

4 Phil. 298

[G.R. No. 452. March 18, 1905]

IN THE MATTER OF JOSE ROBLES LAHESA.

D E C I S I O N

CARSON, J.:

Jose Robles Lahesa, a lawyer practicing before this court, was duly appointed counsel for the appellants in the case of the United States vs. Julian Tulagan et al. on February 5, 1904, and on February 12, 1905, the Solicitor-General gave notice of motion to dismiss the appeal in said case on the ground of abandonment and failure to prosecute the same. The said Lahesa was also appointed counsel for the appellant in the case of the United States vs. Julio Liuag, on the 12th of August, 1904, and on February 11, 1905, this court; on its own motion, issued a rule to the said Lahesa to show cause why the appeal in that case should not be dismissed on like grounds, and further, to show cause, if any he had, why this court should not impose disciplinary punishment for grave neglect in the performance of his duty as a lawyer and officer of this court.

Said motion and rule came on for hearing Monday, February 20, 1905, when Jose Maria Marcaida appeared on behalf of said Lahesa, and said he had been instructed by said Lahesa to inform the court that he could not appear personally in response to its rule, because he found it necessary to go elsewhere on the day and at the hour fixed for the hearing, that he had no ground on which to oppose the dismissal of the appeals in said cases, and further, that he had taken no action in the said cases because, in his opinion, "there was no defense to be made on behalf of any of the defendants for whom he had been assigned as

counsel.”

An examination of the record in the case of the United States vs. Julian Tulagan et al. shows that the appellants were sentenced in the trial court to long terms of imprisonment for the crime of *robo en cuadrilla*, from which sentence they appealed, and it appearing that they were too poor to employ a lawyer, this court, in accordance with the law provided in such cases, assigned the said Lahesa as counsel *de officio*, yet the said Lahesa has utterly failed to take any action whatever in behalf of the defendants in said case, though more than a year has elapsed since the date of said assignment. An examination of the record in the case of the United States vs. Julio Liuag shows that the defendant was sentenced to seventeen years and four months' imprisonment for the crime of homicide, from which sentence he appealed, and it appearing that he was too poor to employ a lawyer, this court assigned the said Lahesa as counsel *de officio*, yet the said Lahesa has utterly failed to take any action whatever on behalf of the defendant in that case, though more than six months have elapsed since the date of his assignment.

Upon this statement of facts it can not be doubted that the said Jose Robles Lahesa has been guilty of grave negligence in the performance of his duties as counsel, and as an officer of the court.

This court should exact from its officers and subordinates the most scrupulous performance of their official duties, especially when negligence in the performance of those duties necessarily results in delays in the prosecution of criminal cases and the detention of accused persons pending appeal. We are of opinion, therefore, that a fine of 200 pesos, Philippine currency, should be imposed upon the said Jose Robles Lahesa, said fine to be paid to the clerk of this court within ten days of receipt of notice of this order. So ordered.

Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.

