

IN RE CARLOS S. BASA.

. December 07, 1920

Ponente: MALCOLM, J.

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MALCOLM, J.:

The Attorney-General asks that an order issue for the disbarment of Attorney Carlos S. Basa.

Carlos S. Basa is a young man about 29 years of age, admitted to the bars of California and the Philippine Islands. Recently he was charged in the Court of First Instance of the city of Manila with the crime of abduction with consent, was found guilty in a decision rendered by the Honorable M. V. del Rosario, Judge of First Instance, and was sentenced to be imprisoned for a period of two years, eleven months and eleven days of prison correccional. On appeal, this decision was affirmed in a judgment handed down by the second division of the Supreme Court.[1]

The Code of Civil Procedure, section 21, provides that "A member of the bar may be removed or suspended from his office of lawyer by the Supreme Court by reason of his conviction of a crime involving moral turpitude * * *." The sole question presented, therefore, is whether the crime of abduction with consent, as punished by article 446 of the Penal Code, involves moral turpitude.

"Moral turpitude," it has been said, "includes everything which is done contrary to justice, honesty, modesty, or good morals." (Bouvier's Law Dictionary, cited by numerous courts.) Although no decision can be found which has decided the exact question, it cannot admit of doubt that crimes of this character involve moral turpitude. The inherent nature of the act is such that it is against good morals and the accepted rule of right conduct. (In re Hopkins [1909], 54 Wash., 569; Pollard vs. Lyon [1875], 91 U. S., 225; 5 Ops, Atty.-Gen. P. L., 46, 185; decisions of the Supreme Court of Spain of November 30, 1876 and June 15, 1895.)

When we come next, as we must, to determine the exact action which should be taken by the court, we do so regretfully and reluctantly. On the one hand, the violation of the criminal law by the respondent attorney cannot be lightly passed over. On the other hand, we are willing to strain the limits of our compassion to the uttermost in order that so promising a career may not be utterly ruined.

It is the order of the court that beginning with the day when Carlos S. Basa shall be discharged from prison, he be suspended from his office of lawyer for one year. So ordered.

Mapa, C. J., Araullo, Street, Avanceña and Villamor, JJ., concur.

[1] R. G. No. 15398, August 10, 1920, not published.

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