

**INTERNATIONAL MILITIA OF PEOPLE AGAINST CORRUPTION AND
TERRORISM, REPRESENTED BY ATTY. ELLY VELEZ PAMATONG,
PETITIONER, VS. CHIEF JUSTICE HILARIO G. DAVIDE, JR. (RET.)
RESPONDENT.**

A.C. NO. 7197. January 23, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

In the petition of January 31, 2006 filed with the Integrated Bar of the Philippines (IBP), Atty. Elly V. Pamatong, representing the International Militia of People against Corruption and Terrorism, seeks the disbarment of retired Chief Justice Hilario G. Davide, Jr.

Upon receipt of the petition, docketed at the IBP as CBD Case No. 06-1646, the IBP Commission on Bar Discipline (CBD), through Director Rogelio A. Vinluan, issued on February 2, 2006 an Order directing the respondent to submit an answer within fifteen (15) days from receipt of the Order. The Order was apparently not sent to the correct address of the respondent, for the CBD subsequently directed the petitioner to furnish the Commission with the respondent's appropriate address.

On August 2, 2006, Director Vinluan forwarded to the Court the records of CBD Case No. 06-1646.

Records show that respondent Davide came to know of the existence of the petition to disbar only after being served a copy of the Court's Resolution dated July 18, 2006, noting (a) the May 29, 2006 1[st] Indorsement of then Chief Justice Artemio V. Panganiban referring to the Court a copy of the Order of February 2, 2006, *supra*, of the IBP Director on Bar Discipline, and b) the said Order.

Shortly after obtaining a copy of the petition in question, respondent filed on November 6, 2006, a MOTION TO DISMISS with a prayer that, in relation to his Order of February 2, 2006 adverted to, Director Vinluan be ordered to show cause why he should not be held in contempt of court for usurpation of power.

A perusal of the petition readily shows that the causes of action enumerated therein, namely:

- Overthrow of a duly elected president;
- Abandonment of impeachment proceedings against President Estrada;
- Usurpation of the revenue-raising power of Congress;
- Failure to cooperate in giving due course to impeachment proceedings against him;
- Negligence in handling the election-related case of the petitioner; and
- Persecution of the petitioner,

are not grounds for disbarment. They are, as the respondent correctly observed, all related to incidents or

proceedings while he was Chief Justice and are related to or connected with the exercise of his authority or the performance of his official duties. It cannot be over-emphasized that the bona fides of such discharge of duty and authority are presumed.

Not lost to the Court is the fact that the petition is summary in form and consists, for the most part, of self-serving and gratuitous conclusions and offensive innuendoes, when the Rules of Court requires that a complaint for disbarment shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate such facts.[1] The Court also notes that the petitioner filed this case out of ignorance of the authority of the Court and how it operates, as typified by his condemnation of the respondent and a group of justices for imposing what he perceives to be exorbitant filing fees when, according to him, the revenue raising power of the government is exclusively vested upon the legislative branch.

In both form and substance, the instant petition deserves to be dismissed outright.

On the matter of citing CBD Director Rogelio A. Vinluan for contempt, we note that the petition, as pointed out by the respondent, was filed with the Court, albeit through the IBP. In effect, the petition was directly invoking the primary jurisdiction of the Court. Accordingly, the CBD should have immediately referred the petition to the Court for such action it may deem appropriate to take, instead of assuming initial jurisdiction thereon by ordering the respondent to submit an answer.

The foregoing notwithstanding, the Court loathes to initiate contempt proceedings against Director Vinluan on account alone of his having issued the Order of February 2, 2006. As it were, there is no indication that he harbored ill-will toward the respondent or was moved by a malicious desire to undermine the authority and jurisdiction of the Court. Far from it. For Director Vinluan, doubtless after realizing his mistake or being apprised of extant rules relating to disbarment proceedings, issued, on June 6, 2006, an Order recalling his earlier Order of February 2, 2006 and required Atty. Pamatong to file his petition to disbar directly with the Court pursuant to its existing rules and guidelines relating to retired justices and judges. Indeed, as an immediate off-shoot of the matter at hand, the Court, by Resolution dated September 5, 2006, approved in principle the amendment of SC Circular No. 3-89 such that the IBP is henceforth required to forward to the Court for appropriate disposition all complaints for disbarment and discipline filed with the IBP against all justices and judges, sitting or retired, for acts and/or omissions committed during their tenure in the judiciary.

WHEREFORE, the Court resolves as follows:

- The instant petition for disbarment against retired Chief Justice Hilario G. Davide, Jr. is hereby **DISMISSED** for utter lack of merit; and
- The motion to cite IBP Commission on Bar Discipline Director Rogelio A. Vinluan for contempt is **DENIED**. He or his successor, as the case may be, is admonished, however, to be more circumspect in disposing of similar petition or complaint to disbar in the future.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Velasco, Jr., JJ., concur.

[1] Sec. 1, Rule 139-B.

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