

JOSE M. CASTILLO, COMPLAINANT, VS. ATTY. SABINO PADILLA, JR., RESPONDENT.

A.C. No. 2339. February 24, 1984

Ponente: PLANA, J.

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PLANA, J.:

Atty. Jose M. Castillo, complainant, seeks the suspension of respondent from the practice of law for the use of insulting language in the course of judicial proceedings.

As the material facts are not in dispute, we have deemed the case submitted for resolution on the basis of the pleadings of the parties.

Complainant was the counsel for the defendants (and at the same time, one of the defendants) in Criminal Case No. 13331 for forcible entry before the Metropolitan Trial Court of Caloocan. Respondent was counsel for the plaintiff. At the hearing of the case on November 19, 1981, while complainant was formally offering his evidence, he heard respondent say "bobo". When complainant turned toward respondent, he saw the latter looking at him (complainant) menacingly. Embarrassed and humiliated in the presence of many people, complainant was unable to proceed with his offer of evidence. The court proceedings had to be suspended.

While admitting the utterance, respondent denied having directed the same at the complainant, claiming that what he said was "Ay, que bobo", referring to "the manner complainant was trying to inject wholly irrelevant and highly offensive matters into the record" while in the process of making an offer of evidence. The statement of Atty. Castillo referred to by respondent was:

"... The only reason why Atty. Jose Castillo was included in the present complaint for ejectment was because defendant Erlinda Castillo wife of this representation called up this representation at his house and crying over the phone, claiming that Atty. Sabino Padilla was harassing her and immediately, this representation like any good husband would do in the defense of his wife immediately went to the school and confronted Atty. Sabino Padilla, Jr. with a talk and asked for a yes or no answer if he harassed the wife of this representation and if yes, right then and there I would sock his face."

Among the duties of an attorney are: (1) to observe and maintain the respect due to the courts of justice; and (2) to abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which he is charged. (Rules of Court, Rule 138, Sec. 20 (b) and (f).) The Canons of Professional Ethics likewise exhort lawyers to avoid all personalities between counsel. (Canon 17)

Whether directed at the person of complainant or his manner of offering evidence, the remark "bobo" or "Ay, que bobo" was offensive and uncalled for. Respondent had no right to interrupt complainant which such cutting remark while the latter was addressing the court. In so doing, he exhibited lack of respect not only to a fellow lawyer but also to the court. By the use of intemperate language, respondent failed to measure up to the norm of conduct required of a member of the legal profession, which all the more deserves reproach because this is not the

first time that respondent has employed offensive language in the course of judicial proceedings. He has previously been admonished to refrain from engaging in offensive personalities and warned to be more circumspect in the preparation of his pleadings. (CA-G.R. No. 09753-SP, Court of Appeals; Civil Case No. C-7790 CFI of Caloocan.)

The Court, however, notes that in the case at bar, respondent's actuation was triggered by complainant's own manifest hostility and provocative remarks. Complainant is therefore not entirely free from blame when respondent unleashed his irritation through the use of improper words.

WHEREFORE, respondent is hereby reprimanded for his misbehavior. He is directed to observe proper decorum and restraint and warned that a repetition of the offense will be dealt with more severely.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Relova, and Gutierrez, Jr., JJ., concur.

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