

Title: Query of Atty. Karen M. Silverio-Bufte Regarding Engagement in Private Practice of Law Post-Government Service

Facts:

Atty. Karen M. Silverio-Bufte, former Clerk of Court of the Regional Trial Court (RTC), Branch 81, Romblon, Romblon, resigned effective February 1, 2008. Post-resignation, within the one-year prohibition period stipulated in Section 7(b)(2) of R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), she engaged in the private practice of law by appearing as private counsel in several cases before RTC-Branch 81 of Romblon. Atty. Bufte, curious about the legality of her actions, sent a query to the Office of the Court Administrator, which was then referred to the Supreme Court for consideration and action.

The Court found that Atty. Bufte had violated the legal prohibition against engaging in private practice within one year of resigning from public office, given her appearances in multiple cases before the court she had just left. Despite having filed petitions for declaratory relief with the RTC in Manila (which were dismissed), she continued to seek a resolution on her perceived legal quandary.

Issues:

1. Whether Atty. Bufte's engagement in private practice of law post-resignation was in violation of Section 7(b)(2) of R.A. No. 6713.
2. Whether there was a disparity in treatment between an incumbent public official and a resigned or separated public official in the application of R.A. No. 6713.
3. Whether Atty. Bufte showed disrespect towards the law and the professional ethical standards expected of a lawyer.

Court's Decision:

The Supreme Court found Atty. Bufte guilty of professional misconduct, violating both Rule 1.01 of Canon 1 and Canon 7 of the Code of Professional Responsibility. It ruled that Atty. Bufte had unlawfully practiced her profession by appearing before the court she had just left, which constituted an act of disrespect towards the law and undermined the integrity of the legal profession. The Court stressed that public office is a public trust and emphasized the importance of adhering to legal prohibitions designed to remove impropriety in government transactions. It was decided that Atty. Bufte intentionally disregarded Section 7(b)(2) of R.A. No. 6713, and her conduct represented a willful or intentional violation. As a result, she was fined P10,000.00 and sternly warned against repeating the violation or

committing other acts of professional misconduct.

Doctrine:

This case reiterated the principle that public office is a public trust, emphasizing that the ethical standards and legal prohibitions imposed on public officials, both during and post-incumbency, are designed to prevent impropriety and ensure integrity in governmental and judicial transactions. It also clarified the application of Section 7(b)(2) of R.A. No. 6713 on the prohibition of private practice of profession shortly after separation from public service.

Class Notes:

- **Legal Prohibitions for Public Officials**: Public officials are subject to specific prohibitions during and after their term of service, especially concerning engaging in private practice.
- **Section 7(b)(2) of R.A. No. 6713**: Details the restrictions on public officials and employees regarding engaging in the private practice of their profession during and post-incumbency.
- **Code of Professional Responsibility**: Lawyers, whether in public or private practice, are bound by ethical standards that include the responsibility to uphold the constitution, obey the laws of the land, and promote respect for law and legal processes.
- **Doctrine of Public Office as a Public Trust**: The case underscores the doctrine that public office is not just an employment but a public trust, necessitating adhering to the highest standards of ethical conduct.

Historical Background:

The prohibition against the private practice of law for public officials within a specific period after leaving government service is rooted in the principle of maintaining the integrity of public administration and the practice of law. This case reflects the Supreme Court's stance on reinforcing ethical standards for former government officials and underscores the judiciary's role in interpreting and applying ethical standards and legal provisions governing public service conduct.