

## **CANDIDO SAN LUIS, complainant, vs. BENJAMIN B. PINEDA, respondent.**

*Adm. Case No. 205. March 31, 1965*

Ponente: BENGZON, C.J.

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### **BENGZON, C.J.:**

This is a complaint for the punishment of the disbarment of Benjamin B. Pineda.

Complainant alleged that a few months before December 1941, Benjamin B. Pineda had been expelled as member the Bar; that notwithstanding such disbarment, Pineda continue to practice law; that in 1953, said Pineda was convicted, by final judgment, of the crime of robbery; that although President Magsaysay pardoned him conditionally, such pardon did not blot out the stain of moral misconduct. So, complainant prayed for action for contempt or for a new disbarment, if after 1941, said Pineda had been reinstated to membership of the Bar.

The matter was referred to the Solicitor-General, whose report filed later and in due course, recommended that respondent should only be "warned not to practice law again." Such recommendation rested on his finding that Pineda continued to practice law in Jolo during the latter part of 1941 (i.e., after he had been disbarred in July 1940)-but that no evidence proved legal practice by respondent after 1941.

Our records do not show that Pineda has never been readmitted to the Bar.

Now, considering that 1941 is too far away, we approve the recommendation; and the respondent is accordingly warned not to engage in the legal profession again, until he is regularly re-admitted thereto. Needless to say, practice of law by one who is disbarred constitutes contempt of court. (U. S. vs. Ney, 8 Phil. 146; People vs. De Luna, 54 Off. Gaz., 6429.)

Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon J.P. and Zaldivar, JJ., concur.

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