

ATTY. ELADIO CH. RUBIO, PETITIONER, VS. HON. COURT OF APPEALS, HON. NICOLAS P. LAPEÑA, JR., HON. FIDEL P. PURISIMA AND HON. SEGUNDINO CHUA, ALL COURT OF APPEALS ASSOCIATE JUSTIC...

G.R. No. 84032. August 29, 1989

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PER CURIAM:

The petitioner was found guilty of direct contempt and sentenced to five (5) days imprisonment and a fine of P200.00 by Judge Martin B. Badong of the Regional Trial Court of Albay. He questioned this order in a petition for certiorari with the Court of Appeals, which denied the same on the ground that certiorari was not the proper remedy and that, in any case, the record showed that the respondent judge had immediately rectified the errors imputed to him his earlier impugned order. The petitioner has now come before us to protest this decision.

We hold at the outset that the respondent Court of Appeals has committed no reversible error and that, on the contrary, the challenged decision is in accordance with law and jurisprudence. Accordingly, it must be as it is hereby, affirmed.

But the matter does not end here. There is still the questionable conduct of the petitioner in this case that has elicited the concern of the Court.

Disagreeing with the choice of administrator made by Judge Badong in the estate proceedings, the petitioner filed in the trial court what he captioned an "Urgent Ex-Parte Motion Praying that Judge Martin P. Badong Himself motu proprio Reconsider and Set Aside Immediately His Own Order Dated July 9, 1987 Appointing Oppositor Eugenia as the Regular Administrator in this Case Special proceeding No. T-105, Etc." In this motion, he accused judge Badong of the crime of "FALSIFICATION for recognizing Eugenia Tabinas San Pablo as the legitimate wife of the precedent" and stressed that the judge was subject to the penalties imposed by the Revised Penal Code. He averred that the judge was "engaged in gross misconduct and serious behavior and in violating his lawyer's oath." and was being falsehood in his own court and violating his lawyer's oath" for which he should be "DISBARRED." In condition, he attached to his motion a copy of a petition certiorari with a notation on the margin that it would be filed with the Court of Appeals unless the judge immediately rectified his order.

When asked to show cause why he should not be cited for contempt, the petitioner filed a 16-page compliance in which he repeated substantially the same allegations in his motion in the same venomous language and without any sign of repentance or apology. The judge therefore imposed upon him the above-mentioned penalty.

In his present petition, Atty. Rubio has turned his bile on the three members of the Court of Appeals who dismissed his petition and in effect sustained Judge Badong's questioned decision. The same obvious malice and disdain reveal all too tellingly the petitioner's contemptuous attitude toward the said justices whom he also accuses of "THE CRIME of FALSIFICATION intentionally, maliciously, feloniously, and OPENLY being committed" by them. He claims that they have made "untruthful Statements" and that they "ALL ARE FULLY AWARE of the UNTRUTHFUL STATEMENTS IN THEIR OWN DECISION and that they are openly

committing the crime of FALSIFICATION." Repeatedly, he insists that the said justices are "ALL FULLY AWARE of THEIR OWN FALSEHOODS IN THEIR OWN DECISION" and that "they are doing FALSEHOODS RIGHT IN THEIR OWN COURT AND VIOLATING WITH IMPUNITY THEIR LAWYERS' OATH." He stresses that the said justices "are now actively ENGAGED IN VERY SERIOUS MISCONDUCT IN THE PERFORMANCE OF THEIR JUDICIAL DUTIES and VERY MUCH WORSE than former Judge Dionisio N. Capistrano who was recently dishonorably dismissed from the judiciary." He concludes that the said justices "deserve NOW to be DISHONORABLY DISMISSED from the judiciary which they have intentionally dishonored and continue to OPENLY dishonor until now (a) with their own FALSEHOOD in court; (b) with their CRIME OF FALSIFICATION, and with their VERY, VERY SERIOUS MISCONDUCT." There are similar statements found elsewhere in the records of this case, most of them capitalized to stress the petitioner's arguments and also (although this was not intended) his malice and boorishness.

The petition is worded in scurrilous and offensive language that clearly manifests the petitioner's gross disrespect for the trial judge and the members of the Court of Appeals who rendered the challenged decision. This conduct and attitude of the petitioner cannot be simply disregarded by this Court or excused as a mere eccentricity.

While every lawyer is entitled to present his case before the courts of justice with vigor and courage, he is not permitted to manifest such enthusiasm through threatening and abusive language, as in the case before us.

The insolence displayed by the petitioner all too clearly demonstrates not only his spiteful character but as well his lack of respect for the courts of justice. Intimidating judges and accusing them of personal wrongdoing, especially if such accusations are clearly Unfounded, ill becomes a member of the bar who, as such, owes a fitting courtesy and respect to those who sit on the bench and before whom he pleads. While there is no doubt that counsel have every right to impute to judges honest mistakes in their decisions, ascribing to them personal Shortcomings and vices and even deliberate attempts to falsify the truth, cannot be condoned under the Code of Professional Responsibility which every lawyer must observe.

The damning evidence of the petitioner's own verified pleadings has indubitably established his grossly improper conduct without need of further proof or proceedings.

The petitioner has clearly shown by his arrogant conduct that he does not deserve to remain in the Philippine Bar, which requires the highest standards of decorum and courtesy among its members. Lacking the proper spirit of respect for the courts of justice, which he has threatened and abused "with impunity," to use his own words, he must be excluded from the brotherhood he has dishonored until he has purged himself of his insolence.

WHEREFORE, the Court holds as follows:

- The petition is DENIED for lack of merit.
- Atty. Eladio Ch. Rubio 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.

Fernan (C.J.), Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea and Regalado, JJ., concur.

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