



Republic of the Philippines  
**Supreme Court**  
Manila

SECOND DIVISION

**SPOUSES ARCING AND CRESEING  
BAUTISTA, EDAY RAGADIO and  
FRANCING GALGALAN,**  
Complainants,

Adm. Case No. 5530

Present:

CARPIO, J.,  
*Chairperson,*  
BRION,  
DEL CASTILLO,  
PEREZ, and  
PERLAS-BERNABE, JJ.

- versus -

Promulgated:

**ATTY. ARTURO CEFRA,**  
Respondent.

JAN 28 2013 *Atty. Cefra*

X-----X

**DECISION**

**BRION, J.:**

Before us is a complaint for disbarment filed by spouses Arcing and Cresing Bautista, Eday Ragadio<sup>1</sup> and Francing Galgalan (*complainants*) against Atty. Arturo Cefra for violating Canon 18 of the Code of Professional Responsibility and Rules 138 and 139 of the Rules of Court.

**The Facts**

The complainants were the defendants in Civil Case No. U-6504 – an action for quieting of title, recovery of possession and damages filed in the Regional Trial Court (RTC), Branch 45, Urdaneta City, Pangasinan.<sup>2</sup> The complainants engaged the services of Atty. Cefra to represent them in the proceedings. According to the complainants, they lost in Civil Case No. U-6504 because of Atty. Cefra’s negligence in performing his duties as their

<sup>1</sup> Also referred to as “Iday Rogadio” in the records.  
*Rollo*, p. 1

*Mr*

counsel. *First*, Atty. Cefra only presented testimonial evidence and disregarded two (2) orders of the RTC directing him to submit a formal offer of documentary exhibits. *Second*, Atty. Cefra belatedly submitted the formal offer of documentary exhibits after the complainants had been declared to have waived their right to make a submission. *Third*, Atty. Cefra did not file a motion or appeal and neither did he file any other remedial pleading to contest the RTC's decision rendered against them.

The Court ordered Atty. Cefra to comment on the complaint. Despite the extensions of time given by the Court, Atty. Cefra did not file any comment. He did not also comply with the Court's *Minute* Resolutions,<sup>3</sup> dated December 14, 2005 and March 22, 2006, directing him to pay a ₱2,000.00 fine and to submit the required comment.

On July 16, 2008, we held Atty. Cefra in contempt of court, ordering his detention for five (5) days. We also reiterated the order for Atty. Cefra to pay a ₱2,000.00 fine and to submit a comment on the complaint.<sup>4</sup>

On August 4, 2008, Atty. Cefra filed his Comment,<sup>5</sup> denying the allegations in the complaint. He claimed that the complainants misunderstood the RTC's decision:

2. That Respondent denies the allegation in Paragraphs (sic) 7 of the complaint that defendants miserably lost the case because the Decision itself confirmed and affirmed our stand that defendants do not contest the ownership of x x x Serlito Evangelista x x x.

3. That it was defendants (sic) failure to fully understand the Decision which led to the filing of this administrative case and which subsequent events have proven that in the implementation of the Writ of Execution the land owned by the defendants covered by Transfer Certificates of Titles were not affected.<sup>6</sup>

In a *Minute* Resolution<sup>7</sup> dated September 24, 2008, we referred the case to the Integrated Bar of the Philippines (*IBP*) for investigation, report and recommendation/decision.

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<sup>3</sup> *Id.* at 37 and 39.

<sup>4</sup> *Id.* at 41-42.

<sup>5</sup> *Id.* at 69-70.

<sup>6</sup> *Id.* at 69.

<sup>7</sup> *Id.* at 73-74.

### **The Report and Recommendation of the IBP**

On June 11, 2009, the Investigating Commissioner<sup>8</sup> recommended the dismissal of the complaint. The Investigating Commissioner opined:

The administrative complaint failed to show sufficient evidence to warrant disciplinary action against respondent. Complainants filed this complaint because they believed that they lost their case, however, their claim over their properties was not affected by the Decision of the court.<sup>9</sup>

In Resolution No. XIX-2010-285 dated April 16, 2010, the IBP Board of Governors reversed the findings of the Investigating Commissioner. The IBP Board of Governors found Atty. Cefra negligent in handling the complainants' case and unanimously approved his suspension from the practice of law for six (6) months.

Atty. Cefra filed a motion for reconsideration. On January 14, 2012, in Resolution No. XX-2012-24, the IBP Board of Governors partially granted Atty. Cefra's motion in this wise:

RESOLVED to PARTIALLY GRANT Respondent's Motion for Reconsideration and unanimously MODIFY Resolution No. XIX-2010-285 dated April 16, 2010 Suspending Atty. Arturo B. Cefra from the practice of law for six (6) months to **REPRIMANDED** considering that the failure was not material to the case and that complainants were not prejudice. [emphasis supplied]

### **The Court's Ruling**

**Except for the recommended penalty, we agree with the IBP Board of Governors that Atty. Cefra has been guilty of negligence in handling the complainants' case. His actuations in the present administrative case also reveal his lack of diligence in performing his duties as an officer of the Court.**

The Code of Professional Responsibility mandates that "a lawyer shall serve his client with competence and diligence."<sup>10</sup> It further states that "[a] lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable."<sup>11</sup> In addition, a lawyer has

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<sup>8</sup> Commissioner Rebecca Villanueva-Maala.

<sup>9</sup> Page 6 of the Report and Recommendation of the Investigating Commissioner.

<sup>10</sup> Canon 18 of the Code of Professional Responsibility.

<sup>11</sup> Rule 18.03 of the Code of Professional Responsibility.

the corresponding duty to “keep the client informed of the status of his case[.]”<sup>12</sup>

In *Jardin v. Villar, Jr.*,<sup>13</sup> the Court held:

Every case a lawyer accepts deserves his full attention, diligence, skill and competence, regardless of its importance and whether he accepts it for a fee or free. Certainly, a member of the Bar who is worth his title cannot afford to practice the profession in a lackadaisical fashion. A lawyer’s lethargy from the perspective of the Canons is both unprofessional and unethical.

Atty. Cefra failed to live up to these standards. Interestingly, he did not deny the complainants’ allegations and impliedly admitted his actions in the proceedings in Civil Case No. U-6504.

The records further substantiate clear acts of negligence on Atty. Cefra’s part in handling the complainants’ case.

**First**, Atty. Cefra failed to submit a formal offer of documentary evidence within the period given by the RTC. Atty. Cefra submitted a formal offer of documentary evidence *five (5) months after* the RTC’s first order directing him to make a formal offer. The formal offer of evidence was only made after the complainants had been declared by the RTC to have waived their right to submit a formal offer of documentary evidence.

**Second**, Atty. Cefra failed to comply with the two (2) orders of the RTC directing him to submit a formal offer of documentary evidence. He made no effort to submit the required formal offer of documentary evidence within the prescribed period. Neither did he give his reasons, within the required period, on why he could not make the required formal offer of documentary evidence. In fact, Atty. Cefra’s belated explanation for this omission was only done in a motion for reconsideration (with motion to admit the formal offer of documentary evidence) that he subsequently filed, which motion the RTC denied for lack of merit.

**Third**, Atty. Cefra failed to file an appropriate motion or appeal, or avail of any remedial measure to contest the RTC’s decision. His claim that the complainants had not been prejudiced by the RTC’s decision is incorrect. The dispositive portion of the RTC’s decision clearly adjudged the

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<sup>12</sup> Rule 18.04 of the Code of Professional Responsibility.

<sup>13</sup> Adm. Case No. 5474, August 28, 2003, 410 SCRA 1, 8.

complainants liable to pay ₱30,000.00 moral damages.<sup>14</sup> Considering the pecuniary consequence of the RTC's decision to his clients, Atty. Cefra should have filed a motion for reconsideration before the RTC or appealed the RTC's decision with the Court of Appeals, or he should have at least immediately explained to his clients his reasons for not taking remedial action. The failure to avail of available remedial measures apparently prejudiced his clients. As matter now stands, the complainants' liability under the RTC's decision is already final and executory.

**Fourth,** Atty. Cefra's allegations in his Comment show his failure to effectively communicate with the complainants. As Atty. Cefra puts it, the administrative complaint was the result of the complainants' failure to fully understand the RTC's decision. In other words, he admits that the present case would have been averted had he exerted reasonable efforts to inform the complainants of the legal implications of the RTC's decision and to explain to them the material developments in the case.

We significantly note that even before this Court, Atty. Cefra's conduct was less than what is expected of an officer of the Court. He was held in contempt for his cavalier and indifferent attitude in complying with the Court's directives.

In sum, the above actuations showing Atty. Cefra's lack of diligence and inattention to his duties as a lawyer warrant disciplinary sanction. We have repeatedly held that "[t]he practice of law is a privilege bestowed by the State on those who show that they possess the legal qualifications for it. Lawyers are expected to maintain at all times a high standard of legal proficiency and morality, including honesty, integrity and fair dealing. They must perform their fourfold duty to society, the legal profession, the courts and their clients, in accordance with the values and norms of the legal profession as embodied in the Code of Professional Responsibility.<sup>15</sup>

Under the circumstances, the IBP Board of Governors' recommended penalty of simple reprimand is not commensurate with the gravity of Atty. Cefra's infractions. As the complainants incurred pecuniary damage by reason of Atty. Cefra's negligence, a suspension of one (1) year from the practice of law is in order.<sup>16</sup>

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<sup>14</sup> Except for complainant Francine Galgan. *Rollo*, p. 21.

<sup>15</sup> *Floran v. Ediza*, A.C. No. 5325, October 19, 2011, 659 SCRA 386, 392-393.

<sup>16</sup> *Suzette del Mundo v. Atty. Arnel C. Capistrano*, A.C. No. 6903, April 16, 2012; and *Talento v. Paneda*, A.C. No. 7433, December 23, 2009, 609 SCRA 1, 13.

**WHEREFORE**, premises considered, we find Atty. Arturo Cefra guilty of negligence, in violation of Rules 18.03 and 18.04 of the Code of Professional Responsibility. He is hereby **SUSPENDED** from the practice of law for one (1) year and **STERNLY WARNED** that a repetition of the same or similar offense will be dealt with more severely.

Let a copy of this Decision be furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all the courts.

**SO ORDERED.**

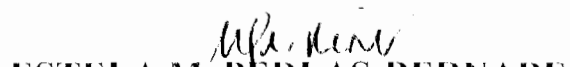
  
**ARTURO D. BRION**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

