

OCA CIRCULAR NO. 60-2003, May 29, 2003

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TO:

THE COURT OF APPEALS, SANDIGANBAYAN COURT OF TAX APPEALS, REGIONAL TRIAL COURTS SHARI'A DISTRICT COURTS, METROPOLITAN- TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDERS OFFICE .AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT :

SUSPENSION FROM THE PRACTICE OF LAW OF ATTY. RENERIO PAAS

For the. information and guidance, of all concerned, quoted hereunder is the decision of the Supreme Court En Bane in AM. No. P-03-1690 entitled "Judge Estrellita. M. Paas vs Edgar E. Almarves", AM. No. MTJ-01-1363 entitled "Edgar E. Almarves vs. Judge Estrellita M. Paas" and A.M: No. 01-12-02-SC re: Use by Atty. Renerio G. Paas as an Office in His Private Practice of his Profession the Office of His Wife, Pasay City MeTC Judge Estrellita M. Paas, to wit:

"x x x

'C. On the charges against Judge Paas and Atty. Paas:

By Judge Paas' own admission in her January 24, 2002 Supplemental Affidavit,[31] she was aware that her husband Atty. Paas was using her office to receive court, notices and orders in a case lodged in a Pasay court. As the OCA puts it, "[w]hile the same appears to be innocuous, it could be interpreted as a subtle way of sending a message that Atty. Paas is the husband of a judge in the same building and should^be given special treatment by other judges or court personnel.[32]

The following are instructive in the disposition of these charges against the judge and her spouse, Atty. Paas:

SC Administrative Circular No. 01-99, 'Enchancing the Dignity of Couits as Temples of Justice and Promoting Respect for their Officials and Employers" reads:

As courts are temples of justice, their dignity and sanctity must, at ail times be preserved and enhanced In inspiring public respect for the justice system, court officials and employees must:

- In general: (a) avoid committing any act which would constitute grounds for disciplinary action under, as the case may be. the Canons of Judicial Ethics, Code of Judicial Conduct; and Section 46, Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987 (Executive Order No. 292); and (b) faithfully comply with the norms of conduct and perform the duties prescribed in the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713);

- Zealously guard the public trust character of their offices;

x x x

- Never use their offices as a residence or for any other purpose than for court or judicial functions (Emphasis and underscoring supplied)

Canon 2 of the Code of Judicial Conduct provides that 'A judge should avoid impropriety and the appearance of impropriety in all activities.' Specifically, Rule 2.03 thereof provides that:

Rule 2.03. A judge shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge. (Emphasis supplied)

SC Circular No. 3-92,[33] dated August 31, 1992 of this Court reads:

SUBJECT :

PROHIBITION AGAINST USE OF HALLS OF JUSTICE FOR PRESIDENTIAL OR COMMERCIAL PURPOSES

All Judges and court personnel are hereby reminded that the Halls of Justice may be used only for purposes directly related to the functioning and operation of the courts of justice, and may not be devoted to any other use, least of all as residential quarters of the judges or court personnel, or for carrying on therein any trade or profession.

Attention is drawn to AM No. RTJ-89-327 (Nellie Kelly Austria vs. Judge Singuat Guerra), a case involving unauthorized and improper use of the court's premises for dwelling purposes by respondent and his family, in which the Court, by Resolution dated October 17, 1991, found respondent Judge guilty of irresponsible and improper conduct prejudicial to the efficient administration of justice and best interest of the service, and imposed on him the penalty of SEVERE CENSURE, the Court declaring that such use of the court's premises inevitably degrades the honor and dignity of the court in addition to exposing judicial records to danger of loss or damage. (Underscoring supplied.)

By allowing her husband to use the address of her court in pleadings before other courts, Judge Paas indeed 'allowed [him] to ride on her prestige for purposes of advancing his private interest, in violation of the Code of Judicial Conduct[34] and of the above-stated Supreme Court circulars, which violation is classified as a less serious charge under the Rules of Court[35] and is punishable under the same Rule.[36]

A judge's official conduct should indeed be free from the appearance of impropriety; and his behavior not only in the performance of judicial duties, but also in his everyday life should be beyond reproach. This is premised on the truism that a Judge's official life cannot simply be detached or separated from his personal existence and that upon a Judge's attributes depend, the public perception of the Judiciary.[37]

On his part-, My. Paas was guilty of using a fraudulent misleading, and deceptive address that had no purpose other than to try to impress either the court in which his cases are lodged, or his client, that he has close ties to a member of the judiciary, in violation of the following rules of the Code of Professional Responsibility:

CANON 3-A LAWYER IN MAKING KNOWN HIS LEGAL SERVICES SHALL USE ONLY TRUE, HONEST, FAIR, DIGNIFIED AND OBJECTIVE INFORMATION OR STATEMENT OF FACTS.

Rule 3. 01 A lawyer shall not use or permit the use of any false "fraudulent,'misleading, deceptive, undignified, self-laudatory or unfair statement or claim regarding his qualifications or legal services.

CANON 10-A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.01. A lawyer shall not do any falsehood, nor consent to the doing of any in Court, nor shall he mislead, or allow the Court to be misled by any article.

CANON 13-A A LAWYER SHALL REPLY UPON THE MERITS OF HIS CAUSE AND REFRAIN FROM ANY IMPROPRIETY WHICH TENDS TO INFLUENCE OR OWES THE APPEARANCE OF INFLUENCING THE COURT.

CANON 15-A LAWYER SHALL. OBSERVE CANDOR, FAIRNESS AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENTS.

Rule 15.06. A lawyer shall not state or imply that he is able to influence any public official, tribunal or legislative body.

The need for relying on the merits of a lawyer's case, instead of banking on his relationship with a member of the bench which tends to influence or give the appearance of influencing the court, cannot be overemphasized. It is unprofessional and dishonorable, to say the least, to misuse a public office to enhance a lawyer's prestige. Public confidence in law and lawyers may be eroded by such reprehensible and improper conduct.

This Court does not subscribe to the proffered excuse that expediency and a desire to ensure receipt of court orders and notices prompted Atty. Paas and Judge Paas to allow him to have his court notices sent to office of Judge Paas, especially given the fact that for his other cases, Atty. Paas used his office address but there is no showing that he failed to receive the notices sent to that address. While a lawyer should make the necessary arrangements to ensure that he is properly informed or any communication, these should not violate his lawyer's oath or the Code of Professional Responsibility, nor provide an opportunity for a member of the judiciary to breach his or her responsibilities under Supreme Court circulars and the Code of Judicial Conduct.

WHEREFORE, this Court finds:

(1) xxx

(2) xxx

(3) xxx

(a) xxx

(b) Atty. Renerio Paas GUILTY OF SIMPLE MISCONDUCT and is hereby SUSPENDED from the practice of law for a period of THREE (3) MONTHS, with warning that repetition of the same or similar act shall be dealt with more severely.

This Decision shall take effect immediately.

x x x"

May 29, 2003. Untitled Document

PRESBITERO J. VELASCO, JR.

Court Administrator

[31]AM. No. 01-12-02-SC Rollo at 29.

[33]See *Bautista vs. Consuelo, Jr, A. M.* No. P-94-1043, February 28, 1996, 254 SCRA 148, 157.

[34]OCA Recommendation, AM No. 01-12-02-SCRollo at 38

[35]Rule 140, Sec. 4 (4). This was amended on September 11,2001 by AM No. 01-8-10-SC. "Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and Saridiganbayan"

[36]Rule 140, Sec. 10B

[37]*Balderama vs. Judge Alagar, A.M.* No. RTJ-99-1449, January 18, 2002, at 11 (citations omitted)

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