

### Title:

\*\*Office of the Court Administrator vs. Atty. Misael M. Ladaga\*\*

## Facts:

1. \*\*August 31, 1998\*\*: Atty. Misael M. Ladaga, Branch Clerk of Court of RTC Makati, Branch 133, requested authority from the Court Administrator, Justice Alfredo L. Benipayo, to appear as pro bono counsel for his cousin, Narcisa Naldoza Ladaga, in Criminal Case No. 84885 (People vs. Narcisa Naldoza Ladaga) for falsification of a public document.
2. \*\*September 2, 1998\*\*: Lisa Payoyo Andres, private complainant in the criminal case, requested certification from the Court Administrator regarding Atty. Ladaga's authority to appear in said case.
3. \*\*September 7, 1998\*\*: The Office of the Court Administrator referred the matter to Atty. Ladaga for comment.
4. \*\*September 14, 1998\*\*: Atty. Ladaga responded, admitting his unauthorized appearance, justified by the financial incapacity of his cousin and the adversarial stance of the powerful family of the private complainant.
5. \*\*December 8, 1998\*\*: The Court issued a resolution denying Atty. Ladaga's request for authorization and directed the Office of the Court Administrator to file formal charges against him.
6. \*\*January 25, 1999\*\*: The Court Administrator filed an administrative complaint against Atty. Ladaga for violating Sec. 7(b)(2) of RA No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), prohibiting private practice without authorization.
7. \*\*February 9, 1999\*\*: The Supreme Court required Atty. Ladaga to comment on the complaint.
8. \*\*May 4-15, June 18, July 13, August 5, 1998\*\*: Atty. Ladaga attended and represented his cousin in court during these dates, filing corresponding leave applications.
9. \*\*June 22, 1999\*\*: Supreme Court noted Atty. Ladaga's comment and referred the administrative case to Executive Judge Josefina Guevarra-Salonga for investigation, report, and recommendation.

10. **September 29, 1999**: Judge Salonga recommended a reprimand with a stern warning for Atty. Ladaga after confirming his appearances without prior court authorization but acknowledged it was his first offense and acts were pro bono.

**## Issues:**

1. **Whether Atty. Misael M. Ladaga engaged in the private practice of law without authorization in violation of Sec. 7(b)(2) of RA No. 6713 and Sec. 35, Rule 138 of the Revised Rules of Court.**

2. **Whether Atty. Ladaga's actions, constituting an isolated incident of professional legal service for his cousin, amounted to "private practice" under legal prohibitions.**

**## Court's Decision:**

1. **Private Practice of Law**:

The Court held that Atty. Ladaga's appearances were isolated and did not constitute "private practice" of law as defined under Sec. 35, Rule 138, and jurisprudence. The Court referenced *People vs. Villanueva*, explaining that private practice implies habitual or customary conduct, not isolated incidents.

2. **Permission Requirement**:

Although Atty. Ladaga did not violate the prohibition ostensibly against private practice, he failed to secure prior written authorization from the head of the Department (the Supreme Court) to appear in court as required under Sec. 12, Rule XVIII of the Revised Civil Service Rules.

3. **Reprimand and Warning**:

Atty. Ladaga was reprimanded for his failure to obtain proper authorization before appearing in court, with a stern warning that any repetition would be met with more severe consequences.

**## Doctrine:**

1. **Private Practice Defined**:

Private practice of law involves frequent or habitual acts and holding one's self out to the public as a legal professional for compensation. Isolated incidents of legal representation do not constitute private practice.

2. **Civil Service Rules**:

Civil servants must obtain written permission from their department's head before engaging

in any outside profession, ensuring public duties are not compromised.

**## Class Notes:**

- **\*\*Key Elements/Concepts\*\*:**

- **\*\*Private Practice\*\*:** Defined as habitual or continuous provision of legal services to the public for compensation, not isolated court appearances.

- **\*\*Authorization Requirement\*\*:** Public officials must secure written permission from their department head before engaging in the private practice of their profession.

- **\*\*Relevant Legal Statutes/Provisions\*\*:**

- **\*\*Sec. 7(b)(2), RA No. 6713\*\*:**

- Prohibits private practice of profession by public officials/employees without proper authorization.

- **\*\*Sec. 35, Rule 138, Revised Rules of Court\*\*:**

- Prohibits certain judicial employees from engaging in private practice.

- **\*\*Sec. 12, Rule XVIII, Revised Civil Service Rules\*\*:**

- Requires written permission from the head of the Department for public officials engaging in private business or profession.

**## Historical Background:**

In the context of maintaining ethical standards among public officials and avoiding conflicts of interest, the Philippine government enforces rules to restrict public servants from engaging in private professions without due authorization. This case exemplifies the judiciary's vigilance in upholding such principles, reinforcing the necessity for public officials to prioritize their duties over private professional engagements.