

**IN THE MATTER OF THE APPLICATION FOR HABEAS CORPUS OF
MAXIMINO GAMIDO; MAXIMINO B. GAMIDO, PETITIONER, VS. NEW
BILIBID PRISON, RESPONDENT.**

G.R. No. 146783. July 29, 2002

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is the Motion for Relief filed on January 17, 2002 by Espiridion J. Dela Cruz, of Suite 416 William Liyao Bldg., Rizal Avenue, Manila, who styles himself as “counsel” for petitioner Maximino B. Gamido. Two issues were tendered during the hearing of said motion today, attended by Dela Cruz and the counsels for respondent led by the Assistant Solicitor General Rodolfo Urbiztondo, OSG, to wit:

- Whether or not there has been a violation of the rule against forum-shopping; and
- Whether or not Espiridion J. Dela Cruz may appear as counsel for petitioner in this case, considering allegations that he is not a member of the Philippine Bar.

It appearing that earlier the petitioner himself filed under date of February 12, 2001, personally his Motion to Withdraw Petition, and that the Court in its Resolution dated March 12, 2001, granted the withdrawal of his petition for habeas corpus, the Court hereby RESOLVES that the instant Motion for Relief, which was filed without authority of the petitioner and clearly without merit, should be and is hereby DENIED.

Further, considering representations by the self-styled counsel for petitioner that he, Espiridion J. Dela Cruz, is a lawyer with a law office bearing his name at Suite 416 William Liyao Bldg., Rizal Avenue, Manila, and for this purpose he used the title of attorney and indicated in his pleadings filed before this Court an IBP number, which turned out to be spurious, it having been shown and admitted by him that he is not a member of the Philippine Bar as certified by the Office of the Bar Confidant, after he was made to show cause why he should not be disciplinarily dealt with for appearing as counsel in this case without license to practice law, and although he asked the Court for forgiveness for the wrong he had done, the Court RESOLVED to declare ESPIRIDION J. DELA CRUZ GUILTY of indirect contempt of this Court. WHEREFORE, he is hereby sentenced to pay a FINE of TEN THOUSAND PESOS (P10,000) within thirty days from notice hereof, OR suffer IMPRISONMENT for a period of one month and one day to be served at the National Bureau of Investigation (NBI) detention center, Taft Avenue, Manila, with the warning that a repetition of the same or similar act would be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and Corona, JJ., concur.

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