

**LUIS N. DE LBON, COMPLAINANT, VS. JOSE Y, TORRES,
RESPONDENT.***ADM. CASE NO. 180. June 30, 1956*

Ponente: LABRADOR, J.

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The respondent in the above-entitled administrative case is charged with having appeared as lawyer in several civil, land registration and criminal cases in the Court of First Instance of Capiz, and having conducted trials therein, examining and 'cross-examining witnesses, moving for postponement of hearings and filing a notice and a record on appeal, after he was suspended from the practice of law by Judge Luis N. de Leon of the Court of First Instance of Capiz. The respondent does not deny that he appeared in the cases and on the occasions mentioned in the complaint filed against him before Us, but he alleges that the order suspending him from the practice of law is a part of a vindictive scheme or design of the complainant to persecute him systematically; that the order suspending him from the said practice of law was issued without due process of law and without giving him his day in court.

Upon the filing of the respondent's answer, complainant moved for a judgment on the pleadings, as the respondent had not denied the material allegations of the complaint. We did not, however, resolve this motion, but remanded the case to the Solicitor-General for investigation and report. The Solicitor-General in turn endorsed the case to the Provincial Fiscal of Gapiz for investigation and report. The Provincial Fiscal found that as the acts of the respondent herein are related to his acts in relation to another case for contempt (People vs. Boanerjes Venturanza, G. R. No. L-7974), wherein respondent was ordered to pay a fine of P500, the case is now moot or academic and, therefore, recommended its dismissal. The Solicitor-General concurs in this recommendation.

When the case was submitted to this Court, respondent filed a reply to the report of the Solicitor-General, reiterating his claim that the order declaring his suspension from the practice of law is null and void, because it was issued without giving respondent opportunity to appear and defend himself.

The record discloses that on December 19, 1953, complainant Judge of First Instance of Capiz, entered an order requiring respondent to appear in court on December 21, 1953, at 9:00 a.m., to show cause why he should not be dealt with severely and suspended from the practice of law for having sent the following telegram to the judge:

"COLLECT JUDGE DE LEON
CALIBO

REQUEST SET ASIDE YOUR ORDERS CONFISCATED BOND AND MY ARREST BEING
VINDICTIVE ABUSE USE POWERS UNJUST MALICIOUS AS YOU ARE OFFENDED PARTY
OTHERWISE WILL CHARGE YOU CRIMINALLY CIVILLY AND ADMINISTRATIVELY ...

ATTY. TORRES"

Respondent did not appear in court on December 21, 1953, as ordered. He merely submitted a medical certificate

to the effect that he was sick. On December 25, 1956, he filed a motion praying that instead of appearing personally in court he should be allowed to file a written answer, because of pressure of work and because he was leaving for Manila for some important matters. Complainant took steps to have the respondent arrested, but the latter could not be located. The reason is that he had come to Manila. In his motion of December 25, 1953, however he says:

"* * * it is respectfully prayed that the promulgation of the decision in the contempt proceedings mentioned in said order be postponed to January, 1954, at 9:30 a.m. and if this is not possible he hereby waives to be present in the reading of said decision and if the decision is against him he hereby gives notice of his intention to appeal * * *."

(p. 14 of the Record.)

As the complainant must have believed that respondent purposely refused to appear, he entered the order dated December 29, 1953, ordering respondent "suspended from the practice of law in any court of the Islands from the date of the notification of this judgment, until further action on the premises by the Honorable Supreme Court." It is this order, duly transmitted to Us, that is now before Us for final decision.

There is no question that defendant has violated the order of suspension; his appearances in court have not been denied by him in his answer or in his reply memorandum. The only defense put up by him is that he has had no sufficient opportunity to defend himself. We find that this defense is without merit. His conduct upon receiving the order of December 19, 1953 shows that 'he did not like to appear before the complaining judge. He refused to appear, alleging illness, and when the judge attempted to have him arrested, he escaped arrest and came to Manila. These acts of the respondent do not evince a desire to defend himself against the charges of contempt filed by the complaining judge against him. He also had waived his right to be present and contest the order in the court below. In view of his failure to appear and the waiver of this right, the complaining judge had no other recourse but to decide the charges against him ex-parte, in accordance with the last sentence of Section 29, Rule 127, cited by respondent himself in his reply memorandum.

It is, therefore, apparent that notwithstanding the fact that respondent had been suspended from the practice of law and was advised of this order of December 29, 1953, he openly defied the prohibition by appearing as a lawyer in court, defending cases, examining and cross-examining witnesses, filing pleadings and papers in relation to the cases he was defending. These things he had committed from January 25, 1954 to June, 1954, the date of the filing of the petition by the complainant in this Court. For all we know, notwithstanding the order, he has been continuously appearing for clients in the courts of justice and openly defying the order suspending him from the practice of law.

We desire to call attention to the fact that courts' orders, however erroneous they may be, must be respected, especially by the bar or the lawyers who are themselves officers of the courts. Court orders are to be respected not because the judges who issue them should be respected, but because of the respect and consideration that should be extended to the judicial branch of the Government. This is absolutely essential if our Government is to be a government of laws and not of men. Respect must be had not because of the incumbents to the positions, but because of the authority that vests in them. Disrespect to judicial incumbents is disrespect to that branch of the Government to which they belong, as well as to the State which has instituted the judicial system.

In order to impress upon the members of the bar the duty of respect towards judicial authorities, we have decided, after a careful deliberation, that the acts of the respondent, which were committed in open defiance of judicial authority, should not be allowed to go unpunished. In consonance with this desire, we hereby suspend respondent Jose y. Torres from the practice of law for a period of three months from the date he is notified of this decision. Copies of this decision shall be furnished the courts where respondent has pending cases, for faithful compliance

therewith.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A, Bautista Angelo, Concepcion, Reyes, J, B. L., and Endencia, JJ., concur.

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