

EMILIA E. ANDRES, PETITIONER, VS. STANLEY R. CABRERA, RESPONDENT.

A.M. No. SBC-585. December 14, 1979

Ponente: GUERRERO, J.

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GUERRERO, J.:

In a resolution of this Court dated October 11, 1979, respondent Stanley R. Cabrera, a successful bar examinee in 1977 and against whom a petition to disqualify him from membership in the Bar is pending in this Court in the above-entitled case, was required to show cause why he should not be cited and punished for contempt of court.

The above citation for contempt against the respondent was issued by the Court following the persistence of the respondent in the use of abusive and vituperative language despite the Court's admonition implicit in Our previous resolution of June 5, 1979 deferring the oath-taking of respondent pending showing that he has amended his ways and conformed to the use of polite, courteous and civil language.

The petition to disqualify respondent from admission to the Bar was filed by Atty. Emilia E. Andres, Legal Officer II in the Office of the Minister, Ministry of Labor on the ground of lack of good moral character as shown by his propensity in using vile, uncouth, and uncivil language to the extent of being reprehensively malicious and criminally libelous and likewise, for his proclivity in filing baseless, malicious and unfounded criminal cases.

It appears that Atty. Emilia E. Andres, designated as Special Investigator to investigate the administrative charge filed by Mrs. Presentacion R. Cabrera, mother of the respondent, against one, Atty. Benjamin Perez, former Hearing Officer of the defunct Workmen's Compensation Unit, Region IV, Manila, for alleged dishonesty, oppression and discourtesy, recommended the dismissal of the charge even as the records of two relevant Workmen's Compensation cases were not produced at the hearing, notwithstanding the request of the respondent. When the Minister of Labor dismissed the charges upon Atty. Andres' recommendation, respondent filed with the City Fiscal of Manila criminal charges of infidelity in the custody of documents, falsification of public documents, and violation of the Anti-graft and Corrupt Practices Act against the investigator.

Supporting these criminal charges are affidavits of respondent Stanley R. Cabrera wherein Atty. Andres, now the petitioner, points to the vile, incivil and uncouth language used by respondent, as shown in the following excerpts:

"9. That the moronic statements of Atty. Ernesto Cruz and Atty. Emilia Andres are the product of moronic conspiracy to conceal the said falsified, fraudulent and unauthorized document in the sense that how can the CARS conduct a diligent search for the aforesaid document when according to the moronic excuse of the Chief of the said office which took over the functions of the defunct WCC considering that it is easier to resort to the list of the inventory of cases before conducting a diligent search unless both are morons with regards to their public office x x x" (underscoring supplied).

"10. That due to the fact that Acting Referee Benjamin R. Perez, Alfredo Antonio, Jr., Atty. Ernesto Cruz and Atty. Emilia Andres has perpetrated a moronic but criminal conspiracy to conceal the falsified, fraudulent and unauthorized petition x x x." (underscoring supplied).

"x x x. And to show beyond reasonable doubt that the same letter is a manufactured evidence respondent Atty. Andres in another demonstration of her unparalleled stupidity in the discharge of her public functions moronically failed to affix her signature to further aggravate matters said manufactured evidence was moronically received upon unlawful inducement by respondents Atty. Cruz and Atty. Andres in furtherance of the criminal conspiracy by the idiotic with regards to the discharge of public functions. x x x" (underscoring supplied)

The same words and phrases are used in respondent's other affidavits supporting the criminal cases against the petitioner such as the following:

"Her moronic but criminal participation as a conspirator"

"another demonstration of her unparalleled stupidity in the discharge of her public functions moronically failed to affix her signature"

"said manufactured evidence was moronically received by unlawful inducement by respondents"

"idiotic receiving clerk of CAR"

"unparalleled stupidity of chief respondent"

On April 28, 1977, this Court required respondent to file an answer to the petition to disqualify him from admission to the Bar and ordered at the same time that his oath-taking be held in abeyance until further orders. In his answer, respondent admits the filing of criminal cases in the City Fiscal's Office against the petitioner but he claims that his language was not vile, uncouth and uncivil due to the simple reason that the same is the truth and was made with good intentions and justifiable motives pursuant to respondent's sense of justice as cherished under the New Society, aside from being absolutely privileged. Respondent's answer, however, repeats his former allegations that "Atty. Emilia Andres is not only a moron" and reiterates "the moronic discharge of public functions by complainant Atty. Emilia Andres."

The records show repeated motions of respondent dated October 21, 1977 and February 22, 1978 for the early resolution of his case and in his letter dated April 11, 1978 addressed to then Chief Justice Fred Ruiz Castro, respondent sought, in his very words "some semblance of justice from the Honorable Supreme Court of the Philippines" and another letter to the Chief Justice dated August 17, 1978 making reference to the "avalanche of the sadistic resolution en banc," "the cruel and inhuman punishment the Court has speedily bestowed upon undersigned respondent," "the Court does not honor its own resolution," and closing his letter thus - "A victim of the Court's inhuman and cruel punishment through its supreme inaction."

We referred the petition of Atty. Emilia Andres to the Legal Investigator of the Court for investigation, report and recommendation which was submitted on May 24, 1979. Acting on said report, the Court resolved to defer the oath-taking of respondent pending showing that he has amended his ways and has conformed to the use of polite, courteous and civil language. Thereafter, respondent filed on September 3, 1979 an Urgent Ex-Parte Motion to annul Our resolution of June 5, 1979 and to reinvestigate the case, preferably giving opportunity to respondent to argue his case orally before the Court or to allow him to take his oath of office as an attorney. We denied the motion.

On September 11, 1979, respondent filed an Urgent Motion for Contempt of Court, praying the Supreme Court to cite complainant Atty. Emilia Andres for contempt of court, alleging that her false and malicious accusations coupled with her improper and obnoxious acts during the investigation impeded, obstructed and degraded the administration of justice.

Under paragraph 2 of said motion, he states:

"2. That with all due respect to this Court, the aforestated resolution en banc to DEFER my oath-taking as an attorney pending showing that "he has amended his ways and has conformed to the use of polite, courteous, and civil language" is a degradation of the administration of justice due to the fact that the same is bereft of legal foundation due to the fact that the investigation conducted by Atty. Victor J. Sevilla, whose supreme stupidity in the discharge of his official functions is authenticated by his overt partiality to the complainant as authenticated by the transcript of records of this case thus depriving undersigned respondent-movant of the "Cold and neutral impartiality of a judge" tantamount to lack of due process of law;" (underscoring supplied).

We noted that the above paragraph is a repetition of paragraph 4 in respondent's previous Urgent Ex-Parte Motion dated September 3, 1979 which also states:

"4. That with all due respect to this Court, the aforestated resolution en banc to DEFER my oath-taking as an attorney pending showing that "he has amended his ways and has conformed to the use of polite, courteous and civil language" is a degradation of the administration of justice due to the fact that same is bereft of legal foundation due to the fact that the investigation conducted by Atty. Victor J. Sevilla, whose supreme stupidity in the discharge of his official functions is authenticated by his overt partiality to the complainant as authenticated by the transcript of records of this case thus depriving undersigned respondent-movant of the "cold and neutral impartiality of a judge," tantamount to lack of due process of law;" (underscoring supplied).

We also took note in respondent's Urgent Motion for Contempt of Court the language used by him in praying this Court "to impose upon said Emilia E. Andres imprisonment commensurate to the humiliation and vomiting injustice undersigned respondent-movant suffered and still suffering from this Court due to complainant Atty. Emilia E. Andres' wanton dishonesty."

It is obvious and self-evident that respondent has not amended his conduct despite the Court's admonition. Respondent persists and keeps on using abusive and vituperative language before the Court. Accordingly, We resolved in Our resolution of October 11, 1979 to require respondent to show cause why he should not be cited and punished for contempt of court.

Respondent filed an Urgent Motion for Reconsideration dated September 27, 1979 wherein he tried to assure the Court that he has amended his ways and has conformed to the use of polite, courteous and civil language and prayed that he be allowed to take the lawyer's oath. We denied it on October 16, 1979.

Thereafter, respondent submitted a pleading entitled "Subrosa" dated October 22, 1979 and answered the citation for contempt against him in the following wise and manner:

"3. That without prejudice to my Urgent Motion for Reconsideration dated Sept. 27, 1979, undersigned respondent respectfully states to this Court that the respondent charges that the Court's Resolution of June 5, 1979 is a "degradation of the administration of justice," was never intended as a defiance of this Court's authority, nor to scandalize the integrity, dignity, and respect which this Court enjoys, but was an statement made with utmost good faith out of frustration out of respondent's inability to take his lawyer's oath since April, 1977 and in justifiable indignation at the illegalities perpetrated by both complainant Emilia E. Andres and Legal Investigator Victor Sevilla, both members of the Bar which are evident with a cursory perusal of the typewritten transcript of the stenographic notes of the hearings conducted by Legal Investigator Sevilla which this Court adopted;" (underscoring supplied).

We reject totally respondent's supposed humble apology "for all his non-conformity to the use of polite, courteous and civil language in all his pleadings filed with the Court and on his solemn word of honor pledges not to commit the same hereinafter" and his disavowal of intent of "defiance of (the) Court's authority nor to scandalize (its) integrity, dignity and respect which this Court enjoys". Such apology and disavowal appear to be insincere, sham and artful for respondent in the same breadth contends that his statement calling the Court's resolution of

June 5, 1979 as "a degradation of the administration of justice" was made "with utmost good faith out of frustration of respondent's inability to take his lawyer's oath since April, 1977 and in justifiable indignation of the illegalities perpetrated by both complainant Emilia E. Andres and Legal Investigator Victor Sevilla."

Although respondent is not yet admitted to the legal profession but now stands at the threshold thereof, having already passed the Bar examinations, it is as much his duty as every attorney-at-law already admitted to the practice of law to "observe and maintain the respect due to the courts of justice and judicial officers (Sec. 20, (b), Rule 138, Rules of Court) and "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" (Sec. 20, (f), Rule 138). According to the Canons of Professional Ethics, it is the duty of the lawyer to maintain towards the courts a respectful attitude not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are particularly entitled to receive the support of the Bar against unjust criticism and clamor. This duty is likewise incumbent upon one aspiring to be a lawyer, such as the respondent for the attorney's oath solemnly enjoins him to "conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my client."

The power of the Supreme Court to punish for contempt is inherent and extends to suits at law as well as to administrative proceedings as in the case at bar for it is as necessary to maintain respect for the courts, in administrative cases as it is in any other class of judicial proceedings. Under Rule 71 of the Rules of Court, a person guilty of any improper conduct tending, directly or indirectly to impede, obstruct or degrade the administration of justice may be punished for contempt, and the reason is that respect for the courts guarantees their stability and permanence. Without such guaranty, the institution of the courts would be resting on a very loose and flimsy foundation, such power is essential to the proper execution and effective maintenance of judicial authority.

Respondent's use of vile, rude and repulsive language is patent and palpable from the very words, phrases and sentences he has written and which are quoted herein. They speak for themselves in their vulgarity, insolence and calumny. Specifically, respondent's direct reference to the Court on the "sadistic resolution en banc," "the cruel and inhuman punishment the Court has speedily bestowed" upon him, that "the Court does not honor its own resolution," that he is "a victim of the Court's inhuman and cruel punishment through its supreme inaction," and that he is suffering "humiliation and vomiting injustice" from this Court is not only disrespectful but his charges are false, sham and unfounded.

There is no excuse, much less plea or pretext to brand ultimately the Court's resolution deferring the oath-taking of the respondent as a new lawyer issued June 5, 1979 as "a degradation of the administration of justice." By his improper conduct in the use of highly disrespectful, insolent language, respondent has tended to degrade the administration of justice; he has disparaged the dignity and brought to disrepute the integrity and authority of the Court. He has committed contempt of this Court.

WHEREFORE, respondent Stanley R. Cabrera is found guilty of contempt and he is hereby sentenced to pay this Court within ten days from notice hereof a fine of Five Hundred Pesos (P500.00) or imprisonment of fifty (50) days.

Let a copy of this resolution be attached to respondent's personal record in the Office of the Bar Confidant.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Antonio, Aquino, Concepcion, Jr., Santos, Fernandez, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

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