

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
HILARION CASIMIRO, ET AL., DEFENDANTS, BENJAMIN ICALLA,
RODOLFO SORIANO AND BENJAMIN CINCO, DEFENDANTS AND
APPELLANTS,...**

G.R. No. L-33416. June 29, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

This is yet another instance of a member of the Philippine Bar, this time, respondent Manuel N. Sanglay, being administratively proceeded against for failure to file the brief within the reglementary period for appellants Benjamin Icalla, Rodolfo Soriano and Benjamin Cinco. He was given the opportunity to explain in our February 3, 1972 resolution, which reads thus: "For failure to file brief for appellants Benjamin Icalla, Rodolfo Soriano and Benjamin Cinco within the period which expired on December 23, 1971, the Court resolved to [require] Atty. Manuel N. Sanglay to explain, within ten (10) days from notice hereof, why disciplinary action should not be taken against him." [1] It was not until the end of that month that his manifestation and explanation came. He would absolve himself from any blame as, in his view, no fault could be attributed to him.

As set forth in such pleading, this is how he would explain matters: "Upon receiving the notice from this Honorable Court advising me to file the brief for the appellants, I immediately contacted the parents of the three appellants. Pablo Icalla and the father of Benjamin Cinco came but the mother of Rodolfo Soriano failed to appear. At that time Rodolfo Soriano was already at large for he escaped from prison at the La Union Provincial Jail. In our conference, the father of Benjamin Cinco reiterated his former desire not to appeal the case of his son. But later on, Pablo Icalla, father of appellant Benjamin Icalla prevailed on the father of Benjamin Cinco that they continue the appeal. According to Pablo Icalla he had already engaged the services of a good lawyer to prepare their brief. Pablo Icalla further informed me that he had already taken all the transcript of the case from the stenographer." [2] Mention was then made by him of another lawyer whose services presumably were hired by the parents of appellants Icalla and Cinco: "I then reminded them that failure to file the brief within the period prescribed by law would mean automatic withdrawal of the appeal. They assured me that the lawyer they contacted will file the brief in the Supreme Court. Moreover, I was likewise prevailed upon not to withdraw my appearance as a token of my hard work in the lower court in defending the case of their sons." [3] He felt justified in concluding then: "My failure therefore to file the brief for the appellants is attributable to the fault of the accused themselves represented by their parents. Their parents disauthorized me to prepare and file the brief for the appellants by engaging another lawyer to do the same. In so far as the appellant, Rodolfo Soriano, I could not have also filed his brief for the reason that he escaped from jail." [4]

In the light of the above, the most that can be admitted is that appellant's failure to file the brief was not a willful act on his part. At least his good faith cannot be impugned.

Nonetheless, the exculpation he seeks cannot be granted. He knew that the period for filing the brief was running.

He was equally aware that this Court expected that the matter will be taken care by him, as he was the counsel of record. There was no other appearance. Under the circumstances, the least that was expected of him was that he would inform this Tribunal of the developments set forth in his explanation and ask that he be allowed to withdraw as counsel. Such a step he did not take until after the resolution of February 3, 1972 requiring him to explain the failure to comply with his duty as officer of the Court. It came too late. It did not wipe out the previous manifestation of negligence on his part. He cannot therefore escape liability. If this sad state of affairs came to pass, he had only himself to blame.

WHEREFORE, respondent Manuel N. Sanglay is reprimanded. Let a copy of this resolution be entered on his record. There being no objection on the part of appellants Icalla and Soriano for respondent's withdrawal as their counsel, his prayer that he be allowed to do so is granted.

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

[1] Resolution, February 3, 1972.

[2] Manifestation and Explanation, p. 2.

[3] Ibid, p. 3.

[4] *ibid*. It is to be noted that according to the information of Provincial Warden of San Fernando, La Union, appellant Rodolfo Soriano did escape from the Provincial Jail on May 31, 1971 but was recaptured on January 4, 1972 and finally been committed to the New Bilibid Prisons, Muntinlupa, Rizal on January 11, 1972. It is to be noted further that by resolution of this Court of February 25, 1972, appellant Benjamin Cinco was allowed to withdraw his appeal.

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