

**ORBIT TRANSPORTATION COMPANY, PETITIONER, VS.
WORKMEN'S COMPENSATION COMMISSION AND MELECIO
CRESPO IN BEHALF OF MINOR ROSALINE CRESPO, RESPONDENTS.**

G.R. No. L-38768. July 23, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court administers a reprimand to counsels for petitioner for not having pleaded and instead having suppressed from their statement of the case and of the questions of law involved in the petition material facts found in the respondent commission's decision sought to be appealed from, which show the petition's lack of merit.

On June 13, 1974, Messrs. Sergio D. Vendero and Renerio R. Bartonico as counsel for petitioner filed the petition at bar for review of respondent Workmen's Compensation Commission's decision and resolution directing petitioner to pay respondent-claimant (as grandchild-dependent of the deceased driver-employee) inter alia the principal sum of P4,360.00 as compensation and burial expenses.

In their "summary statement of the matters involved," counsel claimed that the "questions of law involved" were:

"1. It was an error not to consider the payment of P5,000.00 in Philippine currency as full and complete payment of the compensation for the death of Ramon Crespo.

"2. It was an error to disregard the express and obvious statement in Exhibit 1 of such payment."

Counsel further contended that "in this particular case, the petitioner voluntarily paid the amount of P5,000.00 in cash as evidenced by Exhibit 1. Certainly, the Workmen's Compensation Commission or any government agency for that matter cannot say that voluntary payment and the evidence of such payment violate the provisions of Act 3428 simply because the same did not pass through its office," and that "(T)here can be no other conclusion but that the entire case hinges on the question of whether or not the payment of P5,000.00 in cash as evidenced by Exhibit 1 (Settlement and Release of Claim) is in full and complete compensation for the death of Ramon Crespo in accordance with the Workmen's Compensation Law. This matter is certainly a question of law."

Upon consideration of the allegations of the petition and verifying the ratio decidendi of respondent commission's decision about which the petition was silent, the Court found that material facts bearing on the petition's lack of merit had been suppressed.

In denying the petition for lack of merit, the Court accordingly in its resolution of June 28, 1974 required counsel to show cause why they "should not be disciplinarily dealt with for suppressing from (their) statement of the case and questions of law involved in the petition the material facts found in the Workmen's Compensation Commission's decision 'that the amount of P5,000.00 claimed to be the compensation for the death of Ramon Crespo by the respondent (herein petitioner) is the proceeds of the insurance procured by the deceased with premiums paid from the daily income of the late Ramon Crespo' (at pages 3-4, WCC decision, Annex B, petition)

and that the claim was an uncontroverted claim (at pages 4-5, *idem*) with the apparent intent of misleading the Court as to the merits of the petition."

Counsel promptly filed their "explanation and apology" on July 11, 1974. They pleaded haste and time pressure (as indeed they filed the petition at bar within the original ten-day reglementary period) and "beg(ged) forgiveness and promise(d) to be more cautious and discreet in so filing a pleading with this Honorable Court or with any court, body or commission for that matter."

They further sought to explain that "(T)he matter of payment of P5,000.00 being 'the proceeds of the insurance procured by the deceased with premiums paid from the daily income of the late Ramon Crespo' (at pages 3-4 WCC decision, Annex 'B') and the failure to controvert the claim were never touched and argued against in said petition because first, a copy of the decision was already attached to the petition forming part thereof: secondly, if the petition were given due course, the entire records of the case would be elevated to the Honorable Court for evaluation; x x x "

While the Court is disposed under the circumstances to be lenient and to dispose of the grave transgressions of counsel with a reprimand and warning, the Court deems this a timely occasion to remind counsel in particular and practitioners in general that time-pressure provides no justification for the suppression of material and vital facts which bear on the merit or lack of merit of a petition.

The Court has time and again^[1] stressed that members of the bar owe fidelity to the courts as well as to their clients and that they must show faithful adherence to the provisions of Rule 7, section 5 that "the signature of an attorney constitutes a certificate by him that he has read the pleading and that to the best of his knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay " with the admonition therein that "for a willful violation of this rule an attorney may be subjected to disciplinary action."

The cooperation of litigants and their attorneys is required so that needless clogging of the court dockets with unmeritorious cases may be avoided leaving the courts free to devote their time and attention to meritorious and truly contentious cases. In this, the attorney plays a major role of advising his client to refrain from seeking further appellate review and action in plainly untenable cases.

Counsel's proffered excuse for their suppression of the material facts that the receipt signed by the deceased employee's heirs was in payment of the deceased's insurance (not compensation) and that respondent was entitled to the compensation award as the claim was uncontroverted, to wit, that a copy of respondent commission's decision was attached to the petition, manifestly violates the requirement of Rule 43, section 2^[2] that "the petition shall contain a concise statement of the issues involved and the grounds relied on for the petition ..." and that "the questions raised must be distinctly set forth in the petition."

Rule 8, section 1 lays down the fundamental rule on pleadings that "Every pleading shall contain in a methodical and logical form, a plain, concise and direct statement of the ultimate facts on which the party pleading relies for his claim or defense, as the case may be, omitting the statement of mere evidentiary facts."^[3]

Hence, the Court has always stressed the longstanding fundamental doctrine of *Cañete vs. Wislizenus*^[4] that exhibits or annexes attached to a complaint or petition do not take the place of allegations of the ultimate facts constituting the cause of action (of the complaint or petition) which the pleader is under obligation to plead concisely and specifically as if his pleading had no annexes, under pain of peremptory dismissal of his complaint or petition. Justice Moreland thus succinctly explained the rationale for this basic rule: "(A) court is not obliged, in order to know what the plaintiff's cause of action is, to search through a list of exhibits, more or less lengthy, and select what the court presumes the pleader intended to allege. The complaint itself must contain all of the

facts necessary to establish plaintiff's cause of action so that when the court reads it it can see upon the face of the complaint itself whether or not a cause of action is stated. If the pleader desires to refer to any motion or order or other proceeding and to make it a part of his complaint he must set out in the complaint itself the nature of the proceeding and the substance thereof in such a way as to show its relationship to and its effect upon the cause of action."

It is plainly evident by the same token that material facts established in the annexes attached to the complaint or petition which disprove or are contrary to the very allegations of the pleader should not be suppressed in the pleader's statement of his case and of the issues involved but must be specifically averred so that the Court may have before it a full and complete picture of the questions raised in the light of all the material facts duly found to have been established at the trial or hearing.

ACCORDINGLY, the Court administers a reprimand to Attys. Sergio D. Vendero and Renerio R. Bartonico with the warning that a repetition of the same or other violations of their attorney's oath will be severely dealt with. Let copies of this resolution be entered in their personal record and furnished the Integrated Bar of the Philippines.

Makalintal, C.J., Castro, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] See *Pajares vs. Abad Santos*, 30 SCRA 748 (1969) and cases cited.

[2] See also Rule 45, section 2 for appeals from court of appeals and Rule 65 for original actions of certiorari, prohibition and mandamus.

[3] Expressly made applicable to pleadings in appellate courts under Rule 49, sec. 1.

[4] 36 Phil. 428, 432 (1917).

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