

### ### Title

Teofilo Paar vs. Fortunato V. Borromeo et al., G.R. No. L-79 Phil. 344

### ### Facts

Teofilo Paar was charged with treason before the People's Court in Manila, Philippines. During the pre-trial stage, Paar sought permission for Andres R. Camasura, who was not a licensed attorney, to assist in his defense. The People's Court denied his request. Consequently, Paar filed for a writ of mandamus to compel the court to allow Camasura's assistance.

### ### Procedural History

1. **People's Court**: Teofilo Paar was charged with treason.
2. **Petition Filed**: Paar requested that Andres R. Camasura represent him, despite Camasura not being a member of the bar.
3. **Denial**: The People's Court denied the petition based on existing legal provisions.
4. **Action for Mandamus**: Paar subsequently filed this mandamus action to the Supreme Court of the Philippines.

### ### Issues

1. Whether Teofilo Paar could be assisted by Andres R. Camasura, a non-lawyer, in his defense before the People's Court.
2. The interpretation and applicability of Sections 3 and 4 of Rule 112 and Sections 29 and 31 of Rule 127 with respect to legal representation by non-lawyers.

### ### Court's Decision

#### **Issue 1: Assistance by Non-Lawyer**

The Supreme Court held that in Manila, where many licensed attorneys are available, representation in the People's Court must be by duly certified members of the bar. Consequently, the request to be assisted by a non-member of the bar was rightly denied.

#### **Issue 2: Interpretation of Legal Provisions**

- **Section 3, Rule 112** ensures that a defendant is informed of his right to counsel and provided one if unable to afford it. The court must assign an attorney for free for those who cannot employ one.
- **Section 4, Rule 112** and **Sections 29 and 31, Rule 127** clarify that:
  - In justice of the peace courts, individuals may represent themselves or be assisted by an agent, friend, or attorney.

- In all other courts, representation must be personal or by a duly licensed attorney.
- The People's Court, being a higher court, falls under the requirement of attorney representation as per the Bar.

The Supreme Court denied the petition, affirming that proper legal representation by licensed attorneys is mandatory in sophisticated criminal cases in Manila.

### ### Doctrine

The case reaffirmed that legal representation in the People's Court (and by extension higher courts) must be by licensed members of the bar where such members are available. The court underscored the necessity of professional legal aid to ensure the ends of justice.

### ### Class Notes

- **Key Elements**:
- Right to Counsel: Defendants must be informed of their right to a lawyer.
- Assigned Counsel: Courts must assign a lawyer if a defendant cannot afford one.
- Court Representation: In superior courts, representation must be by a licensed attorney.
- **Key Statutes**:
- Section 3, Rule 112: "The defendant must be informed of their right to an attorney and be provided one if unable to employ an attorney."
- Section 4, Rule 112: "Assigned attorneys must be licensed members of the Bar unless unavailable in the province."
- Section 31, Rule 127: "Litigation in superior courts must be by personal representation or by a duly licensed attorney."

### ### Historical Background

Post World War II, treason trials were prominent due to allegations of collaboration with Japanese occupiers. The People's Court was established to prosecute such treason cases. This period was marked by significant legal and societal transformations, necessitating clear judicial interpretations and enforcement of legal standards, particularly in criminal justice involving alleged collaborators. This context highlights the emphasis on ensuring professional legal defense in grave charges like treason.