

**C. E. PIATT, CHIEF OF POLICE OF MANILA, COMPLAINANT, VS.
PERFECTO ABORDO, RESPONDENT.***. September 01, 1933*

Ponente: MALCOLM, J.

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On February 19, 1932, Perfecto Abordo, a member of the Philippine Bar, accepted the offer of two individuals to sell him a quantity of opium, a prohibited drug, and agreed to pay P1.50 per tin for the opium. On the afternoon of the same day, Abordo was picked up at the corner of Taft Avenue Extension and Vito Cruz in the City of Manila, by one of the individuals who had made him the opium proposition, and was taken to Rizal Avenue Extension outside of the city limits where they found a number of persons awaiting them in an automobile. A can was disclosed to Abordo as containing opium, and believing that it was opium, he delivered to one Cabrales the amount of P600 in payment of the stuff. The can was loaded in the automobile which brought Abordo to the scene of the delivery, but in returning to Manila another automobile overtook them and the parties riding therein, pretending to be constabulary soldiers, told Abordo to stop. Instead Abordo drew his revolver and commanding the driver of the car to turn into Calle Vito Cruz was able to evade his pursuers and to arrive safely at his home in Pasay. Once in his home Abordo examined the contents of the can and found it to contain fake opium and sand. Thereupon Abordo reported to the Luneta Police Station of Manila that he had been robbed of P600. Two individuals were later arrested, charged with the crime of estafa, and convicted.

Abordo admits that he entered into the transaction detailed above, adding that "he is sincerely sorry for it and vows not to repeat". His defense is that "there being no evidence in the record establishing the relationship of attorney and client between the respondent and the malefactors", and "the act complained of not having been committed in the exercise of his profession of attorney-at-law", the acts he committed could not affect his status as attorney-at-law and could not, therefore, constitute a ground for disciplinary action.

Section 21 of the Code of Civil Procedure enumerates the grounds for the suspension or disbarment of a lawyer. Nevertheless, it is well settled that a member of the bar may be suspended or removed from his office as lawyer for other than statutory grounds. However, as a general rule, a court will not assume jurisdiction to discipline one of its officers for misconduct alleged to be committed in his private capacity. The exception to the rule is that an attorney will be removed not only for malpractice and dishonesty in his profession, but also for gross misconduct not connected with his professional duties, which show him to be unfit for the office and unworthy of the privileges which his license and the law confer upon him. (In re Pelaez [1923], 44 Phil., 567.)

The courts are not curators of the morals of the bar. At the same time the profession is not compelled to harbor all persons whatever their character, who are fortunate enough to keep out of prison. As good character is an essential qualification for admission of an attorney to practice, when the attorney's character is bad in such respects as to show that he is unsafe and unfit to be entrusted with the powers of an attorney, the courts retain the power to discipline him.

It will be recalled that Perfecto Abordo, a member of the Philippine Bar, attempted to engage in an opium deal in direct contravention of the criminal law of the Philippine Islands. All that kept the nefarious plan from succeeding was the treacherous conduct of his co-conspirators. The intention to flaunt the law was present even if consummation of the overt act was not accomplished. In the eyes of the canons of professional ethics which govern the conduct of attorneys, the act was as reprehensible as if it had been brought to a successful culmination. "Of all classes and professions, the lawyer is most sacredly bound to uphold the laws" said the United States Supreme Court in the well known case of *Ex Parte Wall* ([1882], 107 U. S., 265), and to that doctrine we give our unqualified support.

The Solicitor-General submits that the respondent should be reprimanded and warned that a repetition of similar conduct in the future will be dealt with more severely. To our minds such leniency on the part of the Supreme Court would serve merely to condone a pernicious example set by a member of the bar, and would result in action entirely inadequate considering the aggravated nature of the case. In this respect we are not without judicial precedents to guide us. Thus, in the case of *In re Terrel* ([1903], 2 Phil., 266), although the respondent had been acquitted on the charge of estafa, yet it was held that, since the promotion of an organization for the purpose of violating or evading the penal laws amounted to such malpractice on the part of an attorney as will justify removal or suspension, the respondent be suspended from the practice of law for a term of one year. Again, in *In re Pelaez*, supra, where an attorney-at-law who, as a guardian, pledged the shares of stock belonging to his ward to guarantee the payment of his personal debt, although this was misconduct committed in his private capacity, the court nevertheless suspended the respondent from the legal profession for one year. We think the instant case equally grave, and meriting as severe a sentence.

It is the order of the court that the respondent Perfecto Abordo be suspended from the practice of law for a period of one year to begin on September 1, 1933.

Street, Villa-Real, Abad Santos, Hull, Vickers, and Imperial, JJ., concur.

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