

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAFAEL DALUSAG, PRIVADO DALUSAG, JORGE GOLFO, PERFECTO
RAMOS, CATALINO TAFALLA, AND MAXIMO GOLFO, APPELLANTS,
RICARDO C. F...**

G.R. No. L-38988. February 25, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

It defies understanding why, in spite of this Court's reiteration time and time again that members of the bar cannot escape accountability for inattention to duty, more specifically failure to file pleadings required of them, respondent Ricardo C. Fernandez, a practicing attorney, acted in a manner contrary to such a precept. He was thus asked to explain. Two resolutions of this Court, one of November 13, 1974 and the other of January 8, 1975, set forth the relevant facts. The former reads: "Considering the pleadings filed in this case, the Court Resolved: (a) to [note]: (1) The notice of appearance of Abraham F. Sarmiento Law Office as counsel for Perfecto Ramos and Rafael Dalusag; and (2) the telegraphic-message of Mrs. Privado Dalusag, informing this Court that Any. Ricardo C. Fernandez; 204 Madrigal Bldg., Escolta, Manila, is the counsel for Privado Dalusag, Jorge Golfo, Perfecto Ramos and Catalino Tafalla; and (b) to require Atty. Ricardo C. Fernandez to comment on the aforesaid telegram of whether he is counsel for aforementioned appellants, and if so, to file a formal appearance, within ten (10) days from notice hereof." Now, as to the latter: "For failure of Atty. Ricardo C. Fernandez to file comment on the telegram of Mrs. Privado Dalusag, [as to] whether he is the counsel for appellants Privado Dalusag, Jorge Golfo, Perfecto Ramos, and Catalino Tafalla and if so to file a formal appearance, as required in the resolution of November 13, 1974, within the period which expired on November 29, 1974, the Court Resolved to require Atty. Fernandez to [explain] such failure and to [file] such comment both within ten (10) days from notice hereof."

Then came this explanation from respondent: "1. That when he received copy of the resolution of this Honorable Court dated November 13, 1974, he exerted his best efforts to contact Mrs. Dalusag, sender of the telegram attached to the said resolution, as she is personally unknown to the undersigned; 2. That from information gathered by the undersigned, it was Mr. Oscar Malinis, a personal friend, who recommended to Mrs. Dalusag the services of the undersigned counsel; 3. That the undersigned counsel requested Mr. Oscar Malinis to deliver the complete records of the case for his study before making his comment, but unfortunately, up to the present, the said request remained unheeded; 4. That because of the foregoing, undersigned counsel has no other alternative but to refuse acceptance of the said case."

The above pleading explains but does not justify his conduct. There was nothing in the resolution of this Court of November 13, 1974 to preclude him from refusing to act as counsel for appellant Dalusag, Golfo, Ramos and Tafalla. That was, and is, his privilege. He can act either way, and he is well within his rights. No element of compulsion entered into the picture. That is not, however, the issue involved in this proceeding. It was his failure to comply with the resolution of November 13, 1974. He was given a period often (10) days to inform the Court as to whether or not he would act as such counsel. If for some reason or another he could not very well do so, he

still was under obligation to inform this Court as to what steps he had taken. If he were in need of more time all he had to do was to ask for it. His failing consisted in leaving the Court uninformed and in the dark. Common courtesy, let alone his duty as a lawyer, frowns on such inattention. He has then laid himself open to disciplinary action. He cannot avoid being taken to task. The offense, however, is relatively minor. An admonition, which he should take to heart, ought to suffice.

WHEREFORE, respondent Ricardo C. Fernandez is admonished to be more attentive to the call of duty, more specifically in complying with resolutions and orders of this Tribunal. Let a copy of this resolution be spread on his record.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

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