

**\*\*Title:\*\***

People of the Philippines vs. Antonio Rosqueta, Jr., Eusebio Rosqueta and Citong Bringas, including Disciplinary Proceeding against Atty. Gregorio B. Estacio

**\*\*Facts:\*\***

In a criminal case (Criminal Case No. L-36138) pending on appeal before the Philippine Supreme Court, appellants Antonio Rosqueta, Jr., Eusebio Rosqueta, and Citong Bringas were represented by Atty. Gregorio B. Estacio. On May 25, 1973, the Supreme Court required Atty. Estacio to show cause for his failure to file the appellants' brief by the deadline of March 30, 1973. Atty. Estacio did not respond adequately to this order.

On September 7, 1973, the Court issued a resolution suspending Atty. Estacio from practicing law, except for the purpose of filing the required brief within 30 days from receiving the notice. On October 22, 1973, Atty. Estacio filed a motion for reconsideration explaining his failure to submit the brief. He asserted that a copy of the brief had been entrusted to Antonio Rosqueta, Sr. for mailing on June 9, 1973, but the brief was not mailed due to Antonio Sr.'s house catching fire the next day. Estacio also mentioned the appellants' families could not raise the money needed to proceed with the appeal.

A supplemental motion filed on October 25, 1973, noted that the affidavits of the appellants could not be secured because Antonio Rosqueta, Jr. and Eusebio Rosqueta were in the Penal Colony in Davao, and Citong Bringas was in the Iwahig Penal Colony in Palawan. On November 5, 1973, the Supreme Court required the appellants to comment on the motion for reconsideration, particularly their desire to withdraw the appeal. By December 27, 1973, Atty. Estacio submitted joint affidavits from Antonio Rosqueta, Jr., Citong Bringas, and a separate affidavit from Eusebio Rosqueta consenting to the withdrawal of the appeal.

**\*\*Issues:\*\***

1. Whether the suspension of Atty. Gregorio B. Estacio from the practice of law was justified.
2. Whether the appellants voluntarily intended to withdraw their appeal.

**\*\*Court's Decision:\*\***

The Court addressed both issues in its resolution.

1. **\*\*Suspension Justification:\*\***

The Court found Atty. Estacio's explanation for his failure to submit the brief—specifically blaming the fire that destroyed the brief and the delay in communication—as insufficient to

absolve his negligent conduct. The Court emphasized the responsibility of legal practitioners to ensure documents are timely and properly filed. The Court acknowledged that Atty. Estacio's actions caused undue delay in the administration of justice but considered the context mitigating. Given that almost five months had passed since his suspension, the Court deemed this period as sufficient to atone for his misdeed and lifted the suspension, but Atty. Estacio was censured for his negligence and inattention to duty.

## 2. **\*\*Voluntary Withdrawal of Appeal:\*\***

The Court recognized the validity of the appellants' affidavits, each confirming their voluntary and approved consent to withdraw the appeal. The affidavits stated that the appellants were informed and agreed without duress, force, or deceit. Consequently, the requirement for filing the brief was waived.

Thus, the Supreme Court resolved to lift Atty. Estacio's suspension from practicing law, accept the appellants' request to withdraw their appeal, and censure the lawyer for neglect.

## **\*\*Doctrine:\*\***

1. Legal practitioners must ensure the timely and proper filing of required documents.
2. Negligence and inattention to the duties owed to the Court and clients can warrant suspension and censure.
3. Voluntary withdrawal of appeal by appellants complies with legal due process when confirmed by verifiable affidavits.

## **\*\*Class Notes:\*\***

- Responsible Client Representation
- Timeliness: Legal documents must be filed within the designated deadlines.
- Communication: Lawyers must maintain effective communication with clients and the Court.
- Disciplinary Measures for Lawyers
- Negligence: Suspension or censure can result from failure to meet professional responsibilities.
- Reinstatement: Can occur if the lawyer demonstrates reformed conduct within a reasonable time.
- Appellate Procedure
- Withdrawal: Must be voluntary and recorded through proper affidavits.
- Affidavit Validation: Confirms the appellants' decisions without coercion.

Legal Statutes:

- Article 209 of the Revised Penal Code: "Breach of professional duty"
- Code of Professional Responsibility, Canon 18: "A lawyer shall serve his client with competence and diligence."

**\*\*Historical Background:\*\***

This case took place in an era where the efficiency and responsibilities of the legal profession were undergoing intense scrutiny. The case highlights the judiciary's commitment to upholding the integrity and accountability of the legal profession, ensuring that advocates maintain their duty to clients and the Courts diligently. This period also reflected larger societal demands for transparency and responsibility in public service roles.