

## FIRST DIVISION

[ G. R. No. 131638-39, July 12, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
LORETO MEDENILLA Y DORIA, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**KAPUNAN, J.:**

In our Decision in the instant case, promulgated on March 26, 2001, wherein we found Loreta Medenilla y Doria guilty of violating, Sections 15<sup>[1]</sup> and 16<sup>[2]</sup> of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, we directed counsel for the convict to comment on why he should not be cited in contempt for anchoring the defense of his client on an alleged Supreme Court circular which, in reality, was never issued by this Court. Thus, we ordered:

Counsel for the defense, Atty. Marcelino Arias, is hereby ordered to explain within ten (10) days why he should not be cited in contempt for citing an inexistent circular in his pleadings.<sup>[3]</sup>

In compliance with our directive, Atty. Arias submitted his Comment on 16 April 2001.<sup>[4]</sup> He explained that the theory of the defense regarding the purity of the *shabu* seized from his client actually came from the forensic chemist witness, Police Senior Inspector Julieta T. de Villa, who informed him prior to her examination on the witness stand that she received a circular, some time after she tested the *shabu* obtained from the convict, which required her office to conduct quantitative and qualitative tests of all seized illegal drugs to determine the nature of the substance as well as its weight and purity. With this information, Atty. Arias claimed that he immediately assumed that the circular was issued by the Supreme Court and, as such, he used this alleged circular to seek the acquittal or, at least, the reduction of the penalty imposed on his client. Thus, in his arguments before the lower court and in his pleadings before this Court, he contended that the drugs seized from his client should be allowed to undergo a quantitative test, aside from the qualitative test already conducted, in compliance with the alleged circular. After this Court pointed out his infraction for citing a non-existent circular, Atty. Arias now asserts that he had no knowledge that the alleged circular did not actually exist and that it was not his intention to mislead the Court. He further justified his citation of a non-existent circular by claiming that his inadvertence was only moved by his eagerness to provide his client with the best defense. Thus, he begs the indulgence of the Court and extends his profoundest apologies for his infraction.

We find Atty. Arias guilty of contempt.

A lawyer owes it to the court and his client to be adequately versed on both the factual and legal aspects of his client's case.<sup>[5]</sup> For a lawyer to do otherwise would be a disservice to the court and his client and a discredit to his brethren in the bar.