

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
FRANCISCO AGUILAR, ET AL., DEFENDANTS, JOSE RAMIREZ,
DEFENDANT AND APPELLANT.**

G.R. No. L-20147. February 28, 1963

Ponente: DIZON, J.

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DIZON, J.:

Pursuant to our resolution of January 8, 1963 requiring Atty. Nicolas A. Superable to explain, within ten (10) days from notice why disciplinary action should not be taken against him for his failure to file the brief for appellant Jose Ramirez inspite of the fact that the period for the purpose had expired on November 28, 1962, said attorney filed under date of January 28, 1963, his unverified explanation claiming (1) that he has not received any notice requiring him to file the brief; (2) that although he appeared in the Court of First Instance of Leyte, together with Atty. Felisberto Avestruz, for the defendant Jose Ramirez, it was only for the fixing of the bail bond pending appeal; and (3) that because he was later informed by a brother of said defendant that the latter will discontinue the appeal, he thought that there was no need to file any brief.

It appears, however, that on October 29, 1962, the corresponding notice for the filing of the brief sent to Attys. Avestruz and Superable at Tacloban City, Leyte, was received on their behalf by someone whose signature on the back of the registry return card appears to be illegible. For this reason, and because the facts stated in the explanation referred to above are not supported by oath, it is hereby ordered that Atty. Nicolas A. Superable be required to file within ten (10) days from notice hereof, another verified explanation. Upon receipt thereof, let the matter be submitted again to this court.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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