

ROSA YAP-PARAS, PETITIONER, VS. ATTY. JUSTO PARAS, RESPONDENT.

A.C. No. 4947. June 07, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

For resolution is this Motion for Contempt and/or Disbarment[1] dated April 11, 2005, filed by herein petitioner-movant Rosa Yap Paras against respondent Atty. Justo Paras, for the latter's alleged violation of a suspension order earlier meted upon him by the Court. The motion alleges:

- That the respondent in this case admits that he has continued his practice of law and in fact filed pleadings in court after the receipt of suspension on the ground that the alleged filing of his motion for reconsideration suspends or interrupt (sic) the running of the period to appeal,

and prays that for his violation of the suspension order, the respondent be declared in contempt of court and be disbarred.

Briefly, the facts may be stated as follows:

On September 9, 1998, herein petitioner-movant filed a verified Petition[2] praying for the disbarment of her estranged husband respondent Atty. Justo J. Paras alleging acts of deceit, malpractice, grave misconduct, grossly immoral conduct and violation of oath as a lawyer committed by the latter.

On February 14, 2005, the Court issued a Resolution[3] finding Atty. Paras guilty of committing a falsehood in violation of his lawyer's oath and of the Code of Professional Responsibility. Thus, the Court resolved to suspend Atty. Paras from the practice of law for a period of one (1) year, with a warning that commission of the same or similar offense in the future will result in the imposition of a more severe penalty.

Per records, the aforesaid Resolution was received by Atty. Paras on March 18, 2005. Thereafter, he filed a Motion for Reconsideration dated March 28, 2005.[4]

During the pendency of Atty. Paras' motion for reconsideration, complainant-movant filed with the Court the instant Motion for Contempt and/or Disbarment, alleging thereunder, inter alia, that Atty. Paras violated the suspension order earlier issued by the Court with his continued practice of law.

In time, the Court issued a Resolution dated July 18, 2005,[5] denying for lack of merit Atty. Paras' motion for reconsideration, to wit:

Administrative Case No. 4947 (Rosa Yap Paras vs. Atty. Justo Paras) Acting on the respondent's motion for reconsideration dated March 28, 2005 of the resolution of February 14, 2005 which suspended him from the practice of law for a period of one (1) year, the Court Resolves to DENY the motion for lack of merit.

The Court further Resolves to NOTE:

- (a) the complainant's opposition dated April 11, 2005 to the said motion for reconsideration with leave of

Court;

(b) the respondent's motion dated May 6, 2005 for immediate resolution of the motion for reconsideration; and

(c) the complainant's motion for contempt and/or disbarment dated April 11, 2005, praying that respondent be declared in contempt of court and ordered disbarred and to REQUIRE the respondent to COMMENT thereon, within ten (10) days from notice.

In the same resolution, the Court required Atty. Paras to comment on petitioner-movant's Motion for Contempt and/or Disbarment.

After more than a year, or on September 12, 2006 Atty. Paras filed with the Court a Manifestation[6], stating that he had completely and faithfully served his one (1) year suspension from the practice of law from August 25, 2005, the day after he received the denial resolution on his motion for reconsideration, to August 24, 2006.

It appearing that Atty. Paras failed to file a comment on the Motion for Contempt and/or Disbarment, the Court issued another Resolution dated November 27, 2006 requiring Atty. Paras to show cause why he should not be held in contempt of court for such failure and to comply with the said resolution within ten (10) days from receipt.

Consequently, a Comment on Motion for Contempt and Explanation on Failure to Timely File Required Comment[7] was filed by Atty. Paras denying all the allegations in petitioner-movant's Motion for Contempt and/or Disbarment. He likewise claimed that he had never done nor made any conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice, nor undermine or put to naught or violate any of the pertinent causes enumerated in Section 3, Rule 71 of the Revised Rules of Court.

Here, we are called upon to impose on Atty. Paras the highest punishment to an erring lawyer – disbarment – or to hold him in contempt for his failure to comply with this Court's resolutions.

In a number of cases,[8] we have repeatedly explained and stressed that the purpose of disbarment is not meant as a punishment to deprive an attorney of a means of livelihood but is rather intended to protect the courts and the public from members of the bar who have become unfit and unworthy to be part of the esteemed and noble profession. Likewise, the purpose of the exercise of the power to cite for contempt is to safeguard the functions of the court to assure respect for court orders by attorneys who, as much as judges, are responsible for the orderly administration of justice.

We find no sufficient basis to support petitioner-movant's allegation that Atty. Paras violated the Court's suspension order, what with the fact that Atty. Paras himself took the initiative to inform the lower courts of his one- year suspension from law practice.[9]

It is clear, however, that all lawyers are expected to recognize the authority of the Supreme Court and obey its lawful processes and orders. Despite errors which one may impute on the orders of the Court, these must be respected, especially by the bar or the lawyers who are themselves officers of the courts. It is well to emphasize again that a resolution of the Supreme Court is not be construed as a mere request, nor should it be complied with partially, inadequately or selectively.[10] Court orders are to be respected not because the justices or 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.[11]

Here, Atty. Paras admitted that he had been less than prudent, and indeed fell short, of his obligation to follow, obey and comply with the specific Order of the Honorable Supreme Court contained in Its Resolution dated July 18, 2005 due to his deteriorating health condition which required him to undergo a coronary angiogram and

bypass graft[12]. He likewise expressed his profound and immeasurable sorrowness amidst regrets for his delayed compliance with the Court's order.

Given the above, the Court takes this opportunity to remind the parties in the instant case, as well petitioner-movant's counsels, to avoid further squabbles and unnecessary filing of administrative cases against each other. An examination of the records reveals a pervasive atmosphere of animosity between Atty. Paras and petitioner's counsels as evidenced by the number of administrative cases between them. It is well to stress that mutual bickerings and unjustified recriminations between attorneys detract from the dignity of the legal profession and will not receive sympathy from this Court.[13] Lawyers should treat each other with courtesy, fairness, candor and civility.[14]

All told, the Court deems a reprimand with warning as a sufficient sanction for Atty Paras' failure to promptly comply with its directives. The imposition of this sanction in the present case would be more consistent with the avowed purpose of a disciplinary case, which is not so much to punish the individual attorney as to protect the dispensation of justice by sheltering the judiciary and the public from the misconduct or inefficiency of officers of the court.[15]

ACCORDINGLY, the Motion for Contempt and/or Disbarment is DENIED. However, Atty. Justo Paras is hereby REPRIMANDED for his failure to observe the respect due the Court in not promptly complying with this Court's resolution, with WARNING that a more drastic punishment will be imposed upon him for a repetition of the same act.

SO ORDERED.

Sandoval-Gutierrez, (Chairperson), Corona, and Chico-Nazario, JJ., concur.
Carpio-Morales, J., on official leave.

[1] Rollo, pp. 1062-1065.

[2] Rollo, Vol. I at pp. 3-9.

[3] Id. at pp. 1000-1009.

[4] Id. at pp. 1021-1028.

[5] Id. at p. 1132.

[6] Id. at pp. 1139-1141.

[7] Id. at pp. 1165-1173.

[8] *Geeslin v. Navarro*, Adm. Case No. 2033 and 2148, May 9, 1990, 185 SCRA 230; citing *Diaz v. Gerong*, Adm. Case No. 2439, January 16, 1986, 141 SCRA 46 and *Daroy, et al. v. Legaspi*, Adm. Case No. 936, July 25, 1975, 65 SCRA 304 and *Mariano Y. Siy v. National Labor Relations Commission and Elena Embang*, G.R. No. 158971, August 25, 2005, 468 SCRA 154.

[9] Rollo, p. 1136.

[10] *Ong v. Grijaldo*, Adm. Case No. 4724, April 30, 2003, 402 SCRA 1 and *Guerrero v. Deray*, A.M. No. MTJ-02-1466, December 10, 2002, 393 SCRA 591.

[11] *Luis N. De Leon v. Joey Y. Torres*, 99 Phil 462.

[12] Rollo, p. 1166.

[13] Asa vs. Castillo, Adm. Case No. 6501, August 31, 2006, 500 SCRA 309.

[14] Canon 8, Code of Professional Responsibility.

[15] Gamilla v. Marino, Jr., Adm. Case No. 4763, March 20, 2003, 399 SCRA 308.

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