

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
DIONISIO TAN Y CUI ALIAS DIONING, DEFENDANT AND APPELLANT.**

G.R. No. L-22697. November 02, 1965

Ponente: DIZON, J.

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DIZON, J.:

On September 2, 1965, upon motion filed by Atty. Marcelino N. Sayo, counsel for appellant, he was granted an extension of thirty (30) days from August 29, of the same year within which to file his client's brief which extension expired on September 29, 1965. Up to October 14, 1965 however, said attorney had not filed appellant's brief. As a result, our resolution of October 14, 1965 required him to explain, within ten (10) days, why disciplinary action should not be taken against him. Pursuant to said resolution, he filed on October 19, 1965 a verified explanation alleging as justification or excuse for his failure to file his client's brief, the claim that, for the last six months, he had been sickly "suffering from hypertension."

We do not deem the above explanation to be satisfactory, firstly, because it is not supported by any medical certificate; secondly, because hypertension alone, in general, could not have prevented Atty. Sayo from preparing his client's brief; and thirdly, because, even assuming that he was, to a certain degree, disabled and incapacitated to prepare said brief, he could have easily so informed the Court in due time, thus avoiding delay in the disposition of this case.

Wherefore, Atty. Marcelino N. Sayo is hereby ordered to pay a fine of P50.00 for his failure to file his client's brief within the period given him for that purpose.

The Clerk of Court is hereby directed to submit to this Court the name of the attorney-at-law who may be appointed as counsel de oficio for the appellant in this case.

Bengzon, C. J., Bautista Angelo, Concepción, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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