

ERECTORS, INC., PETITIONER, VS. THE HON. NATIONAL LABOR RELATIONS COMMISSION AND DANILO CRIS, RESPONDENTS.

G.R. No. 71177. October 28, 1988

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-71177/>

PER CURIAM:

A petition for certiorari under Rule 65 was filed in this Court on June 27, 1985, assailing the dismissal by the National Labor Relations Commission (NLRC, for brevity) of the petitioner's motion for reconsideration of the decision of the Philippine Overseas Employment Administration (POEA, for short). The petitioner contended that its motion for reconsideration or appeal was seasonably filed within ten working days from receipt of the decision, allegedly pursuant to the 1984 POEA Rules and Procedures, specifically Rule XXIV, Sec. 1, and Rule XXV, Sec. 2 thereof.[1]

In our resolution dated October 5, 1987, we required the counsels[2] for the petitioner to furnish us with the source of the above-mentioned POEA rules. This order was reiterated in our subsequent resolution of December 2, 1987. In compliance with the foregoing, the petitioner manifested[3] that the said rules may be found under the 1984 Rules & Regulations of the POEA. Considering, however, that the 1984 rules of the POEA do not contain the alleged "ten working day rule", on December 14, 1987, we resolved to require the counsels to explain within five days why they should not be "disciplinarily dealt with for fabricating rules for the purpose of trifling with court processes." [4] In reply, the petitioner's counsels persisted in their claim of a "ten working day rule" for appeals from the POEA to the NLRC, again citing the alleged 1984 POEA Rules and Procedures, a supposed copy of which was then furnished to us: however, what they submitted was not a certified but a simple xerox copy of what they represented to be the said POEA rules.[5]

Our decision in this case was promulgated on February 29, 1988, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the Petition is hereby DISMISSED and the assailed Resolution of the public respondent, dated December 28, 1984, AFFIRMED. The Temporary Restraining Order issued by this Court on July 10, 1985 is hereby LIFTED. The counsels for the petitioner are also admonished for foisting a non-existent rule with the warning that repetition of the same or similar offense will be dealt with more severely. With triple costs against the petitioners.[6]

In clear disregard of our warning, the counsels for the petitioner, in their Motion for Reconsideration filed on April 4, 1988, cited anew[7] the alleged 1984 POEA Rules and Procedures which we already categorically declared, as in fact they are, non-existent.

In our resolution dated April 25, 1988, we resolved "to deny with finality the Motion for Reconsideration, the basic issues raised there in having previously been duly considered and passed upon by the Court in the foregoing decision and no new substantial matters or reasons having been adduced to warrant the reconsideration sought." In the same resolution,[8] we directed the counsels for the petitioner to SHOW CAUSE why they should not be held in contempt for insisting on their misrepresentation of the pertinent rules of the POEA.

Subsequently, the counsels for the petitioner submitted a "Compliance"[9] dated May 30, 1988, stating, among

other things, that their motion for reconsideration (anchored upon an inexistent POEA rule providing for an appeal period of "ten working days" rather than "ten calendar days" under the present rules) was "motivated by counsels' desire to fully defend their client's interest or cause with their utmost/best efforts and within legal bounds but never to defy or ignore, any final pronouncement of this Honorable Court."

We do not find the above explanation acceptable.

We note an utter lack of repentance or semblance thereof in the counsels' repeated insistence despite the undeniable fact that the purported POEA rules do not exist.[10] In their "Compliance/Manifestation"[11] dated October 26, 1987, filed in compliance with our Resolution dated October 5, 1987 requiring them to furnish the Court with a copy of such rules, they prayed that we take "judicial notice" of the alleged fact that "it was only sometime in 1985 or specifically on the 21st day of May 1985 when the POEA adopted the present Philippine Overseas Employment Administrative Rules and Regulations which, among others, amended the ten (10) working days appeal period to ten (10) calendar days," knowing fully well that such a rule does not in fact exist or was never promulgated as they would impliedly admit in their subsequent "Compliance" dated May 30, 1985, in which they would allege that their insistence was an effort to promote their client's cause. What we find, instead, is a deliberate effort to mislead this Court. This deception is a clear misconduct, as well as a serious violation of the attorney's solemn oath to do no falsehood.[12]

For a lawyer's duty to his client does not mean freedom to set up false or fraudulent claims especially with respect to provisions of law or administrative rules, and that while lawyers are bound to exert utmost legal skill in prosecuting their client's cause or defending it, their duty, first and foremost, is to the administration of justice.[13] The office of attorney does not permit, much less demand, to support a client's case, violation of law or otherwise, fraud or chicanery. A lawyer must obey his own conscience and not that of his client.

The counsel's bare assertion, made in the same "Compliance"[14] dated May 30, 1988 that "they have no least (sic) desire or intention to insist on their positions" is completely belied by the records. In truth, the counsels' contumacious insistence (both counsels, Prescillano F. Adamos and Julian F. Barrameda, signed various pleadings[15] foisting to the Court the non-existent "ten working day rule") on the "ten working day rule" was greatly responsible for the delay in the final disposition of the present case, not to mention the considerable amount of time and effort spent by the Court over this case, which could have been devoted instead to more urgent matters.

ACCORDINGLY, the Court hereby orders Attys. Prescillano F. Adamos and Julian F. Barrameda SUSPENDED from the practice of law in the Philippines for a period of six months, effective immediately, for knowingly, deliberately, and repeatedly foisting non-existent, POEA rules calculated to mislead the Court into deciding this case in their favor, and for wilfully disregarding our previous warnings.

Let a copy of this resolution be entered in their personal records.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, Sarmiento, and Regalado, JJ., concur.

[1] Petition, 3; Rollo, 4.

[2] Attys. Prescillano F. Adamos and Andres T. Nacilla; the latter was later substituted by Atty. Julian F. Barrameda who, together with Atty. Adamos, alternately signed the pleadings for the petitioner.

[3] Rollo, 77.

[4] Id., 83-a.

[5] Id., 83-c to 83-j.

[6] Decision, 6-7; Id., 90-91.

[7] Id., 100.

[8] Id., 185.

[9] Id., 188.

[10] In two communications dated March 18, 1988 and April 5, 1988, respectively, the POEA itself twice confirmed that the rules cited by the counsels are not included in the rules and regulations issued by it and effective in 1984, and that under the POEA rules and regulations, whether, those effective in 1984 or those presently applicable, the period within which to file an appeal in a case involving employer-employee relationship is ten calendar days from receipt of the order or decision and not ten working days.

[11] Id., 77.

[12] Attorney's Oath. Form 28, Appendix of Forms, Rules of Court.

SEC. 27, Rule. 138. Attorneys removed or suspended by Supreme Court on what grounds. - A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a wilful disobedience of any lawful order of a superior court, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

[13] In Re: Wenceslao Laureta, March 16, 1987, 148 SCRA 382, 422.

[14] Rollo, 188.

[15] Compliance/Manifestation dated October 26, 1987; Urgent Motion for Reconsideration dated April 2, 1988; Compliance dated May 30, 1988; Manifestation and Full Compliance dated December 24, 1987; Compliance and Explanation dated Feb. 2, 1988; Manifestation dated April 22, 1988.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.