

****Title:**** Cruz vs. Cabrera, A.M. No. 02-1031

****Facts:****

1. Ferdinand A. Cruz, a fourth-year law student, filed various actions against his neighbors in late 2001 and represented himself in these cases.
2. During a hearing on January 14, 2002, before the Regional Trial Court, Branch 112, Pasay City, Judge Caridad Cuervo presiding, Cruz presented himself for his case.
3. Respondent Atty. Stanley Cabrera, counsel for Cruz's neighbors, questioned Cruz's authority to appear, causing the judge to inquire into Cruz's credentials.
4. Cabrera asserted Cruz was misrepresenting himself as a lawyer, pointing out angrily: "Appear ka ng appear, pumasa ka muna!"
5. Cruz filed an administrative complaint against Cabrera on July 7, 2002, for misconduct and violations of the Code of Professional Responsibility.
6. Cabrera responded, labeling Cruz's complaint a strategy to deter him from representing the Mina family. He claimed Cruz misled the court by appearing in barong tagalog, causing confusion about his status.
7. The Integrated Bar of the Philippines (IBP) investigated and initially recommended a three-month suspension for Cabrera.
8. The IBP Board of Governors later dismissed the case for lack of merit, without clearly stating factual or legal bases in their resolution.
9. The Philippine Supreme Court took up the matter, even though the IBP Board did not follow procedural rules for review and decision.

****Issues:****

1. Whether Cabrera's statement "appear ka ng appear, pumasa ka muna" constituted misconduct under Rule 8.01 of the Code of Professional Responsibility.
2. Whether Cruz, by representing himself, was engaging in unauthorized practice of law, thereby justifying Cabrera's assertion.
3. Whether the IBP Board of Governors properly dismissed the case against Cabrera for lack of merit.

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

1. ****Misconduct under Rule 8.01:**** The Court found that Cabrera's statement, although impolite and uncalled for, did not amount to a significant violation of Rule 8.01. The assertion was deemed a result of frustration and said in the heat of the moment.
2. ****Unauthorized Practice of Law:**** The Court reiterated that self-representation is allowed under Section 34, Rule 138 of the Rules of Court. Cruz, representing himself, did

not equate to unauthorized practice of law because he did not appear habitually for others or for payment.

3. **IBP Board's Procedural Lapse:** The Court noted the IBP Board of Governors failed to comply with procedural requirements in its dismissal. Yet, considering the prolonged period of the case, the Supreme Court resolved it directly based on the records, opting for justice and efficiency.

Doctrine:

1. **Professional Language and Conduct:** Lawyers must maintain professionalism, avoiding abusive, offensive, or improper language.
2. **Self-Representation:** Individuals are allowed to represent themselves legally, as confirmed by Section 34, Rule 138 of the Rules of Court.
3. **Legal Practice Definition:** The practice of law involves habitual or customary services for another typically against remuneration. Self-management of cases does not equate to practicing law.

Class Notes:

1. **Rule 8.01 of Code of Professional Responsibility:** Lawyers must avoid offensive or improper language.
2. **Self-Representation (Sec. 34, Rule 138):** Parties can represent themselves in court. This does not constitute the practice of law.
3. **IBP Procedural Rules (Sec. 12, Rule 139-B):** Board of Governors' resolutions must state facts and legal reasons clearly.

Historical Background:

This case highlights the emphasis laid on maintaining decorum and ethical standards by practicing attorneys in Filipino courts. It underscores the judiciary's role in protecting self-representation rights and correcting procedural oversights, promoting fairness and justice.