

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CONSALDO VICENTE, DEFENDANT-APPELLANT, ROMEO P. RILLERA
AND BRAULIO D. YARANON, RESPONDENTS.**

G.R. No. L-35243. May 25, 1973

Ponente: FERNANDO, J.

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FERNANDO, J.:

There is before us a petition by respondents Romeo P. Rillera and Braulio D. Yaranon, both members of the Philippine Bar, for the lifting of their suspension from the practice of the law as ordained in our resolution of February 27, 1973. That step had to be taken by this Court as from October 7, 1972 they bombarded this Court with petitions for thirty-day extension periods within which to file the brief for defendant-appellant Consaldo Vicente.[1] It is to be noted, moreover, that in their pleadings of January 11, 1973, it was further prayed that they be allowed to withdraw as counsel de parte and to be designated as counsel de oficio. Acting thereon, this Court, on January 29, 1973, resolved to allow them to do so to give them the additional period of thirty days grace, with the warning that no further extension would be allowed. This notwithstanding, there was, on February 10, 1973, an ex-parte petition for a fifth extension. Moreover, all of such pleadings by respondent Attorneys were couched in the perfunctory language indicating that for them the "pressure of work attending to the actual hearing of various civil and criminal cases, long pending in various courts of Baguio City and Benguet,"[2] precluded their devoting the necessary time and attention to the fulfillment of a duty owed this Tribunal. It was at that stage, the patience of this Tribunal being exhausted and respondent Attorneys apparently oblivious of the action taken against such erring conduct on the part of other members of the bar, that on February 27, 1973, this resolution was handed down by this Court: "Considering the ex-parte petition of Attys. Romeo Rillera and Braulio D. Yaranon x x x with prayer for a fifth extension of thirty (30) days from February 8, 1973 to file brief, the Court Resolved to [suspend] Attys. Romeo Rillera and Braulio D. Yaranon from the practice of law, until further orders from this Court, except to file the brief for the appellant, within fifteen (15) days from notice hereof." [3]

It had its desired effect. On March 20, 1973, they duly filed the brief. It was about time too, considering the period that had elapsed. Their next move was this petition to lift the order of suspension. It is worded thus: "1. That they have complied with the order of this Honorable Court to file appellant's brief within fifteen days from receipt of the Resolution dated February 27, 1973, said resolution having been received on March 5, 1973, and appellant's brief having been filed on March 20, 1973; 2. That they respectfully acknowledge their fault in not having heeded the warning issued by this Honorable Court that no further extension would be granted after the fourth extension applied for, and tender their apology for the same; and 3. That they are applying for a lifting of the order of suspension from the practice of law issued by this Honorable Court, with the pledge that henceforth they shall redouble their efforts and exert the due and proper diligence in the performance of their functions required of members of the bar, and with the understanding that a repetition of the same or commission of any other offense will entail more drastic action from this Honorable Court." [4]

With such acknowledgment on their part of their failure to live up to what is required of them as members of the

bar,[5] this Court, in a spirit of leniency, is disposed to act affirmatively on their plea. With the foregoing as background, there ought to be awareness on the part of both respondents that the trust imposed on counsel in accordance not only with the canons of legal ethics but with the soundest traditions of the profession would require fidelity on their part. Such a betrayal, as did happen in this case, when lawyers who were counsel de parte and who presumably had been duly recompensed even if in an insufficient manner, by the mere devise of having their responsibility transformed into that of counsel de oficio, did thereafter seek further unjustified delay in what they ought to have done in the first place is not to be easily condoned. Their duty to their client, to this Tribunal and to the general public, arising from their highly-significant role in the administration of justice, cannot be satisfied except on a showing that the preparation and the filing of the brief for an accused is attended to with energy, promptness and with dispatch. There is need also for diligence and the necessary quantum of learning, unfortunately commodities at times rather scarce. Nor does it reflect favorably on counsel's norm of conduct if, on the assumption that they really were saddled with so many cases to be attended to in inferior courts, they did feel free to ignore and disregard the repeated resolutions of this Tribunal. That is not only plain, inexcusable ignorance of the relative standing of the courts in our constitutional system.[6] It is an affront to common sense.

WHEREFORE, the petition of Romeo P. Rillera and Braulio D. Yaranon to have the order of suspension lifted is granted. They are, however, reprimanded for the course of conduct pursued by them that led to such suspension. Let a copy of this resolution be spread on their records.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[1] The second petition of such nature was filed on November 10, 1972; the third on December 11, 1972; the fourth on January 11, 1973, and the last one, on February 10 of that year.

[2] Cf. Urgent Petition Ex-Parte for a Fifth Extension to File Appellant's Brief, dated February 10, 1973.

[3] Resolution dated February 27, 1973.

[4] Petition dated April 18, 1973, pars. 1-3.

[5] Cf. *People vs. Daban*, L-31429, January 31, 1972, 43 SCRA 185; *People vs. Estocada*, L-31024, February 29, 1972, 43 SCRA 515; *People vs. Tigulo*, L-34334, May 12, 1972, 45 SCRA 1; *People vs. Casimiro*, L-33416, June 29, 1972; 45 SCRA 554 and *People vs. Villar*, L-34092, July 29, 1972, 46 SCRA 107.

[6] Cf. *People vs. Vera*, 65 Phil. 56 (1937).

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