

VISAYAN STEVEDORE TRANSPORTATION COMPANY (HINIGARAN BRANCH) AND RAFAEL XAUDARO, PETITIONERS, VS. COURT OF INDUSTRIAL RELATIONS AND UNITED WORKERS AND FARMERS’ ASSOCIATION (UWFA)...*G.R. NO. L-37650. February 28, 1974*

Ponente: FERNANDO, J.

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A little more attention to duty and a little less self-assurance could have obviated the need for this resolution reprimanding respondent Jose K. Manguiat, Jr., a member of the Philippine bar. This incident started with an order from this Court on November 9, 1973 to the following effect: "After deliberating on the petition filed in case G.R. No. L-37650 (Visayan Stevedore Transportation Company [Hinigaran Branch], et al. vs. Court of Industrial Relations, et al.), the Court Resolved, without giving due course to the petition, to require the respondents to [Comment] thereon (not to file a motion to dismiss), within ten (10) days from notice hereof." [1] Subsequently, there was a pleading filed by respondent Jose K. Manguiat, Jr., identifying himself as counsel for respondent Court of Industrial Relations, asking for an extension of thirty days from November 16, 1973 within which to file the comment sought. Such a motion was duly granted. As no such comment was forthcoming, this Court, on February 5, 1974, issued the following resolution: "It appearing that counsel for respondent Court failed to file comment on the herein petition for review on certiorari within the extended period which expired on December 26, 1973, the Court Resolved to require Atty. Jose Manguiat, Jr., to [file] said comment and to [explain] his failure to do so within the period sought by him, both within ten (10) days from notice hereof." [2] Then came, not the explanation sought from respondent Manguiat, but a terse and laconic two-page pleading referred to by him as manifestation and comment. Respondent, had he been of a more reflective kind of mind, ought to have been aware that such a response is far from satisfactory.

1. All that respondent could allege by way of his failure to submit the required comment is the following: "1. That after a Motion for Extension to File Comment has been filed by Counsel, due to the pressure of work he requested Atty. Mariano Capanas, Legal Officer of the Court to prepare the Comment to the case at bar; 2. That before Atty. Capanas left for his Christmas vacation the herein Counsel reminded him of the same; 3. That Counsel thought in good faith that the same has been filed by Atty. Capanas; ***." [3] From his own words, it was a request, not an order addressed to another lawyer of respondent Court to prepare the comment. That ought to have put him on his guard that the other party was hardly under the strongest compulsion to comply. What is more, the step taken hardly freed him from the obligation imposed on him by this Court. The mere fact that thereafter he thought "in good faith" that the necessary pleading was submitted may explain but certainly cannot justify his omission. He therefore cannot escape accountability. At the very least, he ought to have filed another motion for extension, which if meritorious, could have been granted by this Court. When he failed to do so, he laid himself open to the appropriate disciplinary action.

2. Nor is this all. Insofar as the comment submitted by him is concerned, all that appears after the magisterial

dictum on his part that the disputed resolution of respondent Court was issued in accordance with the facts, the evidence, and the law, was this paragraph: "That it is a well settled doctrine in our jurisdiction in a long line of decisions that matters touching on the weight and sufficiency of evidence and on the credibility of witnesses involved (sic) questions of fact and the finding of the Court of Industrial Relations on such matters are conclusive upon this Court. It cannot be said that the Court of Industrial Relations abused its discretion when it did not consider petitioners evidence credible and sufficient. (Philippine Engineering Corporation vs. Court of Industrial Relations, G.R. No. L-27880, September 30, 1971)."[4]

Such a pronouncement, uttered with dogmatic finality, and oblivious of the qualifications that the doctrine on the binding force of facts as found by respondent Court, if supported by substantial evidence, equally ignores the principal legal question raised in the petition. Again, not much reflection is needed to impress on respondent, as well as of any counsel, that the comment required should be addressed to the principal legal question raised. It could very well be that the task could fall on a lawyer lacking either the time or the learning to do so. If such were the case, the party concerned should let others, hardly pressed for time or fortunately possessed of the requisite skill, to attend to the job. Then there is the pontifical tone of the skimpy comment. It may be unfair to expect respondent Manguiat to be aware of Holmes' aphorism that certitude is not the test of certainty.[5] It is something to mull over. There is also that admonition of Justice Laurel that judges of inferior courts should display a "becoming modesty." [6] Such a trait is not for the men on the bench alone. Those in the bar, whether in public service or private practice, should do well to heed that advice, when, as sometimes does happen, there is much to be modest about.

WHEREFORE, respondent Jose K. Manguiat, Jr. is reprimanded. Let a copy of this resolution be spread on his record.

Zaldivar, (Chairman), Antonio, Fernandez, and Aquino, JJ., concur.

Barredo, J., took no part.

[1] Resolution dated November 12, 1973.

[2] Resolution dated February 6, 1974.

[3] Manifestation and Comment dated February 11, 1974. 1.

[4] Ibid, 1-2.

[5] Holmes, Natural Law, 32 Harv. Law Review 40 (1918).

[6] People vs. Vera, 65 Phil. 56, 82 (1937).

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