

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
REMEGIO ESTEBIA, DEFENDANT AND APPELLANT, LOPE E.
ADRIANO, RESPONDENT.**

G.R. No. L-26868. December 27, 1972

Ponente: FERNANDO, J.

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FERNANDO, J.:

It is a difficult choice that confronts a practitioner called upon to serve with fidelity both the courts and his clients, if, as does happen at times, there may be discerned a conflict as to what compliance with such respective obligations demands. Respondent Lope E. Adriano, however, was not faced with such a dilemma. The negligence for which he had to account was a disservice to this Tribunal and the person he was called upon to defend. Accordingly, he was suspended for one year.[1] There was, in addition, a pecuniary penalty exacted as far back as October 3, 1968, but as would appear from the records of the case, whether due to inadvertence or otherwise, he was remiss in satisfying it. On November 20, 1972, there was a resolution from us taking him to task for it, but affording him an opportunity to state why there was such a failure on his part. Then came his manifestation filed on November 27, 1972. As will hereafter be shown in some detail, what was offered by him, by way, not of justification but of explanation, could be attributed to a mistaken interpretation of our resolution, perhaps the product of loose thinking and inaccurate analysis, but hardly an indication of recalcitrance and willful disobedience. At the most, then, it suffices that his attention be called to exercise greater care in the reading of resolutions from this Tribunal and thus avoid the occasion for any possible misconstruction of his actuations. What must be kept in mind by respondent and by everyone admitted to the Bar is that, in the language of Cardozo, they enjoy "a privilege burdened with conditions." [2] They should exert their utmost to fulfill them.

The incident now before us had its origin in our resolution of November 20, 1972, requiring respondent Adriano to explain why he had not paid the fine of P500.00 imposed upon him by resolution of October 3, 1968. There was a compliance by respondent Adriano filed with this Court on November 27, 1972 with this manifestation: "In compliance with this Honorable Court's directive 'to show cause within ten (10) days from notice, why he should not be disbarred for his failure to comply with this Court's resolutions,' the undersigned respectfully manifests the following: 1. That the undersigned had not hitherto paid the fine imposed by this Honorable Court's Resolution of October 3, 1968 in the honest belief that said Resolution was superseded by this Honorable Court's Resolution of February 27, 1969 suspending the undersigned from the practice of law for a period of one year; 2. That, the undersigned's honest belief that the Resolution of February 27, 1969 superseded the Resolution of October 3, 1968 stemmed from his interpretation of the terms of the Resolution of October 3, 1968 which were re-stated in the Resolution of February 27, 1968 in this wise: 'For failure to comply with the September 25, 1967 Resolution, this Court, on October 3, 1968, resolved to impose upon him a fine of P500 payable to this Court within fifteen days from notice with a warning that upon further non-compliance with the said resolution of September 25, 1967 within the same period of fifteen days, "more drastic disciplinary action will be taken against him."' (P. 2, Resolution of February 27, 1969); 3. That the undersigned interpreted the Resolution of October 3, 1968 as-

restated in, and as cited by way of rationale for, the Resolution of February 27, 1969 to mean that his failure to pay the fine therein imposed would result in more drastic disciplinary action, and that the imposition upon him under the Resolution of February 27, 1969 of the more drastic one-year suspension from the practice of law accordingly served to supersede the P500 fine previously imposed; 4. That, it having been made clear by this Honorable Court's Resolution of November 20, that undersigned's inter-pretation of the effect of the Resolution of February 27, 1969 suspending him from the practice of law for one year was not correct, and that contrary to undersigned's belief, he is still obligated to pay the P500 fine imposed under the Resolution of October 3, 1968, the undersigned has thereafter paid the P500 fine, as evidenced by [a] receipt * * *." [3] Then came this plea from respondent: "In the light of the foregoing circumstances, the undersigned prays this Honorable Court to view the undersigned's failure to pay the fine of P500 imposed by the Resolution of October 3, 1968 not as a willful non-compliance with this Honorable Court's mandate, but as having arisen from an honest mistake in his interpretation thereof." [4]

The Court, as set forth earlier, is inclined to accept the above explanation. It is not inherently implausible. It partakes of an element that is essentially human, all too human, of an individual responding to the urge of resolving every doubt in his favor. Lawyers, of course, as members of a learned profession, are expected to display a greater degree of objectivity, not to say analytical skill. Nonetheless, between an inaccurate appreciation of the real tenor of a court resolution and an attitude of defiance, there is quite a gap. The conduct of respondent then, all things considered, cannot fairly be said to manifest the latter. There is likewise in respondent's favor this assertion of humility which cannot be simply brushed aside: "The undersigned acknowledges his past errors, and had accepted as just, and indeed had served, the judgment of suspension imposed upon him by this Honorable Court in the Resolution of February 27, 1969; thereafter, the undersigned has tried very hard, within human limitations, to live up to what the law profession demands of him." [5] It is quite in keeping with such an attitude that his compliance ends on this note: "The undersigned humbly submits to whatever disposition on the matter this Honorable Court may deem just and proper in the premises." [6]

PREMISES CONSIDERED, the explanation of respondent Lope E. Adriano is deemed satisfactory and this incident is considered closed.

Concepcion, C.J., Makalintal, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

Zaldivar and Castro, JJ., took no part.

[1] The resolution of this Court, penned by Justice Sanchez, dated February 27, 1969, contains the following: "Here, we have a clear case of an attorney whose acts exhibited willful disobedience of lawful orders of this Court. A cause sufficient is thus present for suspension or disbarment. Counsel has received no less than three resolutions of this Court requiring compliance of its orders. * * * He has not paid the fine. He has done nothing." Its dispositive portion reads: "For the reasons given, we vote to suspend Attorney Lope E. Adriano from the practice of law throughout the Philippines for a period of one (1) year."

[2] In *Re Rouss*, 116 NE 782, 783 (1917). Cf. *People ex rel. Karlin vs. Culkin*, 162 NE 487 (1928). The opinion was likewise by Justice Cardozo.

[3] *Compliance*, par. 11.

[4] *Ibid*, par. III.

[5] *Ibid*, par. IV.

[6] Ibid, par. V.

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