

**JOSE D. SANGALANG AND LUTGARDA D. SANGALANG, PETITIONERS,
FELIX C. GASTON AND DOLORES R. GASTON, JOSE V. BRIONES AND
ALICIA R. BRIONES, AND BEL-AIR VILLAGE ASSOCIATION, INC., IN...**

G.R. No. 71169, August 30, 1989

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

The incident before the Court refers to charges for contempt against Atty. J. Cezar Sangco, counsel for the petitioners Spouses Jose and Lutgarda Sangalang. (G.R. No. 71169.)

On February 2, 1989, the Court issued a Resolution, requiring, among other things, Atty. Sangco to show cause why he should not be punished for contempt "for using intemperate and accusatory language." [1] On March 2, 1989, Atty. Sangco filed an explanation.

The Court finds Atty. Sangco's remarks in his motion for reconsideration, reproduced as follows:

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This Decision of this Court in the above-entitled case reads more like a Brief for Ayala . . . [2]xxx xxx xxx . . . [t]he Court not only put to serious question its own integrity and competence but also jeopardized its own campaign against graft and corruption undeniably pervading the judiciary . . . [3]

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The blatant disregard of controlling, documented and admitted facts not put in issue, such as those summarily ignored in this case; the extraordinary efforts exerted to justify such arbitrariness and the very strained and unwarranted conclusions drawn therefrom, are unparalleled in the history of this Court . . . [4]xxx xxx xxx . . . [T]o ignore the fact that Jupiter Street was originally constructed for the exclusive benefit of the residents of Bel-Air Village, or rule that respondent Court's admission of said fact is "inaccurate," as Ayala's Counsel himself would like to do but did not even contend, is a manifestation of this Court's unusual partiality to Ayala and puts to serious question its integrity on that account.[5]

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. . . [i]t is submitted that this ruling is the most serious reflection on the Court's competence and integrity and exemplifies its manifest partiality towards Ayala. It is a blatant disregard of documented and incontrovertible and uncontroverted factual findings of the trial court fully supported by the records and the true significance of those facts which both the respondent court and this Court did not bother to read and consequently did not consider and discuss, least of all in the manner it did with respect to those in which it arrived at conclusions favorable to Ayala.[6]

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To totally disregard Ayala's written letter of application for special membership in BAVA which clearly state that such membership is necessary because it is a new development in their relationship with respect to its intention to give its commercial lot buyers an equal right to the use of Jupiter Street without giving any reason

therefor, smacks of judicial arrogance . . .[7]

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. . . [A]re all these unusual exercise of such arbitrariness above suspicion? Will the current campaign of this Court against graft and corruption in the judiciary be enhanced by such broad discretionary power of courts?[8]

disparaging, intemperate, and uncalled-for. His suggestions that the Court might have been guilty of graft and corruption in acting on these cases are not only unbecoming, but comes, as well, as an open assault upon the Court's honor and integrity. In rendering its judgment, the Court yielded to the records before it, and to the records alone, and not to outside influences, much less, the influence of any of the parties. Atty. Sangco, as a former judge of an inferior court, should know better that in any litigation, one party prevails, but his success will not justify indictments of bribery by the other party. He should be aware that because of his accusations, he has done an enormous disservice to the integrity of the highest tribunal and to the stability of the administration of justice in general.

As a former judge, Atty. Sangco also has to be aware that we are not bound by the findings of the trial court (in which his clients prevailed). But if we did not agree with the findings of the court a quo, it does not follow that we had acted arbitrarily because, precisely, it is the office of an appeal to review the findings of the inferior court.

To be sure, Atty. Sangco is entitled to his opinion, but not to a license to insult the Court with derogatory statements and recourses to argumenta ad hominem. In that event, it is the Court's duty "to act to preserve the honor and dignity . . . and to safeguard the morals and ethics of the legal profession." [9]

We are not satisfied with his explanation that he was merely defending the interests of his clients. As we held in *Laureta*, a lawyer's "first duty is not to his client but to the administration of justice; to that end, his client's success is wholly subordinate; and his conduct ought to and must always be scrupulously observant of law and ethics." [10] And while a lawyer must advocate his client's cause in utmost earnest and with the maximum skill he can marshal, he is not at liberty to resort to arrogance, intimidation, and innuendo.

That "[t]he questions propounded were not meant or intended to accuse but to . . . challenge the thinking in the Decision," [11] comes as an eleventh-hour effort to cleanse what is in fact and plainly, an unfounded accusation. Certainly, it is the prerogative of an unsuccessful party to ask for reconsideration, but as we held in *Laureta*, litigants should not "think that they will win a hearing by the sheer multiplication of words." [12] As we indicated (see Decision denying the motions for reconsideration in G.R. Nos. 71169, 74376, 76394, 78182, and 82281, and deciding G.R. No. 60727, dated August 25, 1989), the movants have raised no new arguments to warrant reconsideration and they can not veil that fact with inflammatory language.

Atty. Sangco himself admits that "[a]s a judge I have learned to live with and accept with grace criticisms of my decisions." [13] Apparently, he does not practice what he preaches. Of course, the Court is not unreceptive to comment and critique of its decisions, but provided they are fair and dignified. Atty. Sangco has transcended the limits of fair comment for which he deserves this Court's rebuke.

In our "show-cause" Resolution, we sought to hold Atty. Sangco in contempt, specifically, for resort to insulting language amounting to disrespect toward the Court within the meaning of Section I, of Rule 71, of the Rules of Court. Clearly, however, his act also constitutes malpractice as the term is defined by Canon 11 of the Code of Professional Responsibility, as follows:

CANON 11

—

A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

Rule 11.01

...

Rule 11.02

...

Rule 11.03

—

A lawyer shall abstain from scandalous, offensive or menacing language or behavior before the Courts.

Rule 11.04

—

A lawyer should not attribute to a Judge motives not supported by the record or have no materiality to the case.

Rule 11.05

...

Thus, aside from contempt, Atty. Sangco faces punishment for professional misconduct or malpractice.

WHEREFORE: Atty. J. Cezar Sangco is (1) **SUSPENDED** from the practice of law for three (3) months effective from receipt hereof, and (2) **ORDERED** to pay a fine of P500.00 payable from receipt hereof. Let a copy of this Resolution be entered in his record.

IT IS SO ORDERED.

Fernan, C.J, Melencio-Herrera, Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Narvasa, J., no part on account of close association.

Gutierrez, J., no part. Have been in close association with Judge Sangco in the past.

[1] Rollo, G.R. No. 71169, 410.

[2] Id., 387.

[3] Id.

[4] Id., 388.

[5] Id.

[6] Id., 394.

[7] Id., 407.

[8] Id., 408.

[9] In Re: Wenceslao Laureta, March 12, 1987, 148 SCRA 382, 400.

[10] Supra, 422.

[11] Rollo, id., 416.

[12] Re: Laureta, supra, 402.

[13] Rollo, id., 417.

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