

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FILOMENO CAMANO, DEFENDANT-APPELLANT, ATTY. ALFREDO R.
TRIA, RESPONDENT.**

G.R. Nos. L-36662-63. November 29, 1973

Ponente: FERNANDO, J.

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FERNANDO, J.:

There is again another instance, not infrequent of late unfortunately, where a member of the bar, respondent Alfredo R. Tria, is asked to explain his failure to comply with a resolution of this Court. The incident had its origin in a letter dated July 6, 1973, of the accused, Filomeno Camano, who was sentenced to death. He requested this Court "that Atty. Alfredo R. Tria who handled [his] case in the Court of First Instance of Camarines Sur be appointed as [his] attorney de oficio to represent and defend [him] in [his] appeal before the Supreme Court." [1] Then came our resolution of August 2, 1973: "Considering the letter dated July 6, 1973 of appellant Filomeno Camano, requesting that Atty. Alfredo R. Tria, appellant's counsel in the lower court be appointed as the counsel de oficio to represent and defend him in this appeal, the Court Resolved to require Atty. Alfredo R. Tria to [comment] on the aforesaid letter within ten (10) days from notice hereof." [2] Thereafter, on October 1, 1973, this Court, noting that respondent Tria failed to comment on the letter dated July 6 of the accused Camano, appointed as his counsel de oficio Attorney Deogracias Eufemio and required respondent Tria to explain and show cause why he failed to file such comment as required in the resolution of August 2, 1973. Then came his explanation, received by this Court on October 24, 1973, wherein he stated: "1. That upon receipt of the letter dated July 6, 1973, he dictated to his clerk, Miss Salvacion Lopez, his acceptance of the appointment as de oficio counsel for accused-appellant and directed said clerk to mail the same; 2. That thereafter, on August 16, 1973, he left for Cebu City in his motor launch, M/B Sabina, returning to Naga City on August 24, 1973; 3. That he discovered that the letter of acceptance was not mailed by his clerk only upon his receipt of this letter of October 3, 1973; 4. That undersigned had no intention of ignoring much less disobeying the order of this Honorable Court, but because of unintentional oversight failed to verify whether his letter of acceptance [had] been mailed or not; * * *. [3]"

It thus appears from the above explanation that certainly there was no intention on the part of respondent to ignore, much less to disobey an order of this Tribunal, but there is no question about there being an oversight, unintentional perhaps, but an oversight just the same. What is more, had he been as prudent as he ought to have been under the circumstances, no such occurrence would have transpired. As was noted at the outset, this Court had been confronted of late with instances of lack of awareness of a member of the bar as to the duties owing a judicial tribunal. It had not allowed such occasions to pass without their attention being called and in certain instances without the imposition of the corresponding penalty. [4] Here, an admonition would serve the purpose, if only to make plain to respondent that carelessness, especially so in connection with orders of this Court, is not to be tolerated.

WHEREFORE, respondent Alfredo R. Tria is admonished to exercise greater care in seeing to it that the orders of

this Court, or of any judicial tribunal, are complied with with promptness and with dispatch. Let a copy of this resolution be entered on his record. That portion of the petitory part of his explanation that he be appointed as counsel de oficio is denied, as under our resolution of October 1, 1973, Attorney Deogracias Eufemio was so designated.

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

[1] Letter of the accused, Filomeno Camano dated July 6, 1973.

[2] Resolution of August 2, 1973.

[3] Explanation of respondent Alfredo R. Tria.

[4] Cf. *People v. Macellones*, G.R. No. L-33639, February 28, 1973, 49 SCRA 529 and *People v. Vicente*, G.R. No. L-35243, May 25, 1973, 51 SCRA 94.

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