

**JUVY P. CIOCON-REER, ANGELINA P. CIOCON, MARIVIT P. CIOCON-HERNANDEZ, AND REMBERTO C. KARAAN, SR.,
COMPLAINANTS, VS. JUDGE ANTONIO C. LUBAO, REGIONAL TRIAL COURT, BRANCH 22, GEN...**

A.M. OCA IPI No. 09-3210-RTJ. February 03, 2016

Ponente: CARPIO, J.

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CARPIO, J.:

In its Resolution promulgated on 20 June 2012,[1] the Court found Remberto C. Karaan, Sr. (Karaan)[2] guilty of indirect contempt for unauthorized practice of law. The Court ruled that under Section 3(e), Rule 71 of the 1997 Rules of Civil Procedure, a person "[a]ssuming to be an attorney or an officer of a court, and acting as such without authority," is liable for indirect contempt of court. The penalty for indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank is a fine not exceeding P30,000 or imprisonment not exceeding six months, or both. The penalty for indirect contempt committed against a lower court is a fine not exceeding P5,000 or imprisonment not exceeding one month, or both.

The Office of the Court Administrator (OCA) recommended that Karaan be cited for indirect contempt and be sentenced to serve an imprisonment of ten days at the Manila City Jail, and to pay a fine of P1,000. The Court, however, considered that at that time, Karaan was already 71 years old. Thus, in consideration of his old age and state of health, the Court deemed it proper to remove the penalty of imprisonment and to instead increase the recommended fine to P10,000. The dispositive portion of the Resolution reads:

WHEREFORE, we DENY the motion for reconsideration of the Court's Resolution dated 24 November 2010 dismissing the complaint against Judge Antonio C. Lubao for being judicial in nature. We find REMBERTO C. KARAAN, SR. GUILTY of indirect contempt under Section 3(e), Rule 71 of the 1997 Rules of Civil Procedure and impose on him a Fine of Ten Thousand Pesos (P10,000).

Let a copy of this Resolution be furnished all courts of the land for their guidance and information. The courts and court employees are further directed to report to the Office of the Court Administrator any further appearance by Remberto C. Karaan, Sr. before their sala.

SO ORDERED.[3]

In a Memorandum, dated 11 August 2015, the OCA referred to the Court the Report dated 9 March 2015 of Executive Judge Ma. Ofelia Contreras-Soriano of the Metropolitan Trial Court (MeTC) of Malabon, Presiding Judge Sheryll Dolendo Tulabing of Branch 56 of Malabon, and Assisting Judge John Voltaire C. Venturina of Branch 55 of Malabon concerning Karaan's continuing unauthorized practice of law. The report reads:

x x x x

As far as Malabon MeTC is concerned, there is only one remaining case involving Mr. Kara-an where he is the Plaintiff Civil Case No. 2022-99, entitled "Remberto C. Kara-an v. Gabriel Singson, et al." In this case, Mr.

Kara-an was ordered by Judge Edward Pacis, then Acting Presiding Judge of Branch 55, to secure the services of a counsel de parte and if he cannot secure one, the Court referred him either to the Public Attorney's Office, the IBP or the UP Office of the Legal Aid. For a while, Mr. Kara-an seemed to abide by the Court Order as the Public Attorney's Office appeared for the plaintiff. However, on December 5, 2014, Mr. Kara-an filed a pre-trial brief on his own volition and without the assistance of Atty. Mark Anthony Articulo of the Public Attorney's Office even though Atty. Articulo or the Public Attorney's Office remained to be his counsel of record. Judge Sheryl Tulabing, before whom the case was then pending, denied the admission of the pre-trial brief, pursuant to OCA Circular No. 69-2012, since the drafting and filing of such pre-trial brief constituted practice of law and Mr. Kara-an being already represented by counsel, has been expressly prohibited from engaging in the unauthorized practice of law. Instead, Judge Tulabing gave Atty. Articulo a period of twenty (20) days within which to submit plaintiff's pre-trial brief. Atty. Articulo complied and manifested that he was not consulted by the Plaintiff when the latter filed his pre-trial brief. But on February 18, 2015, Mr. Kara-an, again, on his own and without the assistance of Atty. Articulo, filed an "Ex-Parte Urgent Omnibus Motions, Manifestation, Oppositions, and Objections Among Others To: The attached Null and Void Order of the Honorable Presiding Judge Sheryll Dolendo Tulabing dated January 26, 2015 which is apparently Non-Existent in Contemplation of Law per Art. 5, Chapter 1, Civil Code of the Philippines." x x x.

The OCA further informed this Court that Karaan received a copy of the Court's 20 June 2012 Resolution on 28 June 2012 as evidenced by Registry Receipt No. 4581. Karaan ignored the Court's Resolution. In a letter dated 11 May 2015, Atty. Lilian C. Barribal-Co, OCA Chief of Office, Financial Management Office, informed Atty. Wilhelmina D. Geronga (Atty. Geronga), OCA Chief of Office, Legal Office, that the records of their office showed that Karaan did not pay the fine of P10,000 imposed by the Court. In a letter dated 22 June 2015, Ms. Araceli C. Bayuga, SC Chief Judicial Staff Officer, Cash Collection and Disbursement Division, FMBO, likewise informed Atty. Geronga that the Official Cashbook showed that Karaan was not among those who made payments for Court fine.

The OCA reported that despite the Court's magnanimity, Karaan disregarded its authority by ignoring its directives contained in the Resolution of 20 June 2012. Karaan not only failed to pay the fine imposed on him but continued to defy the Court by engaging in the unauthorized practice of law. The OCA recommends that:

1. for his repeated unauthorized practice of law, Mr. Remberto C. Kara--an, Sr. be once again cited for Indirect Contempt of Court;
2. Mr. Kara-an, Sr. be sentenced to one (1) month imprisonment at the Manila City Jail and to pay a fine of One thousand Pesos (P1,000.00) with a Final Warning that a repetition of any of the offenses, or any similar or other offense against the courts, judges, or court employees will merit further and more serious sanctions;
3. Mr. Kara-an, Sr. be ordered to immediately pay the fine of Ten Thousand Pesos (P10,000.00) imposed on him in the Court's Resolution dated 20 June 2012. Otherwise the appropriate penalty of imprisonment as determined by the Court shall be imposed on him; and
4. Let an Order of Arrest be issued directing the National Bureau of Investigation (NBI) to arrest Mr. Kara-an, Sr. and put him at the Manila City Jail.

The Court's Resolution is not to be construed as a mere request from the Court and it should not be complied with partially, inadequately, or selectively.[4] The Court will not tolerate Karaan's temerity and disrespect to the Court and its processes by not paying the fine imposed on him in the Court's 20 June 2012 Resolution. However, while the OCA recommended that Karaan be sentenced to one month imprisonment at the Manila City Jail, the Court is giving Karaan one last chance to comply with the Court's 20 June 2012 Resolution but the Court is increasing the fine imposed on him to P15,000. Again, the Court takes into account Karaan's old age. This will be the last time that the Court is giving him such consideration, and the Court will not hesitate to impose more serious sanctions

against him should he again defy this Court.

As regards the unauthorized practice of law, the Court already noted in its 20 June 2012 Resolution that Karaan had a modus operandi of offering free paralegal advice and making the parties execute a special power of attorney that would make him an agent of the litigants that would allow him to file suits, pleadings, and motions with himself as one of the plaintiffs acting on behalf of his "clients." This circumstance does not appear to be present in this case. The report states that in Civil Case No. 2022-99, Karaan is the only plaintiff. He does not appear to be acting on behalf of anyone. Karaan signed the Pre-Trial Brief and the Ex-Parte Urgent Omnibus Motions, Manifestations, Oppositions, and Objections, Among Others, as a plaintiff and on his own behalf.

In *Santos v. Judge Lacurom*,^[5] the Court recognized the party's right to self representation under Section 34, Rule 138 of the Rules of Court. The Court ruled:

The Rules recognize the right of an individual to represent himself in any case in which he is a party. The Rules state that a party may conduct his litigation personally or by aid of an attorney, and that his appearance must be either personal or by a duly authorized member of the Bar. The individual litigant may personally do everything in the progress of the action from commencement to termination of the litigation. A party's representation on his own behalf is not considered to be a practice of law as "one does not practice law by acting for himself, any more than he practices medicine by rendering first aid to himself."

x x x x

The Court, however, notes the use of the disjunctive word "or" under the Rules, signifying disassociation and independence of one thing from each of the other things enumerated, to mean that a party must choose between self representation or being represented by a member of the bar. During the course of the proceedings, a party should not be allowed to shift from one form of representation to another. Otherwise, this would lead to confusion, not only for the other party, but for the court as well. If a party, originally represented by counsel, would later decide to represent himself, the prudent course of action is to dispense with the services of counsel and prosecute or defend the case personally.^[6]

Hence, Karaan was not engaged in the practice of law in filing the pleadings. However, since Karaan is already represented by counsel, the trial court is correct in requiring his counsel to file the pre-trial brief.

WHEREFORE, we order Remberto C. Karaan, Sr. to pay a Fine of Fifteen Thousand Pesos (P15,000) and to submit to the Court his compliance within ten days from receipt of this Resolution. We further warn him that a repetition of the same or similar act, as well as his continued defiance of this Court, will be dealt with more severely. We direct the Cash Collection and Disbursement Division, Fiscal Management and Budget Office, Supreme Court and the Financial Management Office, Office of the Court Administrator to report to this Court Karaan's compliance or non-compliance with the Court's Resolution within fifteen days from his receipt thereof.

SO ORDERED.

Brion, Del Castillo, and Mendoza, JJ., concur.
Leonen, J., on leave.

[1] 688 Phil. 339 (2012).

[2] Referred to in the OCA's Memorandum as Remberto C. Kara-an, Sr.

[3] *Supra* at 346-347.

[4] *Bunagan-Bansig v. Celera*, A.C. No. 5581, 14 January 2014, 713 SCRA 158.

[5] 531 Phil. 239 (2006).

[6] Id. at 249-250.

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