

****Title: Sophia Alawi vs. Ashary M. Alauya****

****Facts:****

Sophia Alawi, a sales representative for E.B. Villarosa & Co., Ltd., and Ashary M. Alauya, the Executive Clerk of Court of the 4th Judicial Sharia District in Marawi City, were involved in a contractual dispute after Alauya entered a purchase agreement through Alawi for a housing unit and obtained a housing loan from the National Home Mortgage Finance Corporation (NHMFC). Alauya later sought to terminate the contract, citing deceit and misrepresentation by Alawi, and communicated his grievances to Villarosa & Co., NHMFC, and relevant court financial offices, denouncing Alawi's actions.

Upon discovering Alauya's complaints, Alawi filed a verified complaint against him with the Supreme Court, accusing him of making libelous charges, causing undue injury to her reputation, unauthorized use of free postage, and usurping the title of "attorney." Alauya responded, defending his actions as attempts to protect his rights and pointing out inconsistencies and irregularities in his treatment and the contract process.

The case was referred to the Office of the Court Administrator for evaluation, highlighting concerns over Alauya's professional conduct, particularly his use of intemperate language in his communications and his unwarranted assumption of the title "attorney."

****Issues:****

1. Whether Alauya's use of derogatory language in his communications amounted to improper conduct unbecoming of a judicial officer.
2. Whether Alauya's assumption of the title "attorney" constituted unauthorized practice of law or misrepresentation.
3. The legitimacy of Alauya's claim of unauthorized use of the franking privilege.

****Court's Decision:****

The Court reprimanded Alauya for using excessively intemperate, insulting, or virulent language, which was deemed unbecoming of a judicial officer. This behavior was found to be in violation of the Code of Conduct and Ethical Standards for Public Officials and Employees, which mandates public officials to act with propriety, respect for others, and refrain from actions contrary to good morals and public policy.

Furthermore, the Court held that Alauya's use of the title "attorney" was inappropriate, as persons admitted to the Sharia Bar, while considered counselors, do not have the same standing or privileges as those admitted to the Philippine Bar and thus cannot rightfully use

the title “attorney.”

As for the issue of unauthorized use of the franking privilege, the Court found no adequate evidence to support the accusation.

****Doctrine:****

1. Public officials and employees must act with propriety, respect the rights of others, and refrain from conduct contrary to law, good morals, and public policy (Code of Conduct and Ethical Standards for Public Officials and Employees, RA 6713).
2. The title “attorney” is reserved for members of the Philippine Bar in good standing and cannot be used by those who have only been admitted to the Sharia Bar.

****Class Notes:****

- ****Professional Conduct****: Judicial officers must exercise restraint in their language and conduct, maintaining decorum and respect for others at all times.
- ****Titles in the Legal Profession****: The title “attorney” is exclusively for those admitted to the Philippine Bar. Admission to the Sharia Bar does not confer the right to use this title.
- ****Public Service Ethics****: Public officials are bound by ethical standards that mandate respect for the law, good morals, and public interest (RA 6713).

****Historical Background:****

This case underscores the ethical obligations of judicial officers and those associated with the judiciary, reflecting broader issues of professionalism, integrity, and public trust in the legal system. It highlights the stringent standards to which individuals in the legal profession are held, emphasizing the importance of decorum, respect, and propriety in both personal conduct and professional practice.