

Title:

In re: Atty. Marie Frances E. Ramon for Unauthorized Practice of Law

Facts:

The Integrated Bar of the Philippines (IBP) brought an administrative complaint against Atty. Marie Frances E. Ramon following an order issued by the Regional Trial Court Branch 137 of Makati City. The order, dated October 27, 2016, highlighted that Atty. Ramon appeared as a private prosecutor in Criminal Case No. 14-765, disregarding her five-year suspension from the practice of law as previously decided by the Supreme Court in A.C. No. 11078 on July 19, 2016. Despite being duly notified, Atty. Ramon neither submitted a response to the complaint nor attended the mandatory conference.

The IBP Commission on Bar Discipline, upon reviewing the matter, recommended Atty. Ramon's disbarment, especially after considering her prior arrest by the National Bureau of Investigation for selling fake Court of Appeals decisions. Emphasizing the unauthorized practice of law and deceitful conduct, the Commission found Atty. Ramon in violation of Canons 1, 1.02, and 11 of the Code of Professional Responsibility. Initially, the IBP Board of Governors modified the recommended penalty to an indefinite suspension from the practice of law and imposed a fine.

Issues:

1. Whether Atty. Marie Frances E. Ramon is guilty of unauthorized practice of law despite her existing suspension.
2. Whether additional punitive actions can be imposed on Atty. Ramon who had previously been disbarred.

Court's Decision:

The Supreme Court, aligning with the findings of the IBP yet modifying the penalties, concluded that Atty. Ramon indeed engaged in the unauthorized practice of law by defying a suspension order and appearing in court as a private prosecutor. Generally, the Court imposes additional suspensions for the unauthorized practice of law; however, it highlighted that Atty. Ramon had since been disbarred for other misconduct, rendering further suspensions moot. According to the Court, once disbarred, a lawyer cannot be further suspended or disbarred. Nevertheless, for recording purposes, the intended penalty signifies the breach's gravity should Atty. Ramon apply for reinstatement. Additionally, the Court determined Atty. Ramon's failure to comply with the IBP's directives as contemptuous, imposing a P5,000 fine.

Doctrine:

The Supreme Court reiterated that no further penalties can be imposed on a lawyer who has already been disbarred, as the disbarment serves as the ultimate disciplinary action against a member of the Philippine bar. However, the Court retains jurisdiction to sanction a disbarred lawyer for actions committed prior to their disbarment, and these sanctions can affect any potential applications for reinstatement.

Class Notes:

- Unauthorized practice of law during a period of suspension constitutes gross misconduct.
- Disbarment is the ultimate penalty in lawyer's disciplinary actions; further penalties cannot be imposed post-disbarment for acts committed when the lawyer was still entitled to practice.
- Contempt and fine can be imposed on disbarred lawyers for non-compliance with lawful orders related to their prior practice.
- Essential statutes: Section 27, Rule 138 of the Rules of Court regarding grounds for disbarment or suspension from the practice of law.

Historical Background:

Atty. Ramon's case underscores the legal profession's integrity and the stringent consequences for those who eschew the ethical and legal standards governing it. This situation exemplifies the Supreme Court's unwavering stance on maintaining professional conduct and the ramifications of deceit and unauthorized practice. Despite previously being disbarred for separate misconduct, Atty. Ramon's continuation to practice law flagrantly ignored the legal profession's sacrosanct boundaries, leading to further judicial scrutiny and penalties for recording purposes, reinforcing the impermissibility of such actions within the profession's jurisdiction.