

MEMORIA G. ENCINAS AND ADOLFO A. BALBOA, PETITIONERS, VS. NATIONAL BOOKSTORE, INC., RESPONDENT.

G.R. No. 162704. July 28, 2005

Ponente: TINGA, J.

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TINGA, J.:

In the Resolution dated 6 April 2005, the Court required Atty. Ricardo T. Calimag, counsel for Roberto P. Madrigal-Acopiado and his attorney-in-fact Datu Mohaldin R.B. Sulaiman, to show cause why he should not be cited for contempt of court for his participation in the submission of a fake judicial decision to this Court. This concerns his compliance therewith entitled Motion to Show Cause (Re: Compliance to Resolution Dated 6 April 2005).[1]

Counsel explains that he filed the Motion for Intervention with Leave of Court and Petition-In-Intervention (to which was appended a copy of the fake decision) on behalf of his clients to seek the truth in order that justice will prevail. He reasons that he was misled in the appreciation of the evidence (referring to the forged judicial decision) made available to him at the time of submission of the Motion and Petition-In-Intervention. At the same time, he asserts that there was an honest mistake in the appreciation of the documents and that there was never any malice intended in the submission of the questioned documents. In fact, he even welcomes the referral of the incident to the National Bureau of Investigation so as to identify the mastermind of the production of the fake decision.

Counsel's explanation is insufficient and unsatisfactory. The Court cites counsel in direct contempt of court.

Direct contempt, or contempt in facie curiae, is misbehavior committed in the presence of or so near a court or judge so as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, and can be punished summarily without hearing.[2] It is conduct directed against or assailing the authority and dignity of the court or a judge, or in the doing of a forbidden act.[3]

As had been earlier observed, it is insulting to assert a claim before this Supreme Court based on an obvious and incompetent forgery and conceived by one with so primitive a sense of what normative standards would pass judicial muster.[4] We cannot accept counsel's declarations of good faith and honest mistake since, as a member of the Bar and an officer of the court, he is presumed to know better. He is required to thoroughly prepare himself on the law and facts of his case and the evidence he will adduce. The minimum he could have done was to verify with the appropriate authorities the documents upon which his clients based their claims, and not have relied on his clients' assertions.

Counsel's actuations may even constitute a violation of the lawyer's oath. As an officer of the court, he is reminded of his basic duties to observe and maintain the respect due to the courts of justice and judicial officers,[5] to do no falsehood nor consent to the doing of any in court, nor mislead or allow the Court to be misled by any artifice,[6] and to assist in the speedy and efficient administration of justice.[7]

Counsel's act of filing the Motion and Petition-In-Intervention based on a spurious judicial decision constitutes direct contempt of court. A person found guilty of direct contempt may be punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank.[8] Under the circumstances, a fine of Two Thousand Pesos (P2,000.00) would be appropriate.

IN VIEW OF THE FOREGOING, Atty. Ricardo T. Camilag is CITED in DIRECT CONTEMPT OF COURT and ordered to PAY a FINE of TWO THOUSAND PESOS (P2,000.00) within ten (10) days from notice, or to suffer imprisonment of ten (10) days in case he fails to pay the fine.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1]Dated 3 May 2005; Rollo, pp. 869-871.

[2]Rule 71, Sec. 1, Rules of Court.

[3]Silva v. Lee, A.M. No. R-225-RTJ, 26 January 1989, 169 SCRA 512.

[4]Resolution dated 6 April 2005, Rollo, p. 619.

[5] Canon 11, Code of Professional Responsibility.

[6] Rule 10.01, Canon 10, Code of Professional Responsibility.

[7] Canon 12, Code of Professional Responsibility.

[8] Supra note 2.

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