

IN RE ATTY. EMMANUEL S. TIPON, RESPONDENT.

Adm. Case No. 669. October 18, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

The Postmaster General in a first indorsement to the Chief Justice dated May 17, 1965 transmitted certain papers purporting to show that Atty. Emmanuel S. Tipon (admitted to the bar in 1956) might have violated the lawyer's oath for having imported the magazine Playboy, which was considered as non-mailable matter.

In this Court's resolution of May 31, 1965 action on the complaint of the Postmaster General was deferred until after Civil Case No. 3898-III of the Court of First Instance of Ilocos Norte entitled "Emmanuel S. Tipon vs. Belarmino P. Navarro and Enrico Palomar" (Assistant Postmaster General and Postmaster General, respectively) is decided.

That case was a mandamus action filed by Atty. Tipon in 1964 in Ilocos Norte against the Postmaster General and his assistant. In a decision dated March 19, 1966 the court dis-missed the action for lack of jurisdiction or improper venue. So, that decision is not determinative of the question of whether or not the complaint of the Postmaster General should be given due course.

What is decisive is the second indorsement dated July 5, 1967 of Hon. Antonio V. Raquiza, Secretary of Public Works and Communications, who, as Department Head, exercised direct control, direction, and supervision over the Bureau of Posts.

In that indorsement Secretary Raquiza rendered the opinion that Playboy magazine cannot be characterized as obscene and that it can be carried and deposited in Philippine mails.

The Secretary said that he scrutinized the background of Atty. Tipon, a 1955 law graduate of the University of the Philippines who placed third in the bar examinations, a Fulbright-Smith-Mundt scholar, and a holder of the Master of Laws degree from the Yale Law School. The Secretary concluded that "there is absolutely no evidence to show that Atty. Tipon had violated or intended to violate the postal laws, the lawyer's oath or the Canons of Legal Ethics".

Secretary Raquiza requested that the Postmaster General's complaint of May 17, 1965 be considered withdrawn.

WHEREFORE, this case is considered closed for having become moot and academic.

SO ORDERED.

Barredo, (Acting Chairman), Antonio, Concepcion, Jr., and Santos, JJ., concur.
Fernando, J., no part.

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