

VISAYAN STEVEDORE TRANSPORTATION COMPANY (HINIGARAN BRANCH) AND RAFAEL XAUDARO, PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS AND UNITED WORKERS AND FARMERS' ASSOCIATION (UWFA),...*G.R. NO. L-37650. April 30, 1974*

Ponente: FERNANDO, J.

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This is a motion for the reconsideration of our resolution of February 28, 1974 reprimanding respondent Attorney Jose K. Manguiat, Jr., Chief of the Legal and Research Division of the Court of Industrial Relations. He laid himself open to such disciplinary action for failing to submit the required comment for respondent Court in accordance with our resolution of November 9, 1973 within the period given him after he had filed a motion for extension and had been granted the period sought. The response on his part was a two-page pleading he referred to as manifestation and comment. It was, as our resolution of February 28 made clear, far from satisfactory in tone as well as content. Fortunately for him, his motion for reconsideration appears to be infused with less of that posture of confidence apparently inspired by the unjustified belief that he was not in any way remiss in the fulfillment of an obligation owed by every member of the bar to this Tribunal.

His motion for reconsideration is worded thus: "The undersigned laments the fact that the Manifestation and Comment he filed pursuant to the Resolution of the Supreme Court dated February 5, 1974, did not meet with approval of this Honorable Court. The undersigned however, assures this Honorable Court that all were done in good faith. If the undersigned has offended any canons of proper conduct on the part of a member of the bar, he humbly offers his apologies to this Honorable Court and begs indulgence that the circumstances and the pressures under which he acted be given consideration. Thus — 1. Respondent is at present Chief of the Legal & Research Division of the Court and has been in that position for the last four years. He has been with the Court of Industrial Relations for the last fourteen years holding various positions as Prosecutor and Hearing Officer before he was elevated to his present position. Since his appointment as Chief of the Legal & Research Division he is concurrently Acting Hearing Officer and regularly assists in the deliberations of cases in the Court en banc. 2. Only two persons assist him in the division, namely, Atty. Mariano Capanas, Jr. the Legal Officer in the said division and Angel Villaluna, as janitor. 3. Because of the multifarious work of the undersigned he had to assign some of his cases with the Supreme Court to Atty. Mariano Capanas, Jr., his legal assistant who has been doing the work for the last three years and who has been signing the Court's pleadings in the Supreme Court. Such assignment included the case at bar. 4. At the time the Manifestation and Comment in the case at bar was prepared, all his helpers in the Division were on sick leaves. The undersigned tried as best as he could to make a career of his profession, he even went to the extent of getting an LL.M. degree from Yale in 1963. In the sixteen years he has been a member of the Bar, this is the first time that his attention has been drawn to his failure to meet the standards required of a lawyer. Such mistake is a warning signal, and the undersigned respectfully states that it will be avoided in the future." [1] His prayer was for the reconsideration of our resolution of February 28, 1974.

1. The disciplinary action imposed as a result of his failure to submit the comment on time is in accordance with the rulings consistently followed by this Tribunal. The motion for extension of time to file comment was signed by him on November 17, 1973, his designation therein being that of counsel for respondent Court and Chief of the Legal Research Division. Whatever internal arrangement there might have been as to his power to delegate his duties, that does not, in the least, affect his liability for his failure to do so on time insofar as this Court is concerned. He could of course take the necessary steps to hold the person to whom he would delegate such a task liable. That is a matter purely within the cognizance of the Court of Industrial Relations. What concerns this Court was his neglecting to comply with a duty owed it. For offenses of such character, this Tribunal, to refer only to resolutions the past two years, had taken to task the members of the bar involved.[2]

2. In the resolution sought to be reconsidered, the attention of respondent was called likewise, considering the one paragraph devoted in his comment to the rather important legal question raised, to the "pontifical tone of the skimpy comment." [3] The general observation was there made that the preparation of such a task should be left to someone who is not pressed for time and who possesses the requisite skill. While his motion for reconsideration would indicate that he is rather overworked, there being only one other member of the bar to assist him, it is not to be denied that he has the skill to attend to the job. One who, like him, has obtained the L.I.M. degree from the Yale Law School, an institution which, from the time of Dean Shulman, is one of the most highly-respected in the field of labor law, certainly has in his favor the presumption that he is more than adequately versed in the subject. It is all the more distressing therefore that he would submit a one-paragraph comment relying on the doctrine that the findings of fact of respondent Court are conclusive upon this Tribunal and ignoring the qualification set forth in the leading case of *Gonzales vs. Victory Labor Union*. [4] As was so well put by the then Justice, now Chief Justice, Makalintal: "There is one circumstance which, at the very outset, has detained us from accepting the findings of fact in the decision appealed from as conclusive, namely, that the said decision was rendered by an almost evenly divided court and that the division was precisely on the facts as borne out by the evidence. In such a situation this Court feels called upon to go over the record and, in order to determine the substantiality of the evidence, consider it not only in its quantitative but also in its qualitative aspects. For to be substantial, evidence must first of all be credible." [5] It would appear, therefore, that better care should be taken by a member of the bar required to submit comments to impress on this Tribunal why, even under that principle, the required standard has been met.

3. Nonetheless, with respondent's stress on his good faith and certainly the lack of intention on his part to offend this Tribunal in any manner as well as his announced determination to be much more careful in his work in the future, this Court is not totally unresponsive to his plea for reconsideration.

Wherefore, our resolution of February 28, 1974 is modified in the sense that respondent Jose K. Manguiat is admonished to be more attentive to the duty owed this Tribunal and other courts of justice. Let a copy of this resolution modifying our resolution of February 28, 1974 be spread on his record.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Motion for Reconsideration, 1-2.

[2] Cf. *People vs. Daban*, G.R. No. L-31429, Jan. 31, 1972, 43 SCRA 185; *People vs. Estocada*, G.R. No. L-31024, Feb. 29, 1972, 43 SCRA 515; *People vs. Tigulo*, G.R. No. L-34334, May 12, 1972, 45 SCRA 1; *People vs. Casimiro*, G.R. No. L-33416, June 29, 1972, 45 SCRA 554; *People vs. Villar* G.R. No. L-34092, July 29, 1972, 46 SCRA 107; *People vs. Macellones*, G.R. No. L-33639, Feb. 28, 1973, 49 SCRA 529; *People vs. Vicente*, G.R. No. L--35243, May 25, 1973, 51 SCRA 94; *People vs. Rosqueta*, G.R. No. L-36138, Jan. 31, 1974.

[3] Resolution of February 28, 1974, 3.

[4] G.R. No. L-23256, October 31, 1969, 30 SCRA 47.

[5] Ibid, 49.

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