

**RHEEM OF THE PHILIPPINES, INC., ET AL., PETITIONERS, VS. ZOILO R. FERRER, ET AL., RESPONDENTS. IN RE PROCEEDINGS AGAINST ALFONSO PONCE ENRILE, LEONARDO SIGUION REYNA, MANUEL G.**

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*G.R. No. L-22979. June 26, 1967*

Ponente: SANCHEZ, J.

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**SANCHEZ, J.:**

Contempt proceedings. The following from the motion to recon-sider the decision herein, filed by counsel for petitioners-

"One pitfall into which this Honorable Court has re-peatedly fallen whenever the question as to whether or not a particular subject matter is within the jurisdiction of the Court of Industrial Relations is the tendency of this Honorable Court to rely upon its own pronouncement without due regard to the statutes which delineate the jurisdiction of the industrial court. Quite often, it is over-looked that no court, not even this Honorable Court, is empowered to expand or contract through its decision the scope of its jurisdictional authority as conferred by law. This error is manifested by the decisions of this Honorable Court citing earlier rulings but without making any reference to and analysis of the pertinent statute governing the jurisdiction of the Court of Industrial Relations. This manifestation appears in this Honorable Court's decision in the instant case. As a result, the errors committed in earlier cases dealing with the jurisdiction of the industrial court are perpetuated in subsequent cases involving the same issue. x x x.

\* \* \*

It may also be mentioned in passing that this Honorable Court contravened Rule 2, Section 5 of the Rules of Court when it applied the so-called 'rule against split-ting of jurisdiction' in its Decision in the present case. As applied by this Honorable Court, the rule means that when an employee files with the Court of Industrial Relations numerous claims relative to his employment but only one [of] which is cognizable by said court under the law, while the others pertain to other tribunals, that court has authority to entertain all the claims to avoid multiplicity of suits. x x x."

drew from the Court an order directing counsel to show cause why they should not be dealt with for contempt of court.

In respondent attorneys' verified return, they offered "their most sincere apologies for the language used" and stated that "[i]t was not and it has never been their intention to be disrespectful." They manifested that the language "was the result of overenthusiasm on the part of Atty. [Jose S.] Armonio, who thought best to focus the attention of this Honorable Court to the issue in the case, and was not in any way meant to slight or offend this Honorable Court." They also said that the "unfortunate Motion for Reconsideration was prepared and filed by Atty. Armonio who had been personally handling the case since its inception at the Court of Industrial Relations, and who had, perhaps, become too emotionally involved in the case."

Respondent members of the law firm, namely, Attys. Alfonso Ponce Enrile, Leonardo Siguion Reyna, Manuel G. Montecillo, Enrique M. Belo and Oscar R. Ongsiako assumed "full responsibility" for what appears in the motion for reconsideration. They submitted, not as an excuse, but as a fact, that not one of the partners was able to pass upon the draft or final form of the said motion, and that Atty. Armonio, an associate, pre-pared, signed and filed the motion "without clearing it with any of the part-ners of the firm." The return winds up with an expression of deep regret about the incident, coupled with an earnest pledge that it "shall never hap-pen again."

Subsequent to the return, respondent attorneys appeared in court. Attys. Ponce Enrile and Armonio were orally heard.

1. As we look back at the language (heretofore quoted) employed in the motion for reconsideration, implications there are which inescapa-bly arrest attention. It speaks of one pitfall into which this Court has repeatedly fallen whenever the jurisdiction of the Court of Industrial Relations comes into question. That pitfall is the tendency of this Court to rely on its own pronouncements in disregard of the law on jurisdiction. It makes a sweeping charge that the decisions of this Court blindly adhere to earlier rulings without as much as making "any reference to and analysis of" the pertinent statute governing the jurisdiction of the indus-trial court. The plain import of all these is that this Court is so patent-ly inept that in determining the jurisdiction of the industrial court; it has committed error and continuously repeated that error to the point of perpetuation, It pictures this Court as one which refuses to hew to the line drawn by the law on jurisdictional boundaries. Implicit in the quoted statements is that the pronouncements of this Court on the jurisdiction of the industrial court are not entitled to respect. Those statements de-tract much from the dignity of and respect due this Court. They bring into question the capability of the members - and some former members -of this Court to render justice. The second paragraph quoted yields a tone of sarcasm when counsel labelled as "so-called" the "rule against splitting of jurisdiction".[1]

By now, a lawyer's duties to the Court have become commonplace. Really, there could hardly be any valid excuse for lapses in the observance thereof. Section 20(b), Rule 138 of the Rules of Court, in categori-cal terms, spells out one such duty: "To observe and maintain the respect due to the courts of justice and judicial officers." As explicit is the first canon of legal ethics which pronounces that [i]t 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." That same canon, as a corollary, makes it peculiarly incumbent upon lawyers to support the courts against "unjust criticism and clamor." And more. The attorney's oath solemnly binds him to a conduct that should be "with all good fidelity x x x to the courts." Worth remembering is that the duty of an attorney to the courts "can only be maintained by rendering no service involving any disrespect to the ju-dicial office which he is bound to uphold."[2]

We concede that a lawyer may think highly of his intellectual endow-ment. That is his privilege. And, he may suffer frustration at what he feels is others' lack of it. That is his misfortune. Some such frame of mind, however, should not be allowed to harden into a belief that he may attack a court's decision in words calculated to jettison the time-honored aphorism that courts are the temples of right. He should give due allow-ance to the fact that judges are but men; and men are encompassed by error, fettered by fallibility.

2. What we have before us is not without precedent. Time and again, this Court has admonished and punished, in varying degrees, members of the Bar for statements, disrespectful or irreverent, acrimonious or defamatory, of this Court or the lower courts.[3] Resort by an attorney - in a motion for reconsideration - to words which may drag this Court down into disrepute, is frowned upon as "neither justified nor in the least necessary, because in order to call the attention of the court in a special way to the essential points relied upon in his argument and to emphasize the force thereof, the many reasons stated in the mo-tion" are "sufficient", and such words "superfluous." [4] It is in this context that we must say that just because Atty. Armonio "thought best to focus the

attention" of this Court "to the issue in the case" does not give him unbridled license in language. To be sure, lawyers may come up with various methods, perhaps much more effective, in calling the Court's attention to the issues involved. The language vehicle does not run short of expressions, emphatic but respectful, convincing but not derogatory, illuminating but not offensive.

To be proscribed then is the use of unnecessary language which jeopardizes high esteem in courts, creates or promotes distrust in judicial administration, or which could have the effect of "harboring and encouraging discontent which, in many cases, is the source of disorder, thus undermining the foundation upon which rests that bulwark called judicial power to which those who are aggrieved turn for protection and relief." [5] Stability of judicial institutions suggests that the Bar stand firm on this precept.

The language here in question, respondents aver, "was the result of overenthusiasm." It is but to repeat an old idea when we say that enthusiasm, or even excess of it, is not really bad. In fact, the one or the other is no less a virtue, if channeled in the right direction. However, it must be circumscribed within the bounds of propriety and with due regard for the proper place of courts in our system of government. [6]

We are not unmindful of counsel's statement that the language used "was not in any way meant to slight or offend" this Court. Want of intention, we feel constrained to say, is no excuse for the language employed. For, counsel cannot escape responsibility "by claiming that his words did not mean what any reader must have understood them as meaning." [7] At best, it extenuates liability.

3. We now turn to the partners of the law firm. They explained that not one of them cleared the motion in which the questionable portion appears. Their reason is that they were not in the office at the time said motion was filed - which was the last day. They added that "it is the policy of the firm known to all its members and associates that only the partners can sign court pleadings except in rare cases where, for want of time or due to unexpected circumstances, an associate has to sign the same". We understood Atty. Alfonso Ponce Enrile to have said in open court that in his long years of practice, he knows that it serves no useful purpose to downgrade the dignity of the Court. We may overlook the shortcomings of the members of the law firm; except that, as we see it, partners are duty bound to provide for efficacious control of court pleadings and other court papers that carry their names or the name of their law firm. Seemingly, such control was absent here.

In the end, we admonish Atty. Jose S. Armonio, with the warning that repetition of this incident will be dealt with accordingly. Let a copy of this resolution be attached to his record.

Attention of Attys. Alfonso Ponce Enrile, Leonardo Siguion Reyna, Manuel G. Montecillo, Enrique M. Belo and Oscar R. Ongsiako is invited to the necessity of exercising adequate supervision and control of the pleadings and other documents submitted by their law firm to the courts of justice of this country.

### **SO ORDERED.**

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, and Castro, JJ., concur.

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[1] The decision actually employed the words "split jurisdiction".

[2] *Lualhati vs. Albert*, 57 Phil. 86, 92.

[3] *Perkins vs. Perkins*, 57 Phil. 223, 226; *Salcedo vs. Hernandez*, 61 Phil. 724; *Medina vs. Rivera*, 66 Phil. 151, 157; *In re Franco*, 67 Phil. 312, 316; *People vs. Carillo*, 77 Phil. 572, 579-580, 583; *In re Sotto*, 82 Phil. 595, 601-602; *People vs. Venturanza*, 98 Phil. 211, 217; *De Joya vs. Court of First Instance of Rizal*, 99 Phil. 907, 915-916; *Sison vs. Sandejas*, L-9270, April 29, 1959; *Paragas vs. Cruz (Resolution)*, L-24438, July 30, 1965.

[4] Salcedo vs. Hernandez, *supra*, at p. 727. See also Paragas vs. Cruz, *supra*.

[5] Salcedo vs. Hernandez, *supra*, at p. 728.

[6] *Id.*, at p. 729; Cornejo vs. Tan, 85 Phil. 772, 775; Paragas vs. Cruz, *supra*.

[7] *In re Franco*, 67 Phil. 312, 316, cited in Paragas vs. Cruz, *supra*.

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