



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 26-2009

TO : THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE CHIEF STATE PROSECUTOR, PUBLIC ATTORNEY'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT : SUSPENSION FROM THE PRACTICE OF LAW FOR SIX (6) MONTHS OF ATTY. FERNANDO CRESENTE C. HERNANDEZ

For your information and guidance, quoted hereunder is the pertinent portions of the decision of the First Division dated July 16, 2008, in Administrative Case No. 7129, entitled "**Fil-Gracia, Inc, represented by its President Filomeno Garcia vs. Atty. Fernando Cresente C. Hernandez**", to wit:

"The Board, in its Resolution No. XVII-2006-04 dated January 28, 2006, adopted and approved with modification the Report and Recommendation of Commissioner San Juan. It reduced the penalty of disbarment to suspension for six (6) months; hence, the transmittal of the case and its records to this Court for final resolution pursuant to Rule 139-B Section 12(b) of the Rules of Court.

x x x

After a careful review of the records and evidence, we find no cogent reason to deviate from the findings and the recommendation of the IBP Board of Governors. Respondent's conduct relative to the belated filing of complainant's petition for review on certiorari falls short of his obligation to serve his client with competence and diligence under Canon 18 of the Code of Professional Responsibility.

x x x

Finally, the IBP Board of Governors correctly imposed the penalty of suspension from the practice of law for six (6) months considering that respondent humbly admitted his fault in not immediately informing complainant of the status of the case.

IN VIEW WHEREOF, the January 28, 2006 Resolution of the IBP Board of Governors in CBD Case No. 04-1230 is **AFFIRMED**."

On 15 September 2008, the Court's 1st Division resolves to **DENY** with **FINALITY** the motion of respondent for reconsideration of the Decision.

March 17, 2009.


JOSE P. PEREZ
Court Administrator