

THIRD DIVISION

[**A.C. No. 5843 (CBD 99-614A), January 14, 2003**
]

**JENO A. PILAPIL, COMPLAINANT, VS. ATTY. GERARDO CARILLO,
RESPONDENT.**

RESOLUTION

PUNO, J.:

On January 19, 1999, complainant Jenó A. Pilapil filed with the Integrated Bar of the Philippines (IBP), Cebu Chapter a complaint against respondent Atty. Gerardo Carillo for negligence in the performance of his duties as counsel.

The Complaint alleged that Pilapil filed a labor case against Visayan Electric Company. He was represented by Atty. Carillo. In December 1996, after they received an adverse ruling from the National Labor Relations Commission (NLRC), Pilapil and Atty. Carillo decided to elevate the case to the Supreme Court on certiorari. In January 1997, Pilapil made a follow up with Atty. Carillo regarding his case, and the latter told him that he was already preparing the petition. Pilapil, nonetheless, reminded Atty. Carillo of the 60-day period within which to file the petition. Atty. Carillo assured him that there was nothing to worry about. Pilapil continued to make follow-ups with Atty. Carillo for one year, but the latter would always give him the same answer. Atty. Carillo informed Pilapil to wait as he was still working on the petition. Atty. Carillo eventually admitted to Pilapil that when he went to the Supreme Court, he was told that the Court would not entertain the petition unless they give a valid reason why it was not filed on time. Atty. Carillo thus instructed Pilapil to secure a medical certificate from his family doctor to be used as justification for the late filing of the petition. When the doctor refused to issue a medical certificate, Atty. Carillo advised Pilapil to go to a doctor whom he personally knows. But he was still unable to secure a medical certificate. Hence, Pilapil filed this complaint against Atty. Carillo.^[1]

On March 18, 1999, the Commission on Bar Discipline, Integrated Bar of the Philippines ordered the respondent to submit an answer to the complaint within six (6) days from notice. A copy of the order was received by respondent's agent on April 5, 1999.^[2]

On May 7, 1999, the Commission on Bar Discipline received a copy of the motion for extension of time to submit an answer dated April 14, 1999 filed by respondent.^[3]

On May 13, 1999, respondent having failed to file his answer within the period given, Pilapil filed a motion to declare respondent in default and to submit the case for resolution based on the documents and pleadings submitted.^[4]