

ELVIN ELIO, PETITIONER, VS. ANGELINA GASPAR-MENDOZA AND LEONCIA GASPAR, RESPONDENTS.

Ponente: SINGH, J.

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SINGH, J.:

In a Resolution[1] promulgated on August 18, 2014, We declared respondent's counsel, Atty. Amado Cantos (Atty. Cantos) guilty of indirect contempt and ordered his arrest for failure to comply with this Court's prior directives. On the same date, an Order of Arrest[2] was issued by this Court for its implementation.

On September 15, 2014, Atty Cantos filed a Motion for Reconsideration with Urgent Motion to Suspend/Hold in Abeyance Implementation of Warrant of Arrest[3] attaching thereto Postal Money Orders (PMOs) in the amount of P5,000.00 representing the fine imposed. In his Motion, he alleged:

“x x x x x

2.- With due respect, it was not the intention of the undersigned counsel to be disrespectful to this Honorable Court of Appeals;

3.- As in fact, under date of 28 April 2011, the undersigned counsel dutifully wrote Ms. Leoncia Gaspar and Angelina Gaspar Mendoza (+) wherein he have requested to a copy of “the proof of death of respondent Angelina Gaspar Mendoza”, an authentic copy of which is hereto attached as Annex “1” and made an integral part hereof;

4.- Notably, we have stressed in said letter the importance to furnish the proof of death of Angelina Gaspar Mendoza soonest so that we could send the same to the Court of Appeals. Said letter was sent by registered mail under Reg. Receipt no. 4800, April 28, 2011;

4.1- Further, as shown in said letter a copy thereof was furnished Ms. Suzette T. Caingin-Dablo, Division Clerk of Court, Court of Appeals, YMCA Bldg., Cagayan de Oro City under Reg. Receipt No. 4801, April 28, 2011;

5.- Unfortunately, when the undersigned counsel did not receive any answer within an appreciable length of time, he failed to take alternative steps to secure said proof of death as the case folder was erroneously placed in the dead files;

5.1- The undersigned counsel humbly prays that said negligence be considered as excusable negligence;

5.2- The undersigned counsel is moving that he be given a period of thirty days within which to secure said proof of death and forthwith submit the same to this Honorable Court of Appeals;

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Implementation of the Warrant of Arrest

6.- That the undersigned counsel is already a senior citizen and not in the best of health. He will be seventy (75) years this month of September, 2014. This could be discerned from the low number of his Roll of Attorney No. 18102;

6.1- He already has failing eyesight and had undergone the first cataract surgery; he is preparing for his second eye surgery, but he has difficulty lowering his blood sugar. Attesting to undersigned counsel's ailment is the sworn Medical Certificate dated May 21, 2013 issued by Dr. Maximino S. Libre, Jr., MD, FPAD, an Eye Specialist, copy of which is attached as Annex "2" hereof;

x x x x x

7.- We beg the indulgence for bothering this Honorable Court of Appeals of the undersigned's health problems and using the same as grounds for this motion, however, it is said that nobody can escape old age.

8.- And finally, to show the sincerity of the undersigned in this matter, we are attaching herewith PMO 0720005349; 0720005350 and 0710006085 in the total amount of Php5,000.00 Fine with the hope that though belated, it will merit the acceptance of this Honorable Court of Appeals;

x x x x x"

Although the explanation offered by Atty. Cantos is well taken, this Court reminds him to be more diligent in the pursuit or defense of his client's cause and in the performance of his duty as an officer of the court. It is worthy to note that "a lawyer should give adequate attention, care and time to his case. Once he agrees to handle a case, he should undertake the task with dedication and care. If he fails in this duty, he is not true to his oath as a lawyer. Hence, a lawyer must accept only as much cases as he can efficiently handle, otherwise his clients' interests will suffer. It is not enough that a lawyer possesses the qualification to handle the legal matter. He must also give adequate attention to his legal work."[4]

Thus, so as not to unduly prejudice the rights of respondents in this case, this Court resolves to GRANT Atty. Cantos' Motion for Reconsideration.

ACCORDINGLY, with the compliance of Atty. Cantos through the payment of the fine imposed and the submission of respondent Angelina Gaspar-Mendoza's proof of death,[5] this Court's August 18, 2014 Resolution is SET ASIDE and the Order of Arrest issued against him pursuant thereto is RECALLED.

The order[6] submitting the instant petition for decision sans any comment is hereby REITERATED.

SO ORDERED.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo, pp. 111-113.

[2] Id., p. 114.

[3] Id., pp. 115-118.

[4] Anderson v. Atty. Reynaldo A. Cardeño, A.C. NO. 3523, January 17, 2005.

[5] Rollo, p. 135.

[6] August 18, 2014 Resolution.

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