.

Implicit in Atty. Jose and respondent's arrangement is that Atty. Jose would update respondent should there be any communication sent to respondent through his law firm, and that respondent would regularly check with the law firm if any court-delivered mail arrives for him.⁸⁶

Yet, Atty. Jose failed to measure up to his part of the deal. He delegated everything to his messenger without adequately supervising him. All communication, court orders, resolutions, notices, or other court processes addressed to MFV Jose Law Office go through Atty. Jose's desk for monitoring and checking.⁸⁷

Having monitored and checked at least 12 envelopes⁸⁸ from the Court

⁸³ RULES OF COURT, Rule 139-B

⁸⁴ RULES OF COURT, Rule 139-B, sec. 1.

⁸⁵ RULES OF COURT, Rule 138, sec. 30.

⁸⁶ *Id.* at 33.

⁸⁷ *Id.* at 39.

⁸⁸ *Id.* at 2–5. It is common practice for Philippine courts to issue orders or resolutions in sealed envelopes. These 12 envelopes contain the Resolutions dated September 20, 2010, November 11,

of Appeals meant for respondent, Atty. Jose could have followed up with Lucero if respondent was *actually* receiving the Court of Appeals' orders or resolutions. This is a fairly simple task requiring a quick yes or no, accomplishable in a few seconds. As Managing Partner of his firm, Atty. Jose can be expected to have supervisory duties over his firm's associates and support staff, among others.

Alternatively, Atty. Jose could have contacted respondent himself. That he did not know respondent's number⁸⁹ does not suffice. It bears stressing that Atty. Jose and respondent are acquaintances and have common connections.⁹⁰

In the first place, Atty. Jose showed that he could easily get respondent's new number through a mutual friend. Yet, he only did so four (4) years later.⁹¹ In today's age of email, social media, web messaging applications, and a whole gamut of digital technology easing people's connectivity whenever and wherever they are, it is fairly easy to get connected with someone without even leaving one's location.

Atty. Jose is fully aware of the importance of following court orders and processes. It is reasonable to expect him to extend assistance to the lawyer to whom he lent his office address—and in doing so, to the Court of Appeals—in the speedy and efficient administration of justice in *Bank of the Philippine Islands*.

Atty. Jose's reading of this Court's January 20, 2014 Resolution⁹² is also highly questionable. While the Resolution was sent to his law firm,⁹³ it was addressed to respondent, a lawyer not under his employ.⁹⁴

Canon 21, Rule 21.04⁹⁵ of the Code of Professional Responsibility generally allows disclosure of a client's affairs only to partners or associates of the law firm, unless the client prohibits it. Respondent is not a partner or associate of MFV Jose Law Office.⁹⁶

2010, February 23, 2011, March 28, 2011, July 5, 2011, October 13, 2011, January 10, 2012, May 16, 2012, August 13, 2012, October 17, 2012, April 26, 2013, and August 14, 2013.

⁸⁹ Id. at 39.

⁹⁰ Id. at 33.

⁹¹ A total of four (4) years passed between 2010 and 2014. Atty. Mortel made the address request in 2010 (Id. at 40, Atty. Jose Affidavit). He stopped communicating with MFV Jose Law Office after August 16, 2010 (Id. at 24, Comment). Meanwhile, Atty. Jose began to look for Atty. Mortel's number on February 25, 2014 (Id. at 41, Atty. Jose Affidavit).

⁹² *Rollo*, p. 39.

⁹³ Id.

⁹⁴ Id. at 41.

⁹⁵ Code of Professional Responsibility, Canon 21, rule 21.04 provides:

Rule 21.04 - A lawyer may disclose the affairs of a client of the firm to partners or associates thereof unless prohibited by the client.

⁹⁶ *Rollo*, p. 41.

Even assuming that this Court's January 20, 2014 Resolution is independent of *Bank of Philippine Islands*, the present case being administrative in nature, Atty. Jose's action still invites suspicion.

Article III, Section 3(1) of the 1987 Constitution guarantees that:

ARTICLE III
Bill of Rights

....

SECTION 3. (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

Under Article 32 of the Civil Code:

ARTICLE 32. Any public officer or employee, or any private individual, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the following rights and liberties of another person shall be liable to the latter for damages:

....

(11) The privacy of communication and correspondence[.]

Atty. Jose took hold of this Court's correspondence meant for respondent and read it.⁹⁷ On February 25, 2014, he "*look[ed]* into the said case [and] *noticed* that the Resolution . . . was already in the pink form issued by the Supreme Court. [He] *saw* the word 'suspended' and, *upon perusal*, saw that [respondent] was now subjected to an administrative case[.]"⁹⁸

Atty. Jose may claim that he did so out of concern. However, if he were truly concerned, his proper recourse would have been to inform respondent about receiving mail from this Court, not to read it. Moreover, he would have informed respondent, as early as 2010, that his law firm received several Court of Appeals correspondences, and that these letters kept arriving for respondent until 2013.⁹⁹

Therefore, under Rule 138, Section 30¹⁰⁰ of the Rules of Court, this

⁹⁷ Id. at 39.

⁹⁸ Id. Emphasis supplied.

⁹⁹ Id. at 2-4.

¹⁰⁰ RULES OF COURT, Rule 138, sec. 30 provides:

SEC. 30. *Attorney to be heard before removal or suspension.* — No attorney shall be removed or suspended from the practice of his profession, until he has had full opportunity upon reasonable notice to answer the charges against him, to produce witnesses in his own behalf, and to be heard by himself

Court directs Atty. Jose to show cause, within 10 days from receipt of a copy of this Resolution, why he should not be administratively sanctioned for failing to ensure respondent's prompt receipt of the Court of Appeals Resolutions, and for reading this Court's Resolution addressed to respondent.

II

Atty. Jose stated under oath that respondent requested to use MFV Jose Law Office's address as his mailing address only in August 2010,¹⁰¹ after respondent had already filed his appeal.¹⁰² The exact day in August is unknown.

Assuming respondent's request was granted as early as August 1, 2010, this does not help him in any way. The Court of Appeals Notice for respondent to file an appellant's brief was issued one (1) month earlier, on July 20, 2010, when respondent still presumably used his old address on record at Herrera Tower, Rufino St., corner Valero St., Makati City.¹⁰³

Thus, respondent's sending De Leon, his messenger, to the new forwarding address at MFV Jose Law Office to get updates anytime between August 1, 2010¹⁰⁴ and August 16, 2010 (when he filed the Motion) would certainly have yielded no result. In this hypothetical scenario, the Court of Appeals would have sent the Notice to his old address on record. That he allegedly did not receive the July 20, 2010 Notice from the Court of Appeals was, therefore, his own lookout.

Assuming MFV Law Office accommodated respondent's request after August 16, 2010, there could have been no instance where respondent sent De Leon to MFV Law Office, if this Court were to believe his statement that he stopped contacting MFV Law Office *after* he filed the Motion.¹⁰⁵

In either case, respondent had been remiss in his duty to keep himself informed on the status of the case.

Respondent presents a different version of the facts. According to

or counsel. But if upon reasonable notice he fails to appear and answer the accusation, the court may proceed to determine the matter *ex parte*.

¹⁰¹ *Rollo*, p. 39.

¹⁰² Although the records do not show when Atty. Mortel filed the appeal, it certainly happened before July 20, 2010, the date when the Court of Appeals issued the Notice for Atty. Mortel to file an appellant's brief. Under Section 4(a)(1)(1.6) of the Court of Appeals Internal Rules, issuing a notice to file appellant's brief means that the appellate court has already received the appeal.

¹⁰³ *Rollo*, p. 34.

¹⁰⁴ In this hypothetical scenario, this would be the date when Atty. Mortel's request was granted by MFV Law Office.

¹⁰⁵ *Rollo*, p. 24.

him, he requested to use MFV Law Office's address "as his mailing address for the [purpose of] filing of the appeal[.]"¹⁰⁶ This hints that he made his request before he even elevated *Bank of the Philippine Islands* to the Court of Appeals, and precisely for that purpose.

While the records do not show when respondent filed the appeal, it certainly happened before July 20, 2010, the date when the Court of Appeals issued the Notice¹⁰⁷ for respondent to file an appellant's brief. Under the Internal Rules of the Court of Appeals, issuing a notice to file appellant's brief means that it has already received the appeal.¹⁰⁸ Thus, insofar as respondent is concerned, the July 20, 2010 Notice reached MFV Law Office,¹⁰⁹ not his old address on record.

Respondent further claims:

[O]n the account of the Honorable Court [of Appeals] in its Resolution dated 14 August 2013 the Court [of Appeals] issued already a "Notice" to file appellant's brief on July 20, 2010 *signifying that there was already a notice received by the staff of M V F [sic] Jose Law Office but was not forwarded to the undersigned counsel.* This demonstrated that the very first Order issued by the Court [of Appeals] was received by the aforesaid law office but was not forwarded to the undersigned counsel and the same was true to all subsequent Orders or Resolutions issued by the Court of Appeals[.]¹¹⁰ (Emphasis supplied)

Respondent dates back his request to use MFV Law Office's address before July 20 2010, while Atty. Jose avows that it happened in August 2010.¹¹¹ The inconsistent narration of facts shows that one of them did not give a truthful account on the matter.

In any of the scenarios presented, respondent's gross negligence and lack of foresight is apparent. Respondent did not make it easy for MFV Law Office to reach him personally or through his messenger.

First, respondent personally stopped visiting and communicating with the law firm after August 16, 2010.¹¹² A total of 12 Court of Appeals Resolutions arrived at MFV Law Office after that date.

¹⁰⁶ Id. at 34.

¹⁰⁷ Id. at 3.

¹⁰⁸ Section 4(a)(1)(1.6) of the Internal Rules of the Court of Appeals states that as soon as the Court of Appeals receives appellant's appeal, the Civil Cases Section of the Judicial Records Division shall, within ten (10) days from completion of the records, issue a notice to file appellant's brief within forty-five (45) days from receipt thereof.

¹⁰⁹ *Rollo*, pp. 27–28.

¹¹⁰ Id.

¹¹¹ Id. at 39.

¹¹² Id. at 24.

Second, respondent asked De Leon to stop going to the law firm after August 16, 2010.¹¹³ This may explain why De Leon no longer replied to Lucero, Atty. Jose's messenger, after a few text exchanges.¹¹⁴ Lucero states that he had no idea how to find De Leon, and had not seen respondent for years.¹¹⁵

Third, Atty. Mortel did not update MFV Law Office of his or De Leon's present work or phone number(s).¹¹⁶ Atty. Jose had to look for respondent's mobile number four (4) years later¹¹⁷ just so he could inform respondent about this Court's Resolution.¹¹⁸ Meanwhile, Lucero assumed that De Leon changed his number as De Leon could no longer be reached.¹¹⁹

Fourth, there is no allegation that respondent left other contact details to MFV Law Office, such as his home address, as a safety net.

What follows from all these is that respondent failed to adopt an "efficient and orderly system of receiving and attending promptly to all judicial notices."¹²⁰ The fault was his to bear.

*In Gonzales v. Court of Appeals:*¹²¹

We hold that an attorney owes it to himself and to his clients to adopt an efficient and orderly system of receiving and attending promptly to all judicial notices. He and his client must suffer the consequences of his failure to do so particularly where such negligence is not excusable as in the case at bar. . . .

Aside from his failure to adopt an organized and efficient system of managing his files and court notices, we also note that petitioner's counsel, Atty. Almadro, allowed one year to lapse before he again acted on the appeal of his client. . . . Subsequently, the notice to file the appellant's brief was received by the househelp of Atty. Almadro, petitioner's counsel, on February 21, 1996. It was only on July 11, 1996 that Atty. Almadro claims to have discovered the notice. . . . Atty. Almadro apparently never bothered to check why he had not received any notice for the filing of his client's (appellant's) brief.¹²²

¹¹³ Id. at 24.

¹¹⁴ Id. at 41.

¹¹⁵ Id.

¹¹⁶ Id. at 42. According to Lucero, after not receiving any reply from De Leon, he assumed that the latter changed his number.

¹¹⁷ Four (4) years have passed from 2010 to 2014. Atty. Mortel made the address request in 2010 (Id. at 40, Atty. Jose's Affidavit). He stopped communicating with MFV Jose Law Office after August 16, 2010 (Id. at 24, Comment). Meanwhile, Atty. Jose began to look for Atty. Mortel's number on February 25, 2014 (Id. at 41, Atty. Jose's Affidavit).

¹¹⁸ *Rollo*, p. 39.

¹¹⁹ Id. at 41.

¹²⁰ 450 Phil. 296 (2003) [Per J. Corona, Third Division].

¹²¹ Id. at 302.

¹²² Id. at 302–303.

Similarly, in this case, respondent did not adequately inquire why he had not received any notice for the filing of Angelita De Jesus' appellant's brief."¹²³ He should have assumed that the Court of Appeals would send him a notice regarding his appeal. Yet, he instructed De Leon to go to MFV Law Office only initially,¹²⁴ and cut contact with the law firm after August 16, 2010.¹²⁵

According to respondent, he was "completely unaware of the existence of the Court [of Appeals'] Orders or Resolutions."¹²⁶ He claims that his failure to comply was made in good faith and was not done intentionally.¹²⁷

We are not convinced.

Respondent's disobedience of court orders, while it may not have been malicious, was certainly willful. He knew of the consequences of disregarding court orders, yet he did not take steps to prevent it from happening. He used Atty. Jose's office address for *Bank of the Philippine Islands*, but did not ensure that he could actually receive the Court of Appeals Notices and Resolutions.

That respondent was able to receive this Court's Resolution through MFV Law Office in 2014 shows that it was also possible for him to have received the Court of Appeals Notice and Resolutions from 2010 to 2013, had he only cared to do so.

III

Respondent attempts to escape liability by invoking Rule 50, Section 3¹²⁸ of the Rules of Court, which states that withdrawal of appeal is a matter of right before the filing of the appellee's brief. He claims to have honestly believed that the filing of the motion had the effect of withdrawal of appeal.¹²⁹ Thinking that the case had been closed and terminated, he forgot all about it.¹³⁰

Respondent prides himself in wanting to become a judge, joining the

¹²³ Id. at 303.

¹²⁴ Id. at 24.

¹²⁵ Id.

¹²⁶ Id. at 23.

¹²⁷ Id. at 27–A.

¹²⁸ RULES OF COURT, Rule 50, sec. 3 provides:

SEC. 3. *Withdrawal of appeal.* An appeal may be withdrawn as of right at any time before the filing of the appellee's brief. Thereafter, the withdrawal may be allowed in the discretion of the court.

¹²⁹ *Rollo*, p. 24.

¹³⁰ Id.

30th Prejudicature program, and taking the “masterate [sic] and doctoral degree[s] in law[.]”¹³¹ In terms of legal knowledge and conduct, more is expected of him.

Filing a motion to withdraw appeal does not result in automatic withdrawal of the appeal. The next-level court, before which a motion to withdraw appeal is filed, still needs to resolve this motion. A motion *prays for a relief* other than by a pleading.¹³² As the court may either grant or deny a motion, or otherwise defer action on it until certain conditions are met, lawyers have the obligation to apprise themselves of the court’s resolution, and not to simply second-guess it.

In this case, before the Court of Appeals acted on respondent’s Motion, it first required proof¹³³ of the client’s conformity.¹³⁴ It is not unlikely that the Court of Appeals wanted to ensure that Angelita De Jesus voluntarily agreed to the withdrawal of the appeal—that is, without force, intimidation, or coercion—and that, despite losing the case before the lower court, she was fully informed of the legal consequences of the contemplated action.

Thus, respondent cannot excuse himself from complying with the Court of Appeals’ July 20, 2010 Notice simply because he “belie[ved] that the case has long been closed and terminated” when he filed the Motion to Withdraw Appeal.¹³⁵ Ignorance of the law excuses no one from compliance.¹³⁶ Respondent could not safely assume that the case had already been closed and terminated until he received the Court of Appeals resolution on the matter.

IV

Both respondent¹³⁷ and Atty. Jose¹³⁸ point a finger at Lucero, Atty. Jose’s messenger, while Lucero points a finger at De Leon, respondent’s messenger.¹³⁹

¹³¹ Id. at 26.

¹³² RULES OF COURT, Rule 15, sec. 1 provides:

SECTION 1. *Motion defined.* — A motion is an application for relief other than by a pleading.

¹³³ Id., Rule 138, sec. 21 provides:

SECTION 21. *Authority of attorney to appear.* — An attorney is presumed to be properly authorized to represent any cause in which he appears, and no written power of attorney is required to authorize him to appear in court for his client, but *the presiding judge may*. . . on reasonable grounds therefor being shown, *require* any attorney who assumes the right to appear in a case *to produce or prove the authority under which he appears*, and to disclose, whenever pertinent to any issue, the name of the person who employed him, and may thereupon make such order as justice requires.

¹³⁴ *Rollo*, p. 2.

¹³⁵ Id. at 24.

¹³⁶ CIVIL CODE, art. 3.

¹³⁷ *Rollo*, p. 23.

¹³⁸ Id. at 39.

¹³⁹ Id. 41.

According to respondent, Lucero simply left the Resolutions in MFV Law Office's racks or in Lucero's table[.]”¹⁴⁰ Lucero states that he did not know the relevance of the Court of Appeals Resolutions or the importance of these to respondent.¹⁴¹ For a law firm messenger to have no clue about the importance of a court issuance is doubtful. What is more plausible is that the messenger, being outside this Court's disciplinary arm, is serving as a convenient scapegoat.

Even assuming that only the messengers are at fault, neither counsel can blame anyone but themselves for assigning an important matter to “incompetent or irresponsible person[s].”¹⁴² In *Gonzales*, “[i]f petitioner's counsel was not informed by his house-help of the notice which eventually got misplaced in his office files, said counsel has only himself to blame for entrusting the matter to an incompetent or irresponsible person[.]”¹⁴³

Respondent gave the MFV Law Office's address to the Court of Appeals. Thus, this is presumably where he wanted the orders of the Court of Appeals sent. He cannot later excuse himself from complying with the court orders by stating that he did not actually receive these orders for three (3) years. Respondent is estopped from raising it as a defense. As far as courts are concerned, orders and resolutions are received by counsel through the address on record they have given.

It is well-noted that respondent informed the Court of Appeals of his present address (No. 2806 Tower 2, Pioneer Highlands, Mandaluyong City) only on March 3, 2014.¹⁴⁴

V

Respondent's defiance of the Court of Appeals Notice and Resolutions shows a blatant disregard of the system he has vowed to support.”¹⁴⁵ When he took his oath as attorney, he has sworn to do as follows:

I, do solemnly swear that . . . I will support the Constitution and *obey* the laws as well as the *legal orders of the duly constituted authorities therein* . . . and will conduct myself as a lawyer according to the best of my knowledge and discretion, *with all good fidelity as well to the courts as to my clients*; and I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.

¹⁴⁰ Id. at 21.

¹⁴¹ Id. at 41.

¹⁴² *Gonzales v. Court of Appeals*, 450 Phil. 296, 302 (2003) [Per J. Corona, Third Division].

¹⁴³ Id.

¹⁴⁴ *Rollo*, p. 38.

¹⁴⁵ *Bantolo v. Castillon Jr.*, 514 Phil. 628, 633 (2005) [Per J. Tinga, Second Division].

(Emphasis supplied)

An oath is not an empty promise, but a solemn duty. Owing good fidelity to the court, lawyers must afford due respect to “judicial officers and other duly constituted authorities[.]”¹⁴⁶ Under the Code of Professional Responsibility:

CANON 7 - A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION. . . .

. . . .

CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

CANON 11 - A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

In *Bantolo v. Atty. Castillon Jr.*:¹⁴⁷

Lawyers are particularly called upon to obey court orders and processes, and this deference is underscored by the fact that willful disregard thereof may subject the lawyer not only to punishment for contempt but to disciplinary sanctions as well. Such is the situation in the instant case. We need not delve into the factual findings of the trial court and the Court of Appeals on the contempt case against respondents. Suffice it to say that *respondent lawyer’s commission of the contumacious acts have been shown and proven, and eventually punished by the lower courts.*¹⁴⁸ (Emphasis supplied)

In its May 16, 2012 Resolution, the Court of Appeals found respondent guilty for indirect contempt of court.¹⁴⁹ On top of respondent’s punishment for contempt, his willful disobedience of a lawful order of the Court of Appeals is a ground for respondent’s removal or suspension.

Rule 138, Section 27 of the Rules of Court states:

SEC. 27. *Attorneys removed or suspended by Supreme Court on what grounds.* – A member of the bar may be removed or suspended from

¹⁴⁶ *Almendarez, Jr. v. Langit*, 528 Phil. 814, 821 (2006) [Per J. Carpio, En Banc].

¹⁴⁷ 514 Phil. 628 (2005) [Per J. Tinga, Second Division].

¹⁴⁸ *Id.* at 632–633.

¹⁴⁹ *Id.* at 3.

his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a *willful disobedience of any lawful order of a superior court*, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

In *Sebastian v. Atty. Bajar*,¹⁵⁰ this Court ordered the lawyer to file a rejoinder within 10 days from notice, but she was able to file only after one (1) year.¹⁵¹ The lawyer was also ordered to comment on the complainant's manifestation, but instead of filing a comment, she submitted a manifestation about four (4) months after.¹⁵² Suspending the lawyer for three (3) years, this Court stated that the lawyer's "cavalier attitude in repeatedly ignoring the orders of the Supreme Court constitutes utter disrespect to the judicial institution."¹⁵³

In this case, respondent utterly disrespected the lawful orders of the court by ignoring 12 Court of Appeals Resolutions.¹⁵⁴ In *Ong v. Atty. Grijaldo*:¹⁵⁵

[Respondent's] conduct indicates a high degree of irresponsibility. A resolution of this Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively. Respondent's obstinate refusal to comply therewith not only betrays a recalcitrant flaw in his character; it also underscores his disrespect of our lawful orders which is only too deserving of reproof.

Any departure from the path which a lawyer must follow as demanded by the virtues of his profession shall not be tolerated by this Court as the disciplining authority. This is especially so, as in the instant case, where respondent even deliberately defied the lawful orders of the Court for him to file his comment on the complaint, thereby transgressing Canon 11 of the Code of Professional Responsibility which requires a lawyer to observe and maintain the respect due the courts.¹⁵⁶ (Emphasis supplied, citations omitted)

In *Richards v. Asoy*,¹⁵⁷ the lawyer failed to comply with this Court's Resolution requiring him to file a comment and show cause why he should not be administratively sanctioned or cited in contempt.¹⁵⁸ He was also

¹⁵⁰ 559 Phil. 211 (2007) [Per J. Carpio, En Banc].

¹⁵¹ Id. at 223.

¹⁵² Id.

¹⁵³ Id. at 224.

¹⁵⁴ *Rollo*, pp. 1–5.

¹⁵⁵ 450 Phil. 1 (2003) [Per Curiam, En Banc].

¹⁵⁶ Id. at 12–13.

¹⁵⁷ 647 Phil. 113 (2010) [Per Curiam, En Banc].

¹⁵⁸ Id. at 116.

asked to comply with this Court's other Resolution requiring him to reimburse the complainant within 10 days from notice.¹⁵⁹ This Court found that respondent "had gone into hiding and was evading service of pleadings/orders/processes of this Court."¹⁶⁰ For the lawyer's grave misconduct, this Court indefinitely suspended him from legal practice.¹⁶¹ When the lawyer later sought to be readmitted to the bar, this Court denied his Petition to be reinstated.¹⁶² The lawyer was found to have failed to justify the long delay of nine (9) years in complying with this Court's Resolutions to reimburse complainant:

Respondent's justification for his 9-year belated "compliance" with the order for him to reimburse complainant glaringly speaks of his lack of candor, of his dishonesty, if not defiance of Court orders, qualities that do not endear him to the esteemed brotherhood of lawyers. The solemn oath which all lawyers take upon admission to the bar to dedicate their lives to the pursuit of justice is neither a mere formality nor hollow words meant to be taken lightly, but a sacred trust that lawyers must uphold and keep inviolable at all times. The lack of any sufficient justification or explanation for the nine-year delay in complying with the Court's July 9, 1987 and March 15, 1988 Resolutions to reimburse complainant betrays a clear and contumacious disregard for the lawful orders of this Court. Such disrespect on the part of respondent constitutes a clear violation of the lawyer's Code of Professional Responsibility[.]

....

Respondent denigrates the dignity of his calling by displaying a lack of candor towards this Court. By taking his sweet time to effect reimbursement . . . he sent out a strong message that the legal processes and orders of this Court could be treated with disdain or impunity.¹⁶³ (Citations omitted)

Here, respondent failed to justify the long delay of at least three (3) years¹⁶⁴ in complying with the Court of Appeals Resolutions requiring his client's written conformity to the Motion (2010)¹⁶⁵ and information on his client's current address (2011).¹⁶⁶

Respondent also failed to justify the long delay in complying with other Court of Appeals Resolutions (a) requiring him to show cause why he should not be cited in contempt, and to comply with the Court of Appeals' earlier Resolutions;¹⁶⁷ (b) citing him in indirect contempt and ordering him

¹⁵⁹ Id.

¹⁶⁰ Id.

¹⁶¹ Id.

¹⁶² Id. at 122.

¹⁶³ Id. at 120–121.

¹⁶⁴ *Rollo*, p. 33. Atty. Mortel belatedly presented Dulay's Affidavit of Conformity and Compliance (Id. at 44) on March 5, 2014.

¹⁶⁵ Id. at 1–3.

¹⁶⁶ Id. at 3.

¹⁶⁷ Id., *citing* Court of Appeals' January 10, 2012 Resolution.

to pay a fine of ₱10,00000;¹⁶⁸ (c) reiterating the Resolutions that directed him to pay the fine and inform the Court of Appeals of his client's address, and warning him of a more severe sanction should he fail to do so;¹⁶⁹ (d) requiring him to show cause why he should not be suspended from the practice of law for his refusal to pay the fine; and (e) ordering him to again to comply with the Resolution that directed him to pay the fine.¹⁷⁰

Moreover, even after he found out about the developments of the case,¹⁷¹ respondent still did not take immediate actions to observe all of the Court of Appeals Resolutions. Nowhere in the records does it show that he complied with the May 16, 2012, August 13, 2012, and October 17, 2012 Resolutions directing him to pay ₱10,000.00 as fine for his non-compliance with the earlier Court of Appeals Resolutions.

Thus, despite respondent's profuse apologies¹⁷² to the Court of Appeals, the "evidence of atonement for [his] misdeeds is sorely wanting."¹⁷³

In *Cuizon v. Atty. Macalino*,¹⁷⁴ this Court disbarred a lawyer for his obstinate failure to comply with this Court's Resolutions requiring him to file his comment and for issuing a bouncing check.¹⁷⁵ Found liable for contempt of court, the lawyer was ordered imprisoned until he complied with this Court's Resolution to pay a fine and submit his comment:

By his repeated cavalier conduct, the respondent exhibited an unpardonable lack of respect for the authority of the Court.

As an officer of the court, it is a lawyer's duty to uphold the dignity and authority of the court. The highest form of respect for judicial authority is shown by a lawyer's obedience to court orders and processes.¹⁷⁶ (Citations omitted)

Respondent's actions shatter the dignity of his profession. He exhibited disdain for court orders and processes, as well as a lack of fidelity to the court. In "taking his sweet time to effect"¹⁷⁷ compliance with the Court of Appeals Resolutions, he sends the message that he is above the duly constituted judicial authorities of this land, and he looks down on them with condescension. This Court agrees with the Court of Appeals that his acts constitute gross misconduct and insubordination or disrespect of court.

¹⁶⁸ Id., *citing* Court of Appeals' May 16, 2012 Resolution.

¹⁶⁹ Id., *citing* Court of Appeals' October 17, 2012 Resolution.

¹⁷⁰ Id. at 5–6.

¹⁷¹ Id. at 39.

¹⁷² Id. at 32–38.

¹⁷³ *Richards v. Asoy*, 647 Phil. 113, 121 (2010) [Per Curiam, En Banc].

¹⁷⁴ 477 Phil. 569 (2004) [Per Curiam, En Banc].

¹⁷⁵ Id. at 572.

¹⁷⁶ Id. at 575.

¹⁷⁷ *Richards v. Asoy*, 647 Phil. 113, 121 (2010) [Per Curiam, En Banc].

Gross misconduct is defined as an “inexcusable, shameful or flagrant unlawful conduct”¹⁷⁸ in administering justice, which prejudices the parties’ rights or forecloses a just determination of the case.¹⁷⁹ As officers of the court, lawyers themselves should be at the forefront in obeying court orders and processes. Respondent failed in this regard. His actions resulted in his client’s prejudice.

VI

Respondent states that “[t]he ironical truth on this legal controversy is that the client-appellant represented by undersigned counsel was satisfied, contented and has fully benefited from the legal services rendered by him.”¹⁸⁰ Presenting the affidavit¹⁸¹ of Jim Dulay (Dulay), Angelita De Jesus’ Attorney-in-Fact, respondent brandishes his client’s pleasure with his legal services.¹⁸² According to respondent, “[t]he client-appellant in the same affidavit expressed that [Dulay] was not prejudiced in any manner.”¹⁸³

This is not true.

Angelita De Jesus was prejudiced by respondent’s willful disobedience of the lawful orders of the Court of Appeals. Respondent’s failure to comply with the September 20, 2010 Resolution (requiring his client’s conformity to the Motion to Withdraw Appeal) and November 11, 2010 Resolution (reiterating the requirement of his client’s conformity to the Motion) resulted in the denial of the Motion on February 23, 2011.¹⁸⁴ The period within which to appeal the February 23, 2011 denial¹⁸⁵ had clearly lapsed when respondent filed the Omnibus Motion before the Court of Appeals on March 5, 2014.¹⁸⁶

Dulay wanted to withdraw the appeal,¹⁸⁷ but respondent’s negligence and lack of prudence resulted in an outcome opposite of what Angelita De Jesus, through Dulay, sought his services for. Under the Code of Professional Responsibility:

¹⁷⁸ *Flores v. Atty. Mayor Jr.*, A.C. No. 7314, August 25, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/august2015/7314.pdf>> 4 [Per Curiam, En Banc].

¹⁷⁹ *Id.* at 5.

¹⁸⁰ *Rollo*, p. 25.

¹⁸¹ *Id.* at 44.

¹⁸² *Id.* at 25.

¹⁸³ *Id.* at 26.

¹⁸⁴ *Id.* at 2–3, *citing* Court of Appeals’ February 13, 2011 Resolution.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.* at 32.

¹⁸⁷ *Id.* at 43.

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 the client's request for information.

In *Ong*, this Court found that the lawyer violated his duty to his client in failing to update the client on the status of the case.¹⁸⁸ The lawyer's incompetence, neglect, and failure to update his client, in addition to his misappropriation of his client's money, led to his disbarment from the practice of law.¹⁸⁹

Here, respondent blindsided his client on the real status of *Bank of Philippine Islands*. He failed to diligently attend to the legal matter entrusted to him. The case, instead of being closed and terminated, came back to life on appeal due to his neglect and lack of diligence. As the Court of Appeals correctly found:

Failure of Atty. Mortel to comply with the Resolutions of [the Court of Appeals] has prejudiced the right of his client, herein respondent-oppositor-appellant, to a just determination of her cause. His failure or obstinate refusal without justification or valid reason to comply with [the Court of Appeal's] directives constitutes disobedience or defiance of the lawful orders of [the Court of Appeals], amounting to gross misconduct and insubordination or disrespect. The foregoing acts committed by Atty. Mortel are sufficient cause for his suspension pursuant to Sec. 28, in relation to Section 27 of Rule 138 of the Rules of Court.¹⁹⁰

Respondent's "negligence shows a glaring lack of the competence and diligence required of every lawyer."¹⁹¹

For his gross misconduct, insubordination, and disrespect of the Court of Appeals directives, and for his negligence of his client's case, respondent must be suspended from the practice of law for one (1) year, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

WHEREFORE, Atty. Marcelino Ferdinand V. Jose is **DIRECTED** to

¹⁸⁸ Id. at 5–6.

¹⁸⁹ Id. at 3.

¹⁹⁰ *Rollo*, p. 5.

¹⁹¹ *Ong v. Grijaldo*, 450 Phil. 1, 9 (2003) [Per Curiam, En Banc].

show cause, within ten (10) days from receipt of a copy of this Resolution, why he should not be disciplined by this Court.

Respondent Atty. Gideon D.V. Mortel is **SUSPENDED** from the practice of law for (1) year for violating Canons 7, 10, 11, 12, and 18, Rules 18.03 and 18.04 of the Code of Professional Responsibility. He is **STERNLY WARNED** that repetition of the same or similar act shall be dealt with more severely.


Let a copy of this Resolution be attached to respondent's personal records as attorney, and be furnished to the Integrated Bar of the Philippines and all courts in the country through the Office of the Court Administrator.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice