

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RAFAEL ESTOCADA ALIAS “BOY ESTOCADA”; ANTONIO
ESTOCADA, LUDOVICO ESTOCADA ALIAS “LODONG”;
ROQUE ESTOCADA, ALADINO ESTOCADA...**

G.R. No. L-31024. February 29, 1972

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8983c92a8ff3/>

FERNANDO, J.:

Close upon the heels of a resolution of this Court requiring Atty. Manuel M. Paredes, counsel de officio for appellant Fernando Lata, to show cause why he should not be suspended from the practice of the law for failure to file appellant's brief in time, this Court, in a similar disciplinary proceeding,[1] had decreed such a suspension from the practice of the law in the case of a respondent attorney named therein, who after filing motions for extension numbering seventeen would seek to be excepted from submitting appellant's brief on the ground that his client had escaped. Such a penalty was deemed appropriate because as far back as the thirteenth extension granted, he had informed this Court that he had already finished a brief, only he was at the stage of making the appropriate corrections. Such misrepresentation coupled with his lack of understanding of the appropriate rule,[2] requiring where a death penalty is imposed, irrespective of any appeal made, that this Court review such judgment, the alleged excuse not sufficing therefore to justify the failure on the part of the counsel de officio to file the brief for the condemned man, did call for such drastic action. Here, however, respondent attorney did file together with his explanation dated February 8, 1972, the brief for appellant Fernando Lata. Suspension might therefore be too severe a penalty. That does not mean, however, that he has totally atoned for the failing justly imputable to him.

On January 1, 1972 there was a motion by respondent counsel de officio for further extension to file appellant's brief. It was the twenty-seventh of its kind. As far back as November 11, 1970, he did start tiling motions of such character always predicated on his being too busy to attend, as he should, to his duty as such counsel de officio. This is the explanation in his pleading of February 8, 1972: "That the successive and numerous motions for extensions of time filed by the undersigned were brought about and became necessary in view of the fact that this case which is for Murder, is quite lengthy and voluminous; the decision under appeal itself, the original records from the lower court and even the transcript of the stenographic notes are lengthy; the issues involved are difficult and intricate which needed considerable study, plus the added fact that the undersigned has also been quite very busy as a law practitioner during the past year in connection with other cases which are equally urgent and important, coupled with the circumstance that undersigned has also been assigned as counsel de officio in another murder case, G.R. No. L-31224, emanating from the Court of First Instance of Northern Samar, and the brief for one of the appellants in the latter case will be submitted sometime next week; that therefore, the undersigned was constrained to request for extensions more than usual, and he is very appreciative of the fact that this Hon. Court has been lenient and considerate to him in this regard; * * *"[3] He begged for "the kind indulgence and forgiveness of this Court" as well as offering "his sincerest apology for his shortcoming, * * * promising that said

omission will not be repeated in the future; * * *.[4] Moreover, he would add therein "as a sign of good faith and compliance," that he was submitting and filing "simultaneously with this explanation, the appellant's brief for appellant Fernando Lata and requests the admission thereof." [5]

There is no question about the admission of the twenty-page brief prepared for appellant Fernando Lata. Moreover, a cursory perusal thereof would indicate that respondent counsel de oficio did take pains in the defense of his client's cause. It is to be regretted, however, that it took him more than fifteen months before he could comply with the responsibility that every member of the bar when given the opportunity should try to live up to within the most expeditious time at his disposal. He did ignore the fact that the interest of the accused in capital offenses should elicit from the utmost that lies within his capabilities. Only thus may he comply with the trust reposed in him. Nor is it any whit less where he is called upon to assist in a de oficio capacity.

As a matter of law, such designation is even more exacting. The honor of the profession itself is at stake. It is a proud boast of the ancient and honorable calling of the law that its votaries worship not at the altar of money but of service — dedicated and indispensable service to assure that justice be fairly and knowledgeably administered. The thought of gain should not therefore be paramount. Counsel de oficio must always keep that in mind. He can feel proud that his being chosen to act as such is a manifestation of confidence on the part of the bench. He should be the last, therefore, to neglect in any wise what is expected of him. Under all the circumstances disclosed, the conduct of respondent counsel de oficio did not measure up to that standard. He had partially mitigated his failings by the filing of a brief that on its face betrays diligence and effort. That is not enough, however, for complete exculpation.

WHEREFORE, respondent Manuel M. Paredes is hereby admonished. He should take the utmost care to prevent a repetition of an incident of this nature. He should be more attentive to his duties as a member of the bar and an officer of the court. Let a copy of this resolution be spread upon his record.

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

[1] People of the Philippines vs. Daban y Ganzon, L-31429, Jan. 31, 1972. Sixto P. Demaisip, respondent.

[2] Section 9 of Rule 122.

[3] Explanation with Motion for Admission of Appellant's Brief for Appellant Fernando Lata, par. 3, pp. 1 and 2.

[4] Ibid, par. 5.

[5] Ibid, par. 6.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.