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been ejected, he did go back. That act was clearly contempt. So the Rules state categorically: "Disobedience of or resistance to a lawful writ, process, order, judgment, or command of a court, or injunction granted by a court or judge, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto; * * *."[3]

No other conclusion is allowable except the termination of this case and a declaration that respondent Judge had not been shown remiss in his duty as such.

Wherefore, the complaint is dismissed. Let a copy of this resolution be spread on his record.

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

Complaint dismissed.

[Adm. Case No. 1174. February 27, 1976]

SECOND DIVISION

LUZON MAHOGANY TIMBER INDUSTRIES, INC., complainant, *vs.* ATTORNEY MANUEL REYES CASTRO, respondent.

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[3] Section 3(b) of Rule 71, Rules of Court.

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ADMINISTRATIVE CASE against a member of the Bar.

SYNOPSIS

For failure of respondent, a member of the Philippine Bar, to file comment on the motion of complainant for reconsideration of the Supreme Court's resolution dismissing the complaint for disbarment, the Court required respondent to explain such failure, and to file said comment, with warning that disciplinary action will be taken against him should he fail to do so, both within ten (10) days from notice. His explanation was duly filed, alleging that while he was desirous to comply with his obligation to file such comment, he was unable to do so "because of some tragedy in the family." He had to fetch in Pangasinan her sister, who suffered a nervous breakdown, for hospitalization in the city, and had to attend to his aged parents who also suffered from several ailments. He would also predicate his neglect on alleged professional problems consisting of court attendance and preparation of motions.

The Supreme Court held that as far as the effort to help his sister and parents is concerned, his omission is excusable, but insofar as he would predicate his neglect because of alleged professional problems, such manifestation does not help his cause at all. Respondent is reprimanded, the explanation of his failure to submit the comment required of him being only partially satisfactory.

SYLLABUS
of the Ruling of the Court

1. LEGAL ETHICS; ATTORNEY'S DUTIES; FAILURE TO FILE COMMENT AS REQUIRED BY COURT; EXPLANATION

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HELD UNSATISFACTORY; PENALTY OF REPRIMAND IMPOSED.– Where a member of the Bar, upon being required to explain his failure to file a comment on a motion for reconsideration, predicated his neglect partly upon alleged professional problems, consisting of court attendance and preparation of motions, it was held that his manifestation did not help his cause at all. His commendable concern for the welfare of his aged parents and his ailing sister has however led the Supreme Court to limit his penalty to reprimand.

2. ID.; ID.; ID.; ID.; THE FACT THAT COMPLAINANT WAS INCLINED TO WITHDRAW A DISBARMENT CASE DOES NOT FREE A LAWYER FROM DISCHARGING HIS DUTIES.– In view of the hierarchy in the judicial system in the Philippines, it is, to say the least, a deplorable lack of common sense on the part of a member of the bar taken to task if the Supreme Court is to be given the least attention. He should be aware that what is involved is his own standing in the legal profession; nor can he expect approbation when instead of doing what is required of him by the Supreme Court, he would readily assume that just because complainant "was inclined to withdraw or cause the dismissal of the instant complaint," he was free to disregard a duty that ought to have been fulfilled.
3. ID.; ID.; ID.; ID. – As an officer of the Court, a member of the bar is called upon to discharge certain responsibilities. It is a mistake for a lawyer to assert with all confidence that "he is not guilty of any act or omission as will justify the imposition of disciplinary action," for it is the Supreme Court, not the lawyer's deficient sense of what duty requires, that is controlling.

APPEARANCES OF COUNSEL

Emiliano S. Samson & R. Balderrama-Samson for the complainant.

Manuel Reyes Castro on his own behalf as respondent.

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RESOLUTION

FERNANDO, *J.*:

It was the dismissal of an administrative complaint for disbarment on the ground of its being premature against respondent Manuel Reyes Castro, a member of the Philippine Bar charged with malpractice and gross misconduct for allegedly assisting a third party in a dishonest and illegal scheme, and his failure to file a comment on a motion for reconsideration that led to the resolution of this Court on December 18, 1974. It is of the following tenor: "For failure of respondent Castro to file comment on the motion of complainant for reconsideration of the resolution of April 5, 1973 which dismissed the herein complaint for disbarment, the Court Resolved: (a) to require respondent Castro to [explain] such failure; and (b) to [file] said comment with warning that disciplinary action will be taken against him should he fail to do so, both within ten (10) days from notice hereof."[1]

His explanation was duly filed on January 9, 1975. He alleged that while he was desirous to comply with his obligation to file such comment, he was unable to do so "because of some tragedy in the family."[2] Reference was then made to the following: "Respondent's sister, Mrs. Lourdes Castro-Soriano, suffered a nervous breakdown (bordering on insanity) and respondent had to go to Pangasinan to fetch her for hospitalization in the city. Added to this was the fact that his aged parents, Mr. and Mrs. Claudio Castro, Sr. and Marciana Reyes-Castro, also suffered from several ailments which required the personal attention of the

[1] Resolution dated December 18, 1974.

[2] Explanation, par. III.

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respondent as he alone, among his parents' children, could be of help due to his residence being here in Quezon City where hospital facilities are available."[3] He would stress, however, that it was his intention "to file such comment to show his innocence."[4] There was likewise the submission that "he met the officials and counsel of the complainant, and it appears that complainant is inclined to withdraw or cause the dismissal of the instant complaint after respondent had had a change [sic] of views with them regarding the circumstances of the filing of the complaint in Civil Case No. Q-17383 in the CFI of Quezon City."[5]

1. This Court has no reason to doubt the veracity of the explanation. It does not suffice, however, for exculpation. As far as the effort to help his sister, who suffered a nervous breakdown, is concerned, his omission is excusable. Nor can fault be attributed to him if he took time to attend to the needs of his aged parents, likewise the victims of "several ailments." Insofar however as he would predicate his neglect because of alleged professional problems consisting of court attendance and preparation of motions, respondent ought to have been aware that such a manifestation does not help his cause at all. This is not the first time a member of the bar has been told in no uncertain terms that in view of the hierarchy in the judicial system in the Philippines, it is, to say the least, a deplorable lack of common sense on the part of a member of the bar taken to task if this Court is to be given the least attention. He should be aware likewise that what is involved is his own standing in the legal profession, presumably, until this incident, one as yet unblemished. Nor could he expect

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[3] *Ibid.*
[4] *Ibid*, par. IV.
[5] *Ibid*, par. V.

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approbation when instead of doing what is required of him by this Court, he would readily assume that just because complainant "was inclined to withdraw or cause the dismissal of the instant complaint," he was free to disregard a duty that ought to have been fulfilled. He has the temerity to speak of professional obligations. He must be reminded that as an officer of the Court, he is likewise called upon to discharge certain responsibilities. When therefore he would assert with all confidence that "he is not guilty of any act or omission as will justify the imposition of disciplinary action," he is very much mistaken. It is this Court, not his deficient sense of what duty requires, that is controlling. Accordingly, punishment should be imposed. It is only the realization that his negligence could also be attributed to the commendable concern for the welfare of his aged parents and his ailing sister that has led this Court to limit the penalty to reprimand.

2. As far as the motion for reconsideration for complainant is concerned, there is nothing therein that would in any way militate against the conclusion reached by this Court in dismissing it "without prejudice to its being filed after the termination of the pending civil case," reference being made to Civil Case Q-17383 of Quezon City.

Wherefore, the motion for reconsideration of complainant is denied. Respondent Manuel Reyes Castro is reprimanded, his explanation of the failure to submit the comment required of him being only partially satisfactory. Let a copy of this resolution be spread on his record.

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

Motion for reconsideration denied. Respondent reprimanded.