

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GAUDENCIO INGCO, DEFENDANT-APPELLANT, IN RE ALFREDO R.
BARRIOS, RESPONDENT.**

G.R. No. L-32994. October 29, 1971

Ponente: FERNANDO, J.

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FERNANDO, J.:

Respondent Alfredo R. Barrios, a member of the Philippine Bar, who was appointed counsel de oficio for the accused in this case, Gaudencio Ingco, sentenced to death on September 28, 1970 for the crime of rape with homicide, was required in a resolution of this Court on September 9, 1971 to show cause within ten days why disciplinary action should not be taken against him for having filed fifteen days late a motion for the extension of time for submit-ting the brief for appellant Ingco. The explanation came in a mani-festation of September 16, 1971. It was therein stated that respondent "was then busy with the preparation of the brief of one Benjamin Apelo" pending in the Court of Appeals; that while he had made studies in preparation for the brief in this case, during such period he had to appear before court in Manila, Quezon City, Pasay City, Bulacan and Pampanga; and that likewise he did file, on July 27, 1971, motions for extension in the aforesaid case of Benjamin Apelo with the Court of Appeals, which motions were duly granted. He would impress on this Court then that he was misled into assuming that he had also likewise taken the necessary steps to file a motion for extension of time for the submission of his brief in this case by the receipt of the resolution from the Court of Appeals granting him such extension.

Clearly, it is a lame excuse that respondent did offer. By his own confession, he was woefully negligent. Considering that the accused is fighting for his life, the least that could be expected of a counsel de oficio is awareness of the period within which he was required to file appellant's brief. The mere fact that according to him his practice was extensive, requiring his appearance in courts in Manila and environs as well as the provinces of Bulacan and Pampanga, should not have lessened that degree of care necessary for the fulfillment of his responsi-bility. What is worse is that by sheer inattention, he would confuse the proceedings in a matter pending before the Court of Appeals with this present case. Such grave neglect of duty is deserving of severe condemnation. It is clearly unworthy of membership in the Bar which requires dedication and zeal in the defense of his client's rights, a duty even more exacting when one is counsel de oficio. On such an occasion, the honor and respect to which the legal profession is entitled demand the strictest accountability of one called upon to defend an impo-verished litigant. He who fails in his obligation then has mani-fested a diminished capacity to be enrolled in its ranks.

WHEREFORE, respondent Alfredo R. Barrios is severely reprimanded, this reprimand to be entered in his record.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

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