

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODRIGO CAWILI, DEFENDANT-APPELLANT. RE: DISCIPLINARY
ACTION AGAINST HOSPICIO O. ZAPATA, MEMBER OF THE
PHILIPPINE BAR.**

G.R. No. L-30543. August 31, 1970

Ponente: FERNANDO, J.

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FERNANDO, J.:

The question before us is whether or not Hospicio O. Zapata, a member of the Philippine Bar, is to be subjected to disciplinary action. He was, under our resolution of August 3, 1970,[1] given a period of ten days after receipt thereof to explain why no such action should be taken against him in view of his failure to submit the brief as counsel de parte within the reglementary period. He filed an explanation in a memorandum submitted to us on August 22, 1970, admitting that he was remiss in his obligation to file said brief, but seeking to minimize such failure on his part with the allegation that the accused, Rodrigo Cawili, was in a state of indigence resulting not only in his not being paid but also in his partly assuming the expenses entailed in such defense. After invoking such circumstances as the expenses incident on the printing of the brief being beyond the power of the wife of the accused to bear and that he was not called upon to continue spending on behalf of such client, he would have us overlook his failure to file the brief as in his opinion "the mere review of the record of the case will readily show that the decision is contrary to law and the evidence adduced during the trial, * *." [2] He did tender his apology, coupled with a promise that an incident of such character will not be repeated in the future.

It cannot be denied that the failure of counsel to submit the brief within the reglementary period is an offense that entails disciplinary action. The recital of the circumstances on which counsel would seek to reduce its gravity do not call for exculpation. He could have sought the permission to file a mimeographed brief, or, at the very least, he could have informed us of the difficulties attendant on defending his client. For him to blithely assume that a mere reading of the record would suffice to discharge an obligation not only to his client but to this Court is to betray a degree of irresponsibility. It is not in keeping, even, with the minimal standards expected of membership in the bar to be so lacking in elementary courtesy that this Court was not even informed of his inability to comply with what was incumbent on him. His conduct was therefore inexcusable, although the explanation he tendered and the difficulties under which he worked would, to a certain degree, invite less than full punishment.

WHEREFORE, respondent Hospicio O. Zapata is hereby reprimanded for his failure to submit his brief within the reglementary period, and admonished to be much more careful in the fulfillment of his obligations to his client and to this honorable Tribunal.

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

Teehankee, J., on official leave.

[1] The resolution reads as follows: "In L-30543, People vs. Cawili, this Court, after considering that the accused, Rodrigo Cawili, requested to have counsel to defend him, his counsel de parte, Atty. Hospicio Zapata, having failed to file his brief within the period which expired on June 11, 1970, and after taking note of the explanation of such failure on the part of such counsel de parte which is far from satisfactory, resolved to grant the request of the accused to have a counsel de oficio appointed for him and to require Atty. Hospicio Zapata to explain within a period of ten days after receipt of this resolution why no disciplinary action should be taken against him for his failing to submit the brief for the accused within the reglementary period."

[2] Explanation, paragraph 8.

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