

**IN THE MATTER OF PROCEEDINGS FOR DISCIPLINARY ACTION
AGAINST ATTY. PONCIANO B. JACINTO IN G.R. NO. 78926, ENTITLED
"FACUNDA PALMARIO V. SOCIAL SECURITY SYSTEM, ET
AL."**

G.R. No. 78926. April 06, 1988

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PER CURIAM:

The Court has initiated this administrative action *motu proprio* because of the improvident language and conduct of the petitioner's counsel, Atty. Ponciano B. Jacinto in G.R. No. 78926, entitled "Facunda Palmario v. Social Security System, et al."

In G.R. No. 65862 (Facunda Palmario v. Civil Service Commission, et al.), the petitioner questioned the decision of the Civil Service Commissioner considering her resigned from the Social Security System effective on her last day of actual service. This was denied by the Court on March 7, 1984, "for raising factual issues, for showing no legal basis and for lack of merit." On July 7, 1987, she filed a Petition to Reopen the Case but the same was dismissed by the Court in a resolution dated July 27, 1987, reading as follows:

"Considering that the present petition is virtually a reiteration of the dismissed petition and that she now invokes no more substantial reasons for the re-opening than justice and equity and emotional appeals for compassion and fairness, the Court Resolved, in the interest of the orderly administration of justice and taking particular account of the fact that the dismissal of the original petition has long since become final and executory, to DISMISS the instant petition."

The petitioner moved for reconsideration of the above resolution but the motion was denied with finality, the same having raised no new matters warranting a modification of the resolution. A Memorandum was subsequently filed by the petitioner herself on August 27, 1987, which the Court merely noted. On September 23, 1987, her counsel, Atty. Ponciano B. Jacinto, moved for leave to file a second motion for reconsideration, followed by a Very Urgent Motion for a Brief Hearing to Present Newly Discovered, Hard and Vital Evidence, both of which motions were denied by the Court. Counsel then filed on December 9, 1987, a Motion for Reconsideration of the resolution of October 14, 1987 and a Motion for Leave to File Brief Memorandum. Both of them were merely noted in view of the earlier denial with finality of the first motion for reconsideration. Thereafter, Atty. Jacinto filed a Special and Very Urgent Manifestation on December 29, 1987, followed by what he called a Final Plea for the Integrity of the Honorable Supreme Court on January 7, 1988. On February 15, 1988, Atty. Jacinto filed a Motion to Vacate Resolution of January 6, 1988 for One That Is Just, Legal, Logical, Rational Supported by Good Evidence and Good Conscience, and on March 2, 1988, he filed a Motion to Resolve According to the Record of Fact and Law, Logic, Reason, Good Conscience and Common Sense.

This case arose when the petitioner was transferred on December 27, 1978, from her position as acting section chief of the accounting department of the Social Security System to the real estate department as loans examiner. Claiming "mental torture" over her alleged demotion, she requested a leave of absence for one year but the same

was denied and her second request for a one-month leave was granted for only one week. Having left her office earlier, she did not report back for more than a year and, when required on February 6, 1979, to explain her absence within 72 hours, failed to do so. As a result, she was ordered dismissed as of her last day of actual service on December 26, 1978. She appealed her dismissal to the Civil Service Commissioner which, after hearing, modified the decision of the Social Security System and considered her not dismissed but merely resigned. Both the Social Security System and the petitioner moved for reconsideration, but their motions were denied, prompting the petitioner to come to this Court in G.R. No. 65862, which, to repeat, was dismissed in 1984.

Her Petition to Reopen that case merely reiterated her original allegations and arguments, and the motion for reconsideration did no more than elaborate on these matters. The claim of denial of due process is not supported by the record as it is clear therefrom that the petitioner was given an opportunity to present her side in the hearing of her protest before the Civil Service Commission. Petitioner in her subsequent pleadings claims to have discovered new evidence of her not having been served with a copy of the telegram requiring her to explain her unauthorized leave and of the charge memorandum of the SSS. These are matters, however, that should be presented not to this Court but to the Civil Service Commission where the petition to reopen the case should have been filed in the first place. The Court also notes that according to the petitioner's counsel in the Addendum to her Motion for Leave to File Brief Memorandum, both the Civil Service Commission and the Social Security System "do not oppose" her reinstatement. If that be so, then the remedy is for the petitioner to simply go to the Social Security System for such reinstatement.

The merits of this case are clear enough and do not need to be reviewed. But what has seriously concerned the Court is the arrogant manner and language of the petitioner's counsel who, while professing respect for it, has made the following questionable statements:

"SPECIAL AND VERY URGENT MANIFESTATION

"1. To Alert the Hon. Court on Looming Danger, and

"2. To Avert That Danger Before It Happens.

xxx

"10. So, with this MANIFESTATION, we, as Member of the Bar and Officer of the Hon. Court, are only doing our duty in ALERTING the Hon. Court of a LOOMING DANGER AHEAD, that, should it continue to disregard its record and the laws involved in this case, resulting in a miscarriage of justice, a Paradox of Paradoxes and an Irony of Ironies would result, i.e.,

"a hypothetical Supreme Court that were better if inexistent because then it could do no harm."

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"FINAL PLEA FOR THE INTEGRITY OF THE HONORABLE SUPREME COURT

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"1. Heretofore this Hon. Court has consistently and erroneously made dismissal and denial resolutions of petitioner's bid for reinstatement, IN COMPLETE DISREGARD OF THE LEGAL BASES REPETITIOUSLY CITED in all pleadings on her behalf.

xxx

"4. THE INTEGRITY OF THE HON. SUPREME COURT BEING IN JEOPARDY IF IT DOES NOT CHANGE ITS COURSE, GO INTO THIS CASE PERSONALLY AND IN DEPTH, AND AGAIN DENY PALMARIO'S LAST PLEA FOR JUSTICE, it is our duty to call the attention of the Hon. Court to what then would happen:

"One: The Hon. Supreme Court being composed of the elite in legal lore, could not be thought of as ignorant

thereof, therefore, knowingly it perpetuates instead of rectifying an injustice.

"Two: In that case, our need for a Supreme Court would be as logical and as rational as our need for a hole in the head.

"Three: All these proceedings are public and the media has a specially keen nose for news, particularly the most nauseating kind.

"Four: Our esteemed Supreme Courts would be reminiscent of the kangaroo court called Sandigan Bayan of Aquino-Galman shame and lead other judicial jurisdictions to believe that we are not far removed from the Marcosian practices."

The above statements are clearly contemptuous and cannot be countenanced by this Court. Every lawyer is expected to maintain the proper decorum in his dealings with the courts of justice and is never justified in using scurrilous and threatening language in pleading his client's cause. Impoliteness ill becomes the member of the Philippine bar. Intimidations do not suit his role as an officer of the court. While criticism of judicial conduct is not forbidden and zeal in advocacy is in fact encouraged, the lawyer must always act within the limits of propriety and good taste and with deference for the judges before whom he pleads.

While professing respect for the Court, Atty. Jacinto has reportedly insulted and threatened it in the most boorish and insolent manner. He has warned it of "a looming danger ahead" if his motions are not granted; averred that denial of his petition will make the Court as superfluous "as a hole in the head"; broadly hinted that he will then give the media news "of the most nauseating kind" involving the Court; and made other irresponsible charges and insinuations that besmirch the highest tribunal and undermine popular faith in its integrity. Such conduct reflects his supercilious and contemptuous regard for this Court, which cannot let his affront pass unnoticed or unpunished if similar disparagement of the administration of justice is to be avoided in the future.

As by his own acts and words Atty. Jacinto has clearly demonstrated that he is unfit to continue as a member of the Philippine bar, he is excluded therefrom until he proves worthy again to enjoy the privileges of membership. Meanwhile, it is necessary to instill in him a new sense of discipline that should instruct him anew on the duty of respect he owes the courts of justice, especially this tribunal. This rehabilitation must be done outside the brotherhood he has dishonored and to which he will be allowed to return only after he has purged himself of his misdeeds. (In re Almacen, 31 SCRA 562.)

ACCORDINGLY, Atty. Ponciano B. Jacinto is hereby SUSPENDED as a member of the Philippine bar and is prohibited from engaging in the practice of law until otherwise ordered by this Court. This resolution shall be spread in his personal record and is immediately executory.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Grino-Aquino, JJ., concur.

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