

**EUGENIO CUARESMA, PETITIONER, VS. MARCELO DAQUIS, PHHC,
CESAR NAVARRO, NICANOR GUEVARRA, SHERIFF OF QUEZON CITY
OR HIS DEPUTY AND JUDGE PACIFICO P. DE CASTRO,
RESPONDENTS. ATTOR...**

G.R. No. L-35113. March 25, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

The predicament in which respondent Macario O. Directo, a member of the Philippine bar, now finds himself is one of his own making. In a petition for certiorari filed with this Court on behalf of one Eugenio Cuaresma, he included the following categorical allegations: "4. That your petitioner has no knowledge of the existence of said case (Civil Case No. 12176, CFI of Rizal, Quezon City Branch) aforecited between the respondents Marcelo Daquis, PHHC, and Cesar Navarro, and wherein the respondent Judge, [gave] due course to the complaint, and the subject matter in litigation; 5. That on May 26, 1972, the respondent Judge issued an order of demolition, ordering the respondent Sheriff of Quezon City or his deputy to demolish the house of your petitioner etc., and on the same day of May 26, 1972, the Sheriff of Quezon City through his deputy [gave] three (3) days to your petitioner to remove his house or face demolition, * * *; 6. * * * 7. That your petitioner was not given a day in court to present his side of the case, in violation of law, and of the dictum of due process of the constitution, * * *." [1] Thereafter, after receipt of the comments of respondents, it turned out, as set forth in a resolution of this Court of August 4, 1972, "that petitioner was fully aware of the existence of said civil case because on December 14, 1971 Atty. Macario Directo, as counsel of petitioner, addressed to respondent Marcelo Daquis a letter which indicates that both counsel and petitioner were aware of the existence of the case. It also appears that, before respondents Marcelo Daquis and Cesar Navarro filed a motion for a writ of possession in Civil Case No. Q-12176, petitioner Eugenio Cuaresma, along with the other occupants of the lot in question, was given thirty (30) days notice to vacate the premises, which period was even extended for another thirty (30) days, but that, despite that notice, petitioner Eugenio Cuaresma refused to vacate the lot involved in the case. It further appears that on May 3, 1972, Atty. Macario Directo, as counsel for petitioner, filed a motion for inter-vention in the aforementioned Civil Case No. Q-12176; and on May 13, 1972, same counsel filed a motion to quash or recall the writ of execution, and an opposition to the issuance of a writ of demolition. On May 22, 1972, respondent Judge Pacifico de Castro issued an order denying the motion to intervene as well as the motion to quash or recall the writ of execution." [2] It was then set forth in such resolution that there was no truth to the allegation that on May 27, 1972, the date of the filing of the petition for certiorari in the present case, petitioner had no knowledge of the existence of Civil Case No. 12176.

Respondent Macario O. Directo was then given ten days to show cause why no disciplinary action should be taken against him for deliberately making false allegations in such petition. Thereafter, on August 16, 1972, came a pleading which he entitled Compliance. This is his explanation: "What your petitioner honestly meant when he alleged that he [has] no knowledge of the existence of said Civil Case No. 12176, CFI of Rizal, Quezon City

Branch, was from the time the plaintiff Marcelo Daquis instituted the said case in June 1968 up to and after the time the Court issued the decision in the year 1970. The plaintiff Marcelo Daquis entered into a conditional contract of sale of the lot involved in said Civil Case No. 12176 with the PHHC. There were four (4) purchasers, the plaintiff, two others, and your petitioner. Because of the requirement of the PHHC that only one of them should enter into the contract, Marcelo Daquis was chosen by the others to enter into the same. Since this was a sale on installment basis, by agreement of all the purchasers, duly acknowledged by the PHHC, the monthly dues of the petitioner and the two others, were remitted to Marcelo Daquis, who in turn remits the same to the PHHC. In June 1968 plaintiff Marcelo Daquis instituted Civil Case No. 12176 in the CFI of Quezon City. From June 1968 up to the time and after the decision was issued by the court, plaintiff Marcelo Daquis never informed your petitioner of the said case."[3] He reiterated in a later paragraph that all he wanted to convey was that his knowledge of the aforesaid civil case came only after the decision was issued. He closed his Compliance with the plea that if there were any mistake committed, "it had been an honest one, and would say in all sincerity that there was no deliberate attempt and intent on his part of misleading this Honorable Court, honestly and totally unaware of any false allegation in the petition."[4]

The above explanation lends itself to the suspicion that it was a mere afterthought. It could very well be that after his attention was called to the misstatements in his petition, he decided on such a version as a way out. That is more than a bare possibility. There is the assumption though of good faith. That is in his favor. Moreover, judging from the awkwardly-worded petition and even his compliance quite indicative of either carelessness or lack of proficiency in the handling of the English language, it is not unreasonable to assume that his deficiency in the mode of expression contributed to the inaccuracy of his statements. While a mere disclaimer of intent certainly cannot exculpate him, still, in the spirit of charity and forbearance, a penalty of reprimand would suffice. At least, it would serve to impress on respondent that in the future he should be much more careful in the preparation of his pleadings so that the least doubt as to his intellectual honesty cannot be entertained. Every member of the bar should realize that candor in the dealings with the Court is of the very essence of honorable membership in the profession.

WHEREFORE, Attorney Macario O. Directo is reprimanded. Let a copy of this resolution be spread on his record.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Petition, pars. 4-7.

[2] Resolution of this Court dated August 4, 1972

[3] Compliance, 1-2.

[4] Ibid, 2.

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