

### Title:

**\*\*Practice of Law Without Admission: The Case Against Elmo S. Abad\*\***

### Facts:

The case emerged when Atty. Procopio S. Beltran, Jr., representing the Philippine Trial Lawyers Association, Inc., accused Mr. Elmo S. Abad of practicing law without the official admission to the Philippine Bar. Following these allegations, a detailed account of the events leading up to the Supreme Court's involvement unfolds, revealing a complex procedural posture intertwined with a mix of administrative confusion and legal intricacies.

1. **\*\*Preliminary Steps by Abad\*\***: On July 23, 1979, Elmo S. Abad, having passed the 1978 Bar Exam, proceeded to fulfill certain prerequisites believed to be leading to his official induction into the Philippine Bar. This included paying the Bar Admission Fee, Certification Fee, and Membership Dues for the Integrated Bar of the Philippines.
2. **\*\*Initial Oath Taking Ceremony Incident\*\***: Abad was scheduled for his oath-taking on July 26, 1979. However, this was unexpectedly suspended when Chief Justice Enrique M. Fernando required his response to an unrelated complaint, delaying his formal admission.
3. **\*\*Subsequent Actions by Abad\*\***: Between 1979 and 1981, under the impression of being a bar member in good standing despite not having taken the official oath nor signed the Roll of Attorneys, Abad participated in legal practice. He continued paying membership dues and professional tax receipts, with his name appearing in official Integrated Bar records even as a qualified voter for their elections.
4. **\*\*Supreme Court's Disciplinary Action\*\***: The Supreme Court, upon reviewing the circumstances, determined that Abad's actions constituted contempt of court as they infringed upon the established procedures for becoming a practicing attorney in the Philippines.

### Issues:

1. **\*\*Unauthorized Practice of Law\*\***: Whether Mr. Elmo S. Abad's actions, under the belief of being a member of the Philippine Bar without having fulfilled all requisites, constitutes the unauthorized practice of law.
2. **\*\*Contempt of Court\*\***: Whether the circumstances surrounding Abad's actions amount to contempt of court.

### Court's Decision:

The Philippine Supreme Court adjudged that Elmo S. Abad's assumption of the status of a lawyer without completing the essential steps mandated by the Court (taking the lawyer's oath and signing the Roll of Attorneys) indeed constituted unauthorized practice of law. This misapprehension and subsequent actions amounted to contempt of court, leading to a fine imposed on Abad of Five Hundred Pesos (P500.00), with an alternative sentence of twenty-five (25) days imprisonment upon failure to pay the fine within the stipulated time.

### ### Doctrine:

This case reiterates the essential conditions for the practice of law in the Philippines: the necessity of taking the lawyer's oath before the Supreme Court and signing in the Roll of Attorneys. It underscores the principle that legal practice is a privilege that requires strict compliance with procedural and ethical standards set forth by the legal system.

### ### Class Notes:

- **Unauthorized Practice of Law**: Engaging in legal practice without fulfilling all requirements for bar admission is punishable.
- **Contempt of Court**: Actions that undermine the authority or processes of the court can lead to sanctions, including fines or imprisonment.
- **Admission to the Bar**: Essential steps include passing the bar examination, taking the lawyer's oath, and signing the Roll of Attorneys.
- **Legal Practice Privilege**: Practicing law is a privilege accompanied by stringent procedural and ethical standards.

### ### Historical Background:

This case highlights the rigorous nature of the legal profession in the Philippines, emphasizing that the privilege to practice law is guarded by strict adherence to procedures and ethical conduct. The incident with Elmo S. Abad serves as a cautionary tale for future bar examinees and underscores the judiciary's role in maintaining the integrity of the legal profession.