

TEOFILO PAAR, PETITIONER, VS. FORTUNATO V. BORROMEO ET AL., RESPONDENTS.

G.R. No. L-1582. October 10, 1947

Ponente: MORAN, C.J.

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MORAN, C.J.:

Teofilo Paar is charged in Manila with treason before the People's Court, and prayed that he be assisted in his defense by Andres R. Camasura who is not a member of the bar. The People's Court denied the petition, hence, this action for mandamus.

Sections 3 and 4 of Rule 112 are as follows:

"SEC. 3. Duty of court to inform defendant of his right to have attorney.—If the defendant appears without attorney, he must be informed by the court that it is his right to have attorney before being arraigned, and must be asked if he desires the aid of attorney. If he desires and is unable to employ attorney, the court must assign attorney de oficio to defend him. A reasonable time must be allowed for procuring attorney.

"SEC. 4. Who may be appointed attorney 'de oficio.'—The attorney so employed or assigned must be a duly authorized member of the Bar. But in provinces where duly authorized members of the bar are not available, the court may, in its discretion, admit or assign a person, resident in the province and of good repute for probity and ability, to aid the defendant in his defense, although the person so admitted or assigned be not a duly authorized member of the Bar."

Sections 29 and 31 of Rule 127 read:

"SEC. 29. Attorneys for destitute litigants.—'A superior court may assign an attorney to render professional aid free of charge to any party in a case, if upon investigation it appears that the party is destitute and unable to employ an attorney, and that the services of counsel are necessary to secure the ends of justice and to protect the rights of the party. It shall be the duty of the attorney so assigned to render the required service, unless he is excused there from by the court for sufficient cause shown.'

"SEC. 31. By whom litigation conducted.—In the court of a justice of the peace a party may conduct his litigation in person, with the aid of an agent or friend appointed by him for that purpose, or with the aid of an attorney. In any other court a party may conduct his litigation personally or by aid of an attorney, and his appearance must be either personal or by a duly authorized member of the bar."

It is clear from these provisions that in Manila where there are many members of the bar, defendants in the People's Court may be assisted only by members of the bar.

Petition denied, without costs.

Paras, Feria, Perfecto, Hilado, Bengzon, Briones, Padilla, and Tuason, JJ., concur.

MORAN, C.J.:

I certify that Mr. Justice Pablo concurs in this decision.

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