

SURIGAO MINERAL RESERVATION BOARD, ET AL., PETITIONERS, VS. HON. GAUDENCIO CLORIBEL, ETC., ET AL., RESPONDENTS.

G.R. No. L-27072. January 09, 1970

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

After the July 31, 1968 decision of this Court adverse to respondent MacArthur International Minerals Co., the Solicitor General brought to our attention statements of record purportedly made by Vicente L. Santiago, Erlito R. Uy, Graciano Regala, and Jose Beltran Sotto, members of the Bar, with the suggestion that disciplinary action be taken against them. On November 21, 1968, this Court issued a show-cause order.

The following statements, so the Solicitor General avers, are set forth in the memoranda personally signed by Atty. Jose Beltran Sotto:

"a. 'They (petitioners, including the Executive Secretary) have made these false, ridiculous and wild statements in a desperate attempt to prejudice the courts against MacArthur International. Such efforts could be accurately called "scattershot desperation" (Memorandum for Respondents dated March 27, 1968, pp. 13-14, three lines from the bottom of page 13 and first line page 14).

b. 'Such a proposition is corrupt on its face and it lays bare the immoral and arrogant attitude of the petitioners.' (Respondents' Supplemental Memorandum and Reply to Petitioner's Memorandum Brief, dated April 13, 1968, p. 16, last two lines on bottom of the page).

c. 'The herein petitioners x x x opportunistically change their claims and stories not only from case to case but from pleading to pleading in the same case.' (Respondents' Supplemental Memorandum, Ibid, p. 17, sixth, seventh and eighth lines from bottom of the page)."

MacArthur's third motion for reconsideration signed by Atty. Vicente L. Santiago, on his behalf and purportedly for Attys. Erlito R. Uy, Graciano Regala and Associates, and Jose B. Sotto, the Solicitor General points out, contain the following statements:

"d. 'x x x; and [the Supreme Court] has overlooked the applicable law due to the misrepresentation and obfuscation of the petitioners' counsel.' (Last sentence, par. 1, Third Motion for Reconsideration dated Sept. 10, 1968).

e. 'x x x Never has any civilized, democratic tribunal ruled that such a gimmick (referring to the "right to reject any and all bids") can be used by vulturous executives to cover up and excuse losses to the public, a government agency or just plain fraud * * and it is thus difficult, in the light of our upbringing and schooling, even under many of the incumbent justices, that the Honorable Supreme Court intends to create a decision that in effect does precisely that in a most absolute manner.' (Second sentence, par. 7, Third Motion for Reconsideration dated Sept. 10, 1968)."

The motion to inhibit filed on September 21, 1968 - after judgment herein was rendered - and signed by Vicente L. Santiago for himself and allegedly for Attys. Erlito R. Uy and Graciano, Regala and Associates, asked Mr.

Chief Justice Roberto Concepcion and Mr. Justice Fred Ruiz Castro to inhibit themselves from considering, judging and resolving the case or any issue or aspect thereof retroactive to January 11, 1967. The motion charges "[t]hat the brother of the Honorable Associate Justice Castro is a vice-president of the favored party who is the chief beneficiary of the false, erroneous and illegal decision dated January 31, 1968" and the ex parte preliminary injunction rendered in the above-entitled case, the latter in effect prejudging and predetermining this case even before the joining of an issue. As to the Chief Justice, the motion states [t]hat the son of the Honorable Chief Justice Roberto Concepcion was given a significant appointment in the Philippine Government by the President a short time before the decision of July 31, 1968 was rendered in this case." The appointment referred to was as secretary of the newly-created Board of Investments. The motion presents a lengthy discourse on judicial ethics, and makes a number of side comments projecting what is claimed to be the patent wrongfulness of the July 31, 1968 decision. It enumerates "incidents" which, according to the motion, brought about respondent Mac-Arthur's belief that "unjudicial prejudice" had been caused it and that there was "unjudicial favoritism" in favor of "petitioners, their appointing authority and a favored party directly benefited by the said decision." The "incidents" cited are as follows:

- "(a) said decision is in violation of the law, which law has not been declared unconstitutional.
- (b) said decision ignores totally the applicable law in the above-entitled case.
- (c) said decision deprives respondent of due process of law and the right to adduce evidence as is the procedure in all previous cases of this nature.
- (d) due course was given to the unfounded certiorari in the first place when the appeal from a denial of a motion to dismiss was and is neither new nor novel nor capable of leading to a wholesome development of the law - but only served to delay respondent for the benefit of the favored party.
- (e) the preliminary injunction issued herein did not maintain the status quo but destroyed it, and the conclusion cannot be avoided that it was destroyed for a reason, not for no reason at all.
- (f) there are misstatements and misrepresentations in the said decision which the Honorable Supreme Court has refused to correct.
- (g) the two main issues in the said decision were decided otherwise in previous decisions, and the main issue 'right to reject any or all bids' is being treated on a double standard basis by the Honorable Supreme Court.
- (h) the fact that respondent believes that the Honorable Supreme Court knows better and has greater understanding than the said decision manifests.
- (i) the public losses (sic) one hundred and fifty to two hundred million dollars by said decision - without an effort by the Honorable Supreme Court to learn all the facts through pre-sentation through the trial court, which is elementary."

On November 21, 1968, Atty. Vicente L. Santiago, again for himself and Attys. Erlito R. Uy and Graciano Regala and Associates, in writing pointed out to this Court that the statements specified by the Solicitor General were either quoted out of context, could be defended, or were comments legitimate and justifiable. Concern he expressed for the fullest defense of the interests of his clients. It was stressed that if MacArthur's attorney could not plead such thoughts, his client would be deprived of due process of law. However, counsel sought to change the words "Chief Justice" to "Supreme Court" appearing on line 7, paragraph 2 of the motion to inhibit. Atty. Santiago also voluntarily deleted paragraph 6 of the said motion, which in full reads:

"6. Unfortunately for our people, it seems that many of our judicial authorities believe that they are the chosen messengers of God in all matters that come before them, and that no matter what the circumstances are, their

judgment is truly ordained by the Almighty unto eternity. Some seem to be constitutionally incapable of considering that any emanation from their mind or pen could be the product of unjudicial prejudice or unjudicial sympathy or favoritism for a party or an issue. Witness the recent absurdity of Judge Alikpala daring to proceed to judge a motion to hold himself in contempt of court - seemingly totally oblivious or uncomprehending of the violation of moral principle involved – and also of judge Geraldez who refuses to inhibit himself in judging a criminal case against an accused who is also his correspondent in two other cases. What is the explanation for such mentality? Is it outright dishonesty? Lack of intelligence? Serious deficiency in moral comprehension? Or is it that many of our government officials are just amoral?"

And, in addition, he attempted to explain further subparagraphs (f) and (h) of paragraph 7 thereof.

It was on December 2, 1968 that Atty. Vicente L. Santiago filed his compliance with this Court's resolution of November 21, 1968. He there stated that the motion to inhibit and third motion for reconsideration were of his exclusive making and that he alone should be held responsible therefor. He further elaborated on his explanations made on November 21, 1968.

On December 5, 1968, he supplemented his explanations by saying that he already deleted paragraph 6 of the Motion to Inhibit heretofore quoted from his rough draft but that it was still included through inadvertence.

On March 1, 1969, Atty. Vicente L. Santiago, as counsel for MacArthur, registered an amended motion to inhibit. While it repeats the prayer that Mr. Chief Justice Concepcion and Mr. Justice Castro inhibit themselves, it left but three paragraphs of the original motion to inhibit, taking out the dissertation on judicial ethics and most of the comments attacking the decision of this Court of July 31, 1968.

On the part of Atty. Jose Beltran Sotto, it must be stated that as early as October 7, 1968, he insisted in withdrawing his appearance in this case as one of the lawyers of MacArthur. His ground was that he did not agree with the filing of the motion to inhibit the two justices. According to him, "[t]he present steps (sic) now being taken is against counsel's upbringing and judicial conscience."

In Atty. Jose Beltran Sotto's return of November 29, 1968, he took pains to say that the questioned statements he made were also taken out of context and were necessary for the defense of his client MacArthur. He made the admission, though, that those statements lifted out of context would indeed be sufficient basis for a finding that Section 20(f), Rule 138, had been violated.

On January 8, 1969, additional arguments were filed by Atty. Jose Beltran Sotto. He there averred that the Supreme Court had no original jurisdiction over the charge against him because it is one of civil contempt against a party and the charge is originally cognizable by the Court of First Instance under Sections 4 and 10, Rule 71 of the Rules of Court. He also stressed that said charge was not signed by an "offended party or witness", as required by law; and that the Solicitor General and his assistants could not stand in the stead of an "offended party or witness."

We now come to Atty. Graciano C. Regala. In his explanation of December 2, 1968, as further clarified by a supplemental motion of December 27, 1968, he manifested that the use of or reference to his law firm in this case was neither authorized nor consented to by him or any of his associates; that on July 14, 1967, one Morton F. Meads, in MacArthur's behalf, offered to retain his services, which was accepted; that Meads inquired from him whether he could appear in this case; that he advised Meads that this case was outside his professional competence and referred Meads to another lawyer who later on likewise turned down the offer; that in view of the rejection, Meads and he agreed to terminate their previous retainer agreement; that he had not participated in any manner in the preparation or authorship of any pleading or any other document in connection with this case.

On February 4, 1969, Atty. Erlito R. Uy explained his side of the case. In brief, he denied participation in any of

the court papers subject of our November 21, 1968 order; claimed that he was on six months' leave of absence from July 1, 1968 to December 31, 1968 as one of the attorneys for MacArthur but that he gave his permission to have his name included as counsel in all of MacArthur's pleadings in this case (L-27072), even while he was on leave of absence.

Hearing on this contempt incident was had on March 3, 1969.

A second contempt proceeding arose when, on July 14, 1960, respondent MacArthur, through new counsel, Atty. Juanito M. Caling who entered a special appearance for the purpose, lodged a fourth motion for reconsideration without express leave of court. Said motion reiterated previous grounds raised, and contained the following paragraphs:

"4. The said decision is illegal because it was penned by the Honorable Chief Justice Roberto Concepcion when in fact he was outside the borders of the Republic of the Philippines at the time of the Oral Argument of the above entitled case -- which condition is prohibited by the New Rules of Court -- Section 1, Rule 51, and we quote: 'Justices; who may take part. -- X X X X. only those members present when any matter is submitted for oral argument will take part in its consideration and adjudication X X'. This requirement is especially significant in the present instance because the member who penned the decision was the very member who was absent for approximately four months or more. This pro-vision also applies to the Honorable Justices Claudio Teehankee and Antonio Barredo.

x x x

6. That if the respondent MacArthur International Minerals Company abandons its quest for justice in the Judiciary of the Philippine Government, it will inevitably either raise the graft and corruption of Philippine Government officials in the bidding of May 12, 1965, required by the Nickel Law to determine the operator of the surigao nickel deposits, to the World Court on grounds of deprivation of justice and confiscation of property and/or to the United States Government, either its executive or judicial branches or both, on the grounds of confiscation of respondent's proprietary vested rights by the Philippine Government without either compensation or due process of law -- and invoking the Hickenlooper Amendment requiring the cutting off of all aid and benefits to the Philippine Government, including the sugar price premium, amounting to more than fifty million dollars annually, until restitution or compensation is made."

This elicited another resolution from this Court on July 18, 1969, requiring Atty. Juanito M. Caling "to show cause within five (5) days from receipt of notice hereof why he should not be dealt with for contempt of court."

On July 30, 1969, Atty. Juanito M. Caling filed his return. He there alleged that the said fourth motion for reconsideration was already finalized when Atty. Vicente L. Santiago came to his office and requested him to accommodate MacArthur by signing the motion; that he turned down said request twice on the ground that he did not know anything about the case, much less the truth of the allegations stated in the motion; that "the allegations in said motion were subsequently explained to the undersigned counsel together with the background of the case involved by Atty. Vicente L. Santiago and by one Morton F. Meads"; that upon assurance that there was nothing wrong with the motion he was persuaded in good faith to sign the same; that he was misled in so signing and the true facts of the allegations were not revealed to him especially the oral argument allegedly made in the case.

Because of the foregoing explanation by Atty. Caling, this Court, on August 4, 1969, resolved "to require Atty. Vicente L. Santiago and Morton Meads to file in writing their answer to the said return [of Atty. Caling] and at the same time to show cause why they, Atty. Vicente L. Santiago and Morton Meads, should not be dealt with for contempt of court, on or before August 16, 1969; and x x x to direct that the three, Atty. Juanito M. Caling, Atty. Vicente L. Santiago, and Morton Meads, personally appear before this Court on Thursday, August 27, 1969, at 9:30 a.m., on which date the contempt proceedings against all of them will be heard by this Court."

On August 13, 1969, Atty. Vicente L. Santiago gave his explanation. He disavowed the truth of Atty. Caling's statement that he (Santiago) convinced Caling to sign the motion. The truth, according to Santiago, is that one day Morton Meads went to his office and asked him if he knew of a lawyer nearby who could help him file another motion for reconsideration, and he (Santiago) mentioned Atty. Caling; he thereupon accompanied Meads to Caling, told Caling of Meads' desire and left Meads with Caling. Santiago insists that he never prepared the motion and that he never even read it.

On August 15, 1969, Morton Meads answered. Meads' version is as follows: On July 14, 1969, he went to Atty. Santiago's office with the fourth motion for reconsideration which he himself prepared. Santiago started to read the motion and in fact began to make some changes in pencil in the first or second paragraph when Meads told him that MacArthur wanted a new lawyer, not Santiago, to file the same. Meads asked Santiago if he could recommend one. They then went to Caling whose office was on the same floor. Santiago introduced Meads to Caling at the same time handing the fourth motion to Caling. While Caling was reading the document, Santiago left. After reading the motion, Caling gave his go-signal. He signed the same after his name was typed therein. The motion was then filed. According to Meads, from the time he entered the office of Santiago to the time the motion was filed, the period that elapsed was approximately one hour and a half. Santiago was with Caling for about three minutes and Meads was with Caling for about fifteen minutes.

In defending himself from the contempt charge, Meads asserts that the quotation from the Rules of Court set forth in the fourth motion for reconsideration has not been taken out of context because said quotation is precisely accurate; that the "xs" indicate that it is not a complete quotation and that it is a common practice in court pleadings to submit partial quotations. Meads further contends that the announced plan to bring the case to the World Court is not a threat. In fact, his answer also included a notice of appeal to the World Court.

On August 27, 1969, this Court heard Attys. Vicente L. Santiago and Juanito Caling and Morton Meads in oral argument with respect to the second contempt incident.

We shall now discuss the first and second contempt incidents seriatim.

1. We start with the case of Atty. Vicente L. Santiago. In his third motion for reconsideration, we, indeed, find language that is not to be expected of an officer of the courts. He pictures petitioners as "vulturous executives". He speaks of this Court as a "civilized, democratic tribunal", but by innuendo would suggest that it is not.

In his motion to inhibit, his first paragraph categorizes our decision of July 31, 1968 as "false, erroneous and illegal" in a presumptuous manner. He there charges that the ex parte preliminary injunction we issued in this case prejudiced and predetermined the case even before the joining of an issue. He accuses in a reckless manner two justices of this Court for being interested in the decision of this case: Associate Justice Fred Ruiz Castro, because his brother is the vice president of the favored party who is the chief beneficiary of the decision, and Chief Justice Roberto Concepcion, whose son was appointed secretary of the newly-created Board of Investments, "a significant appointment in the Philippine Government by the President, a short time before the decision of July 31, 1968 was rendered." In this backdrop, he proceeds to state that "it would seem that the principles thus established [the moral and ethical guidelines for inhibition of any judicial authority] by the Honorable Supreme Court should first apply to itself." He puts forth the claim that lesser and further removed conditions have been known to create favoritism, only to conclude that there is no reason for a belief that the conditions obtaining in the case of the Chief Justice and Justice Castro "would be less likely to engender favoritism or prejudice for or against a particular cause or party." Implicit in this at least is that the Chief Justice and Justice Castro are insensible to delicadeza, which could make their actuation suspect. He makes it plain in the motion that the Chief Justice and Justice Castro not only were not free from the appearance of impropriety but did arouse suspicion that their relationship did affect their judgment. He points out that courts must be above suspicion at all times like Caesar's

wife, warns that loss of confidence for the Tribunal or a member thereof should not be allowed to happen in our country, "although the process has already begun.

It is true that Santiago voluntarily deleted paragraph 6 which contained language that is as disrespectful. But we cannot erase the fact that it has been made. He explained that he deleted this paragraph in his rough draft, which paragraph was included in the motion filed in this Court only because of mere inadvertence. This explanation does not make much of a distinguishing difference; it erects no shield. Not only because it was belatedly made but also because his signature appeared on the motion to inhibit which included paragraph 6. And this paragraph 6 describes with derision "many of our judicial authorities" who "believe that they are the chosen messengers of God in all matters that come before them, and that no matter what the circumstances are, their judgment is truly ordained by the Almighty unto eternity." It depicts them as seemingly "incapable of considering that any emanation from their mind or pen could be the product of unjudicial prejudice or unjudicial sympathy or favoritism for a party or an issue." After citing acts of two judges of first instance, he paused to ask: "What is the explanation for such mentality? Is it outright dishonesty? Lack of intelligence? Serious deficiency in moral comprehension? Or is it that many of our government officials are just amoral?"

Paragraph 7 also of the motion to inhibit repeated mention of "unjudicial prejudice" against respondent MacArthur and spoke of "unjudicial favoritism" for petitioners, their appointing authority and a favored party directly benefited by the decision. Paragraph 8 is a lecture on judicial ethics. Paragraph 9 is a warning to this Court about loss of confidence, and paragraph 10 makes a sweeping statement that "any other justices who have received favors or benefits directly or indirectly from any of the petitioners or members of any board-petitioner, or their agents or principals, including the President", should also inhibit themselves.

What is disconcerting is that Atty. Santiago's accusations have no basis in fact and in law. The slur made is not limited to the Chief Justice and Mr. Justice Castro. It sweepingly casts aspersion on the whole court. For, inhibition is also asked of, we repeat, "any other justices who have received favors or benefits directly or indirectly from any of the petitioners or any members of any board-petitioner or their agents or principals, including the President." The absurdity of this posture is at once apparent. For one thing, the justices of this Court are appointed by the President and in that sense may be considered to have each received a favor from the President. Should these justices inhibit themselves every time a case involving the Administration crops up? Such a thought may not certainly be entertained. The consequence thereof would be to paralyze the machinery of this Court. We would in fact, be wreaking havoc on the tripartite system of government operating in this country. Counsel is presumed to know this. But why the unfounded charge? There is the not-too-well concealed effort on the part of a losing litigant's attorney to downgrade this Court,

The mischief that stems from all of the foregoing gross disrespect is easy to discern. Such disrespect detracts much from the dignity of a court of justice. Decidedly not an expression of faith, counsel's words are intended to create an atmosphere of distrust, of disbelief. We are thus called upon to repeat what we have said in *Rheem of the Philippines vs. Ferrer* (1967), 20 SCRA 441, 444, as follows: "By now, a lawyer's duties to the Court have become commonplace. Really, there could hardly be any valid excuse for lapses in the observance thereof. Section 20(b), Rule 138 of the Rules of Court, in categorical terms, spells out one such duty: 'To observe and maintain the respect due to the courts of justice and judicial officers.' As explicit is the first canon of legal ethics which pronounces that '[i]t is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance.' That same canon, as a corollary, makes it peculiarly incumbent upon lawyers to support the courts against 'unjust criticism and clamor.' And more. The attorney's oath solemnly binds him to a conduct that should be 'with all good fidelity x x x to the courts.' Worth remembering is that the duty of an attorney to the courts 'can only be

maintained by rendering no service involving any disrespect to the judicial office which he is bound to uphold."

A lawyer is an officer of the courts; he is, "like the court itself, an instrument or agency to advance the ends of justice." [1] His duty is to uphold the dignity and authority of the courts to which he owes fidelity, "not to promote distrust in the administration of justice." [2] Faith in the courts a lawyer should seek to preserve. For, to undermine the judicial edifice "is disastrous to the continuity of government and to the attainment of the liberties of the people." [3] Thus has it been said of a lawyer that "[a]s an officer of the court, it is his sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice." [4]

It ill behooves Santiago to justify his language with the statement that it was necessary for the defense of his client. A client's cause does not permit an attorney to cross the line between liberty and license. Lawyers must always keep in perspective the thought that "[s]ince lawyers are administrators of justice, oath-bound servants of society, their first duty is not to their clients, as many suppose, but to the administration of justice; to this, their clients' success is wholly subordinate; and their conduct ought to and must be scrupulously observant of law and ethics." [5] As rightly observed by Mr. Justice Malcolm in his well-known treatise, a judge from the very nature of his position, lacks the power to defend himself and it is the attorney, and no other, who can better or more appropriately support the judiciary and the incumbent of the judicial position. [6] From this, Mr. Justice Malcolm continued to say: "It will of course be a trying ordeal for attorneys under certain conditions to maintain respectful obedience to the court. It may happen that counsel possesses greater knowledge of the law than the justice of the peace or judge who presides over the court. It may also happen that since no court claims infallibility, judges may grossly err in their decisions. Nevertheless, discipline and self-restraint on the part of the bar even under adverse conditions are necessary for the orderly administration of justice." [7]

The precepts, the teachings, the injunctions just recited are not unfamiliar to lawyers. And yet, this Court finds in the language of Atty. Santiago a style that undermines and degrades the administration of justice. The stricture in Section 3(d) of Rule 71 of the Rules - against improper conduct tending to degrade the administration of justice - [8] is thus transgressed. Atty. Santiago is guilty of contempt of court.

1. We next take the case of Atty. Jose Beltran Sotto. We analyze the statements pointed out to us by the Solicitor General hereinbefore quoted. Sotto accuses petitioners of having made "false, ridiculous and wild statements in a desperate attempt to prejudice the courts against MacArthur." He brands such efforts as "scattershot desperation". He describes a proposition of petitioners as "corrupt on its face", laying bare "the immoral and arrogant attitude of the petitioners." He charges petitioners with opportunistically changing their claims and stories not only from case to case but from pleading to pleading in the same case. Such language is not arguably protected; it is the surfacing of a feeling of contempt towards a litigant; it offends the court before which it is made. It is no excuse to say that these statements were taken out of context. We have analyzed the lines surrounding said statements. They do not in any manner justify the inclusion of offensive language in the pleadings. It has been said that "[a] lawyer's language should be dignified in keeping with the dignity of the legal profession." [9] It is Sotto's duty as a member of the Bar "[t]o abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged." [10]

Not far from the case of Atty. Sotto is *People vs. Young*, 83 Phil. 702, 708, where counsel for the accused convicted of murder made use of the following raw language in his brief: "The accused since birth was a poor man and a son of a poor farmer, that since his boyhood he has never owned a thousand pesos in his own name. Now, here comes a chance for him. A cold fifty thousand bucks in exchange of a man's life. A simple job. Perhaps a question of seconds' work and that would transform him into a new man. Once in a small nipa shack, now in a palatial mansion! This poor ignorant man blinded by the promise of wealth, protection and stability was given to

do the forbidden deed." We there held that "[s]uch a plea is a disgrace to the bar and an affront to the court."

It will not avail Sotto any to say that the Solicitor General or his assistants may not be considered offended parties in this case. This Court may *motu proprio* start proceedings of this nature. There should be no doubt about the power of this Court to punish him for contempt under the circumstances. For, inherent in courts is the power "[t]o control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a case before it, in every manner appertaining thereto." [11]

We, accordingly, hold that Atty. Jose Beltran Sotto has misbehaved, under Section 3(a), Rule 71 of the Rules of Court, as an officer of the court in the performance of his official duties; and that he too has committed, under Section 3(d) of the same rule, improper conduct tending to degrade the administration of justice. He is, therefore, guilty of contempt.

1. Not much need be said of the case of Atty. Graciano C. Regala. It was improper for Atty. Santiago to have included the name of the firm of Atty. Regala without the latter's knowledge and consent. Correctly did Regala insist - and this is confirmed by the other lawyers of respondents - that he had not participated in any way in the pleadings of the above-entitled case. Regala did not even know that his name was included as co-counsel in this case. He is exonerated.

2. Last to be considered with respect to the first contempt incident is the case of Atty. Erlito R. Uy. Borne out by the record is the fact that Atty. Uy was not also involved, in the preparation of any of the pleadings subject of the contempt citation. He should be held exempt from contempt.

3. We now turn our attention to the second contempt incident. The fourth motion for reconsideration is, indeed, an act of contumacy.

First. It was filed without express leave of court. No explanation has been made why this has been done.

Second. It lifted Section 1, Rule 51, Rules of Court, out of context. Said Section 1 was quoted as follows: "Justices; who may take part. -- X X X X. only those members present when any matter is submitted for oral argument will take part in its consideration and adjudication X X." However, the provision in its entire thought should be read thus –

"SECTION 1. Justices; who may take part. - All matters submitted to the court for its consideration and adjudication will be deemed to be submitted for consideration and adjudication by any and all of the Justices who are members of the division of the court at the time when such matters are taken up for consideration and adjudication, whether such Justices were or were not present at the date of submission; however, only those members present when any matter is submitted for oral argument will take part in its consideration and adjudication, if the parties or either of them, express a desire to that effect in writing filed with the clerk at the date of submission." [12]

Atty. Caling, who was admitted to the Bar in 1966, did not attempt to explain this point.

Meads, however, for his part tried to reason out why such a distorted quotation came about - the portion left out was anyway marked by "Xs", which is a common practice among lawyers. Canon 22 of the Canons of Legal Ethics reminds the lawyer to characterize his conduct with candor and fairness, and specifically states that "it is not candid nor fair for the lawyer knowingly to misquote." While Morton Meads is admittedly not a lawyer, it does not take a lawyer to see the deliberate deception that is being foisted upon this Court. There was a qualification to the rule quoted and that qualification was intentionally omitted.

Third. The motion contained an express threat to take the case to the World Court and/or the United States government. It must be remembered that respondent MacArthur at that time was still trying to overturn the

decision of this Court of July 31, 1968. In doing so, unnecessary statements were injected. More specifically, the motion announced that MacArthur "will inevitably x x x raise the graft and corruption of [the] Philippine Government officials in the bidding of May 12, 1965 x x x to the World Court" and would invoke "the Hickenlooper Amendment requiring the cutting off of all aid and benefits to the Philippine Government, including the sugar price premium, amounting to more than fifty million dollars annually x x x."

This is a clear attempt to influence or bend the mind of this Court to decide the case in its favor. A notice of appeal to the World Court has even been embodied in Meads' return. There is a gross inconsistency between the appeal and the move to reconsider the decision. An appeal from a decision presupposes that a party has already abandoned any move to reconsider that decision. And yet, it would appear that the appeal to the World Court is being dangled as a threat to effect a change of the decision of this Court. Such act has no aboveboard explanation.

1. Atty. Caling has not shown to the satisfaction of this Court that he should be exempted from the contempt charge against him. He knows that he is an officer of this Court. He admits that he has read the fourth motion for reconsideration before he signed it. While he has been dragged in only at the last minute, still it was plainly his duty to have taken care that his name should not be attached to pleadings contemptuous in character.

2. As for Morton F. Meads, he had admitted having prepared the fourth motion for reconsideration. He cannot beg off from the contempt charge against him even though he is not a lawyer. He is guilty of contempt.

3. We go back to Atty. Vicente L. Santiago. His insistence that he had nothing to do with the fourth motion for reconsideration and that he had not even read the same is too transparent to survive fair appraisal. It goes against the grain of circumstances. Caling represents before us that it was Santiago who convinced him to sign the motion, who with Meads explained to him the allegations thereof and the background of the case. Caling says that if not for his friendship with Santiago, he would not have signed the motion. On the other hand, Meads states that Santiago began to read the fourth motion for reconsideration and even started to make changes thereon in pencil. We must not forget, too, that according to Meads himself, he spent, on July 14, 1969, quite some time with Santiago before they proceeded to Caling. It is highly improbable that Santiago did not read the fourth motion for reconsideration during all that time.

Furthermore, Santiago is a lawyer of record for respondent MacArthur in this case. He has not resigned from his position as such lawyer. He has control of the proceedings. Whatever steps his client takes should be within his knowledge and responsibility. Indeed, Canon 16 of the Canons of Legal Ethics should have reminded him that "[a] lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrongdoing the lawyer should terminate their relation."

The dignity of the Court, experience teaches, can never be protected where infraction of ethics meets with complacency rather than punishment. The people should not be given cause to break faith with the belief that a judge is the epitome of honor amongst men. To preserve its dignity, a court of justice should not yield to the assaults of disrespect. Punctilio of honor, we prefer to think, is a standard of behavior so desirable in a lawyer pleading a cause before a court of justice.

9. One last word. It would seem apropos to say again that, if only for one reason, this Court had really no alternative but to decide the main case against respondent MacArthur. As we held in our decision of July 31, 1968, MacArthur did not even adhere to the terms and conditions of the invitation to bid. For, this invitation to bid explicitly warned that "bids not accompanied by bid bonds will be rejected." And, we repeat, "[a]dmittedly, the bid of the Company [MacArthur] had been submitted without the requisite bond." [13] It would not require the adroit mind of a lawyer to say that a bid unaccompanied by a bond, contrary to the instructions to bidders, is not entitled to any consideration.

It should be emphasized, too, that because the decision herein was by a unanimous Court, even if the Chief Justice and Mr. Justice Fred Ruiz Castro had not taken part in the decision on the merits of this case, the result would have been the same: MacArthur's cause would just the same have failed.

FOR THE REASONS GIVEN, this Court hereby finds:

1. On the first contempt charge, Atty. Vicente L. Santiago and Atty. Jose Beltran Sotto guilty of contempt of court, and fines Atty. Santiago in the sum of P1,000, and Atty. Sotto, P100; and holds Attys. Graciano C. Regala and Associates and Atty. Erlito R. Uy not guilty of contempt of court; and
2. On the second contempt charge, Atty. Vicente L. Santiago, Morton F. Meads and Atty. Juanito M. Caling guilty of contempt of court, and fines Atty. Vicente L. Santiago, an additional P1,000, Morton F. Meads, P1,000, and Atty. Juanito M. Caling, P200.

Let a copy of this resolution be forwarded to the Honorable, the Secretary of Justice, for whatever action he may deem proper to take in the premises against Morton F. Meads who is an alien.

Let another copy of this resolution be forwarded to the Honorable, the Solicitor General, for such action as he may deem proper in relation to the disbarment or suspension of Attys. Vicente L. Santiago, Jose Beltran Sotto and Juanito M. Caling.

The Clerk of this Court is hereby directed to append a copy of this decision to the personal records of Attorneys Vicente L. Santiago, Jose Beltran Sotto and Juanito M. Caling.

SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, and Fernando, JJ., concur.
Concepcion, C.J., Castro, Teehankee, and Barredo, JJ., did not take part.

[1] People ex rel. Karlin vs. Culkin, 60 A.L.R. 851, 855.

[2] In re Sotto, 82 Phil. 595, 602.

[3] Malcolm, Legal and Judicial Ethics, 1949 ed., p. 160.

[4] People vs. Carillo 77 Phil, 572, 580.

[5] 5 Martin, Rules of Court in the Philippines, 1966 ed., p. 69, citing In re Kelly, 243 F. 696, 706.

[6] Malcolm, op. cit., p. 161.

[7] Ibid., pp. 161-162; emphasis supplied.

[8] Section 3(d), Rule 71, provides:

"SEC. 3. Indirect contempt to be punished after charge and hearing.- After charge in writing has been filed, and an opportunity given to the accused to be heard by himself or counsel, a person guilty of any of the following acts may be punished for contempt:

x x x

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;

x x x

[9] 5 Martin, op. cit., p. 97.

[10] Section 20(f), Rule 138, Rules of Court.

[11] Section 5(d), Rule 135, Rules of Court.

[12] Emphasis supplied.

[13] Decision of July 31, 1968, p. 3; Rollo, p. 387.

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