

EMILIA E. ANDRES, COMPLAINANT, VS. STANLEY R. CABRERA, RESPONDENT.

SBC-585. February 29, 1984

Ponente: GUERRERO, J.

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GUERRERO, J.:

In Our Resolution promulgated December 14, 1979 in the first above-entitled case, respondent Stanley R. Cabrera, a successful Bar examinee in 1977 against whom petition had been filed for denial of his admission as member of the Bar for lack of good moral character and for his proclivity to filing baseless, malicious, and unfounded cases, was found guilty of contempt of this Court for "(b)y his improper conduct in the use of highly disrespectful, insolent language, respondent has tended to degrade the administration of justice; he has disparaged the dignity and brought to disrepute the integrity and authority of the Court" and was sentenced to pay within ten days from notice a fine of P500.00 or imprisonment of 50 days. (See 94 SCRA 512.)

Respondent filed a Motion for Reconsideration dated January 9, 1980 which We denied on March 6, 1980 and further required respondent to pay within five (5) days from notice the aforesaid fine of P500.00.

The fine was thereafter paid on March 14, 1980 under SC Official Receipt No. 5369050X. On July 16, 1980, respondent submitted an Urgent Motion for Admission to the Bar "in view of the foregoing (payment) and for mercy" which We denied on August 12, 1980 since the investigation against the said respondent was still pending before the Legal Investigator of the Court, Atty. Victor J. Sevilla.

Another Urgent Motion for Early Resolution dated August 9, 1980 was again filed with the Court by respondent, calling attention to the fact that the case has been pending since April, 1977. We noted said motion on September 16, 1980.

Meanwhile, respondent manifested to the Court in still another Urgent Motion for Admission to the Bar dated September 25, 1981 that "respondent has amended his ways and has conformed to the use of polite, courteous, and civil language as can be gleaned from (his) urgent motion for admission to the Bar dated July 16, 1980 and (his) urgent motion for early resolution dated August 29, 1980 filed with this Honorable Court; and that undersigned respondent reiterates his sincere apologies to this Honorable Court and its Legal Investigator for all his actuations since this case was filed in 1977; x x x that undersigned respondent was acquitted by Judge Priscila Mijares of the City Court of Manila for estafa wherein Lourdes C. Perea was the complaining witness as hereto authenticated by Annexes A, A-1, A-2, A-3, A-4, A-5, A-6 and made an integral part of this motion." Respondent prayed that "for humanitarian considerations, considering that undersigned respondent has seven children, a wife, and a widowed mother to support," he be allowed to take his oath of office as a lawyer and be admitted to the Bar.

Respondent then wrote a letter dated August 25, 1982 to the Chief Justice, reiterating his sincere apologies to the Court for all his actions which culminated in his conviction for contempt and prayed for help to enable him "to uplift the living conditions of (his) seven children considering that up to this date (he is) a squatter beside the railroad tracks living in abject poverty." The aforementioned letter was noted by this Court on September 16,

1982.

In the meantime, the second case, "SBC-571 (Lourdes C. Perea vs. Stanley R. Cabrera)" was ordered archived in view of the resolutions in the first case "SBC-585 (Emilia E. Andres vs. Stanley R. Cabrera)" denying, among others, respondent's admission to the Bar, as per Our Resolution dated September 13, 1979 in SBC-571.

On February 21, 1983, respondent wrote a second letter to the Chief Justice, once more reiterating his sincere apologies to the Court and begged for mercy "to the end that he be allowed to take his oath of office as a lawyer and enable him to give his children a bright future." In Our Resolution of June 14, 1983, We resolved to deny the aforesaid letter/petition.

On July 5, 1983, there was received in this Court a letter from one Nerida V. Cabrera with address at 732 Int. 4, Bagumbayan, Bacood, Sta. Mesa, M.M., wife of the respondent herein, addressed to the Chief Justice, appealing for kindness and humanitarian consideration to allow her husband to take his oath as a lawyer so that he can provide food and shelter for their eight children because he is unemployed. She also apologized for her husband for his disrespectful language to the Court and prayed that she be allowed to apologize personally to the Chief Justice and to the Supreme Court for her husband.

We noted the said letter of Nerida V. Cabrera and required said respondent to appear personally before this Court on Tuesday, August 23, 1983 at 11:00 o'clock a.m. The records further disclose that a handwritten letter by Nerida Cabrera dated August 1, 1983 attaching a picture of the family of respondent and their eight children and a similar handwritten letter by Presentacion Vda. de Cabrera, mother of the respondent, were sent to the Chief Justice. Notices of the hearing set for August 23, 1983 were given to the parties.

At the said hearing, Atty. Rhodora Javier appeared and argued for the complainant Emilia E. Andres in SBC-585 (Emilia E. Andres vs. Stanley R. Cabrera). Stanley Cabrera appeared in his own behalf and answered the questions asked by the Court. Atty. Victor Sevilla, Legal Investigator of this Court, who investigated SBC-585, also answered the questions asked by the Court. The Court then resolved to require respondent Cabrera to submit within five (5) days from date (1) letters of apology to the Court, to Atty. Victor Sevilla, to complainant Emilia E. Andres, and to Fiscal Leonardo Arguelles for the contumacious and vile language contained in his pleadings, and (2) certifications of good behavior and exemplary conduct from the Parish Priest and from the Barangay Captain of the place where he resides. Thereafter, the petition to take the lawyer's oath shall be considered submitted for resolution.

On August 25, 1983, respondent forwarded to the Chief Justice his letter of apology and through him to all the Associate Justices of the Court "for all (his) disrespectful acts and utterances thru (his) pleadings against the Honorable Supreme Court" and promised never to commit the same. He enclosed therewith the Letter of Apology to Atty. Victor Sevilla, Legal Investigator of the Court, Letter of Apology to Atty. Emilia E. Andres, Legal Division, MOLE, complainant in SBC-585, Letter of Apology to Fiscal Leonardo Arguelles, Manila City Hall, Certification of Good Moral Character from Rev. Fr. Eduardo A. Cruz, Parish Priest, Our Lady of Fatima Parish, Fatima Village, Bacood, Lubiran St., Sta. Mesa, Manila, and Certification of Good Moral Character from Barangay Captain Emiliano C. Masilungan of Barangay 604, Zone 60, Sta. Mesa, Manila.

The authority and responsibility over the admission, suspension, disbarment and reinstatement of attorneys-at-law is vested in the Supreme Court by the Constitution. (Art. X, Sec. 5(5). This power is indisputably a judicial function and responsibility. It is judicial in the sense that discretion is used in its exercise. The function requires (1) previously established rules and principles, (2) concrete facts, whether past or present, affecting determinate individuals, and (3) decision as to whether these facts are governed by the rules and principles; in effect, a judicial function of the highest degree. (In re: Cunanan, et al., 94 Phil. 534).

This power to admit attorneys to the Bar is not, however, an arbitrary and despotic one, to be exercised at the pleasure of the court, or from passion, prejudice or personal hostility, but it is the duty of the court to exercise and regulate it by a sound and judicial discretion. (In re: Crum, 204 Pac. 948; 103 Ore. 297; 1 Thornton on Attorneys-at-Law, Sec. 2, cited in Moran, Comments on the Rules of Court, Vol. 6, pp. 204, 205).

On the other hand, the power to punish persons for contempt is inherent in all courts and essential to the preservation of order in judicial proceedings and to the enforcement of their lawful orders and decisions (Montalban vs. Canonoy, 38 SCRA 1). A lawyer who uses intemperate, abusive, abrasive or threatening language betrays disrespect to the court, disgraces the Bar and invites the exercise by the court of its disciplinary power. (Surigao Mineral Reservation Board vs. Cloribel, L-27072, Jan. 9, 1970, 31 SCRA 1; In re Almacen, 31 SCRA 562; Montecillo vs. Gica, 60 SCRA 234). Such power, however, should be exercised on the preservative and not on the vindictive principle and on the corrective and not on the retaliatory idea of punishment. (Weigal vs. Shuster, 11 Phil. 340; Villavicencio vs. Lucban, 39 Phil. 778; People vs. Marcos, 70 Phil. 468, 480; Victorino vs. Espiritu, 5 SCRA 653; Reliance Procoma, Inc. vs. Phil-Asia Tobacco Corp., 57 SCRA 370; Fontelera vs. Amores, 70 SCRA 37). Furthermore, contempt power should not be utilized for mere satisfaction of natural inclination to strike back at a party who has shown lesser respect to the dignity of the court. (Royeca vs. Animas, 71 SCRA 1).

In the case at bar, respondent having paid the fine imposed upon him for direct contempt against the integrity and dignity of this Court, having apologized in repeated motions filed before this Court for his disrespectful language and personally reiterated at the hearing conducted herein, and has furthermore complied with the Court's directives contained in Our Resolution dated August 23, 1983 by submitting his letters of apology to the Chief Justice and to the members of this Court, to Atty. Victor Sevilla, Legal Investigator of the Court, to complainant Atty. Emilia E. Andres, to Fiscal Leonardo Arguelles, and Certifications of Good Moral Character from his parish priest, Rev. Fr. Eduardo A. Cruz, and his Barangay Captain, Emiliano C. Masilungan of Barangay 604, Zone 60, Sta. Mesa, Manila where respondent resides, We are convinced by these actions that he has become respectful, sincere and honest, thereby evincing that good moral character required of a person who may be admitted to the practice of law.

The pleas of his mother and wife for the sake and the future of respondent's family with eight young children, althou self-serving, are strong human factors in considering judiciously and wisely the motion of respondent which in effect would allow him to start on a professional career as a lawyer that would certainly mean a bright future for himself and his family, for otherwise the discretion with which the Court may admit qualified personal to the practice of law may be clouded with vindictiveness and retaliation which is not the basic purpose of the Court's inherent power to punish for contempt.

The dignity and authority of the Court has been maintained and preserved when the Court punished respondent for his contumacious conduct and he willingly and promptly paid the penalty therefor. The preservative and corrective purpose of the contempt power of this Court has already been accomplished and achieved that to continue denying his plea for forgiveness and mercy in his behalf and his family is not only to prolong the agony of his misconduct which he has suffered for seven long years since 1977 when he passed the Bar examinations but also would appear to be despotic and arbitrary. We hold that respondent has expiated enough for his misdeed and may now be allowed to take the lawyer's oath and thus become a more useful member of society and of the law profession.

In SBC-571, since the charge against respondent for estafa which is the basis of the petition for disqualification filed by complainant Lourdes C. Perea, has been dismissed and respondent acquitted in Criminal Case No. 015429-CV by the City Court of Manila, Branch VII, the same is hereby dismissed.

WHEREFORE, IN VIEW OF ALL THE FOREGOING, respondent Stanley R. Cabrera is hereby allowed to take the lawyer's oath.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Aquino, Concepcion, Jr., Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, and Relova, JJ., concur.

Gutierrez, Jr., J., Entertains some reservations about the respondent's ability or willingness to maintain his changed disposition conduct but concurs in the decision to give him a chance to be a member of the bar in good standing.

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