

THE DIRECTOR OF RELIGIOUS AFFAIRS, COMPLAINANT, VS. ESTANISLAO R. BAYOT, RESPONDENT.

Adm. Case No.1117. March 20, 1944

Ponente: OZAETA, J.

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OZAETA, J.:

The respondent, who is an attorney-at-law, is charged with malpractice for having published an advertisement in the Sunday Tribune of June 13, 1943, which reads as follows:

"Marriage

"license promptly secured thru our assistance & the annoyance of delay or publicity avoided if desired, and marriage arranged to wishes of parties. Consultation on any matter free for the poor. Everything confidential.

"Legal assistance service
12 Escolta, Manila, Room 105
Tel. 2-41-60."

Appearing in his own behalf, respondent at first denied having published the said advertisement; but subsequently, thru his attorney, he admitted having caused its publication and prayed for "the indulgence and mercy" of the Court, promising "not to repeat such professional misconduct in the future and to abide himself to the strict ethical rules of the law profession." In further mitigation he alleged that the said advertisement was published only once in the Tribune and that he never had any case at law by reason thereof.

Upon that plea the case was submitted to the Court for decision.

It is undeniable that the advertisement in question was a flagrant violation by the respondent of the ethics of his profession, it being a brazen solicitation of business from the public. Section 25 of Rule 127 expressly provides among other things that "the practice of soliciting cases at law for the purpose of gain, either personally or thru paid agents or brokers, constitutes malpractice." It is highly unethical for an attorney to advertise his talents or skill as a merchant advertises his wares. Law is a profession and not a trade. The lawyer degrades himself and his profession who stoops to and adopts the practices of mercantilism by advertising his services or offering them to the public. As a member of the bar, he denies the temple of justice with mercenary activities as the money-changers of old defiled the temple of Jehovah. "The most worthy and effective advertisement possible, even for a young lawyer, * * * is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced but must be the outcome of character and conduct." (Canon 27, Code of Ethics.)

In *In re Tagorda*, 53 Phil., 37, the respondent attorney was suspended from the practice of law for the period of one month for advertising his services and soliciting work from the public by writing circular letters. That case, however, was more serious than this because there the solicitations were repeatedly made and were more elaborate and insistent.

Considering his plea for leniency and his promise not to repeat the misconduct, the Court is of the opinion and so decides that the respondent should be, as he hereby is, reprimanded.

Yulo, C. J.y Moron, Horrilleno, Paras, and Bocobo, JJ., concur.

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