

**PATRICIO ALCANTARA, JR., PETITIONER, VS. HONORABLE
CASTRENCE C. VELOSO, PRESIDING JUDGE OF BRANCH III, COURT
OF FIRST INSTANCE OF ILOILO AND ROMAN ALCANTARA,
RESPONDENTS, ATTORN...**

G.R. No. L-37844. June 30, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

The immediate antecedent of respondent members of the bar Jonas A. Abellar and Agustin T. Dioquino being cited to explain what appeared to be plain inattention to duty was the delay on their part as counsel for respondents in the filing of a rejoinder to a reply of petitioner. The justification offered was that they were not furnished a copy of such pleading. That was an assertion that proved to be contrary to fact. The offense was thus compounded. Respondent Abellar had this explanation: "That with due respect, counsel hereby reiterates and hereby most respectfully manifests that he did not receive the Reply of Petitioner dated February 9, 1974. Counsel painfully searched and re-searched the records of the case in his possession, but most regretfully informs this Honorable Tribunal that the result of his search was in the negative. Counsel likewise examined and cross-examined his office clerk, Miss Gemema Pagadal, as to whether she had received the questioned pleading or just might have misplaced the same, but Miss Pagadal answered that she did not receive the same. Miss Pagadal had been employed with this office for more than four (4) years and counsel had no reason to doubt her sincerity. . . ."[1] After noting that there were two attorneys of record, he added: "It could be possible that counsel for petitioner might have sent that pleading to Atty. Agustin Dioquino, [was] received by Atty. Dioquino or his Office clerk, or to the other respondent the Honorable Castrence C. Veloso or his deputies."[2] Further: "In this instant case, there is no reason why counsel should hide from the Honorable Tribunal such petty matter as to whether counsel received or not the opposite party's pleading. If counsel received the same, it would have hastened the disposition of the case now pending before this august court, for the benefit of respondent, which counsel humbly represents, and also for the benefit of counsel. The only thing is — counsel, with his deepest apology in conscience and in good faith, did not receive the aforementioned pleading."[3]

The above surmise, if correct, would call into question the actuation of respondent Dioquino. He would seek to exculpate himself in this manner: "1. That the explanation of Atty. Jonas A. Abellar was in effect washing his hands by explaining that he did not receive petitioner's reply and that it might have been received by the undersigned; 2. That in truth and in fact the undersigned received a copy of the Reply of Attorneys Aguadera and Demaisip on May 20, 1974, thru his clerk-secretary, Miss Ninfa E. Jaruda; the date of receipt is indicated on the upper left hand margin of the reply . . . with Annotation that she received that copy pertaining to Atty. Dioquino excluding that copy of Atty. Jonas A. Abellar, wherein his clerk-secretary signed that copy for Atty. Agustin Dioquino and not for Atty. Jonas A. Abellar; 3. That what is stated in the Petition is that copy is furnished Jonas A. Abellar [and] A. Dioquino, and the clerk of the undersigned only signed for the copy of A. Dioquino, the undersigned; 4. That this representation failed to comment on the reply of Attorneys Aguadera and Demaisip and

failed to comply too to comment on the explanation of Atty. Jonas A. Abellar for the reason that it is the belief of the undersigned that Atty. Jonas A. Abellar also received a copy of the Reply of Attorneys Aguadera and Demaisip; 5. That the undersigned failed to comment on the explanation of Atty. Jonas A. Abellar for reasons that he is of the belief that his services or his relation with Roman Alcantara as counsel for the latter has already been terminated for reasons that Roman Alcantara employed the services of Atty. Jonas A. Abellar and it is presumed by the undersigned that the services of Atty. Jonas A. Abellar was already known to the Honorable Supreme Court as the attorney of record of Roman Alcantara; 6. That before the Petition for Certiorari was filed by the petitioner, Atty. Jonas A. Abellar was already appearing as counsel of record for Roman Alcantara in the Court of First Instance of Iloilo, and appearing on incidents or motions pending therein, and the undersigned counsel was already relieved of his duties with Roman Alcantara. In fact the Resolution of this Honorable Tribunal dated December 8, 1973, requiring the Respondents to Comment on the Petition of the Petitioners was addressed to the Honorable Castrence C. Veloso, Mr. Roman Alcantara and Messrs. Santos B. Aguadera and Sixto Demaisip, counsels for the petitioners. The resolution did not particularize or mention the name of the undersigned as counsel for Roman Alcantara, hence, he is of the belief that even the Honorable Supreme Court has knowledge that he is relieved of his duties as counsel for Roman Alcantara, coupled by the act of Noemi Alcantara, the wife of Roman Alcantara, who withdrew all papers relative to this case from the undersigned informing the latter that her husband has engaged the services of Atty. Jonas A. Abellar for reasons that the brother-in-law of Atty. Jonas A. Abellar will be the one to shoulder the expenses of the case including the expenses in the Court of Appeals and in the Supreme Court, and those papers withdrawn by the wife of Roman Alcantara was not returned to the undersigned although there was a promise on her part to return the same on or before the last working day of January, 1974, . . . ; 7. That the undersigned is of the belief that Atty. Jonas A. Abellar as the new counsel of Roman Alcantara assumed all the responsibilities as counsel for Roman Alcantara; . . . "[4]

What immediately calls attention in this explanation of respondent Dioquino is his temerity in stating not once but twice that the alleged termination of his services by respondent Roman Alcantara was known to this Court. It is indicative of an excessive estimate of one's reputation as to his standing in the bar or excessive regard of the importance of one's person for any lawyer to make the assertion that this Court could have been aware of his no longer representing a client in the absence of any pleading to that effect. Nor is this the only objectionable feature of the attempted explanation by respondent Dioquino. For him to make such an assertion considering that the record does not contain any notice of withdrawal of his appearance is to ignore or to be ignorant of the most rudimentary principle as to when a lawyer-client relationship terminates. That in itself is enough of a reflection of his good standing in the bar. It deserves a reproof from this Tribunal. What aggravates his failing is the rather haughty tone in which his explanation was couched. Instead of being man enough to acknowledge a patent neglect of duty, he would not only try to escape responsibility elsewhere but also resort to the use of language in which the element of arrogance is discernible. Even members of the bar who have rendered distinguished service to the law are not oblivious of how persuasive a plea could be if impressed with the necessary element of humility. It may not be out of place to note that under the circumstances as narrated by him the interest of his client would be better served if there be a formal withdrawal of his appearance.

WHEREFORE, respondent Agustin T. Dioquino is severely censured. The explanation of Attorney Jonas A. Abellar is accepted but he is admonished to be more attentive in the future as to the current stage of the pleadings bearing on the cases wherein he has entered his appearance. Let copies of this resolution be entered into the records of respondents Jonas A. Abellar and Agustin T. Dioquino.

Barredo, Antonio, Aquino, and Concepcion Jr., JJ., concur.

[1] Explanation of Atty. Jonas A. Abellar, 1.

[2] Ibid, 2.

[3] Ibid.

[4] Explanation of Attorney Agustin T. Dioquino, 1-3.

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