PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LORETO MEDENILLA Y DORIA, ACCUSED-APPELLANT.

G.R. Nos. 131638-39. July 12, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In our Decision in the instant case, promulgated on March 26, 2001, wherein we found Loreta Medenilla y Doria guilty of violating, Sections 15[1] and 16[2] of Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, we directed counsel for the convict to comment on why he should not be cited in contempt for anchoring the defense of his client on an alleged Supreme Court circular which, in reality, was never issued by this Court. Thus, we ordered:

> Counsel for the defense, Atty. Marcelino Arias, is hereby ordered to explain within ten (10) days why he should not be cited in contempt for citing an inexistent circular in his pleadings.[3]

In compliance with our directive, Atty. Arias submitted his Comment on 16 April 2001.[4] He explained that the theory of the defense regarding the purity of the shabu seized from his client actually came from the forensic chemist witness, Police Senior Inspector Julieta T. de Villa, who informed him prior to her examination on the witness stand that she received a circular, some time after she tested the shabu obtained from the convict, which required her office to conduct quantitative and qualitative tests of all seized illegal drugs to determine the nature of the substance as well as its weight and purity. With this information, Atty. Arias claimed that he immediately assumed that the circular was issued by the Supreme Court and, as such, he used this alleged circular to seek the acquittal or, at least, the reduction of the penalty imposed on his client. Thus, in his arguments before the lower court and in his pleadings before this Court, he contended that the drugs seized from his client should be allowed to undergo a quantitative test, aside from the qualitative test already conducted, in compliance with the alleged circular. After this Court pointed out his infraction for citing a non- existent circular, Atty. Arias now asserts that he had no knowledge that the alleged circular did not actually exist and that it was not his intention to mislead the Court. He further justified his citation of a non-existent circular by claiming that his inadvertence was only moved by his eagerness to provide his client with the best defense. Thus, he begs the indulgence of the Court and extends his profoundest apologies for his infraction.

We find Atty. Arias guilty of contempt.

A lawyer owes it to the court and his client to be adequately versed on both the factual and legal aspects of his client's case.[5] For a lawyer to do otherwise would be a disservice to the court and his client and a discredit to his brethren in the bar. Thus, it is the bounden duty of a lawyer to be knowledgeable of the legal provisions upon which he will base the case of his client. Furthermore, due to the duty he owes to the court to always observe candor, fairness and good faith,[6] a lawyer is held accountable for the veracity of the legal provisions upon which he anchors his arguments.

In the present case, Atty. Arias was evidently remiss in his duties towards his client and this Court. We find it

hard to believe that Atty. Arias was not aware that a circular regarding the requirement of conducting qualitative and quantitative tests of seized illegal drugs does not exist. We cannot fathom his excuse that he merely relied on the assertion given to him "off the record" by the forensic chemist witness regarding the alleged circular and, from there, made a leap of faith and anchored the life and case of his client on such an unfounded assertion. This kind of conduct is undeniably contradictory to the training of a lawyer which is to always verify the validity of the legal provisions which he will use in his case. Thus, we cannot accept the excuse offered by Atty. Arias that he was misled by the claim of the forensic chemist witness that a circular requiring qualitative and quantitative tests of seized illegal drugs was issued by this Court. It is our view that Atty. Arias deliberately tried to mislead the trial court and this Court into believing the existence of such alleged circular.

WHEREFORE, premises considered, Atty. Marcelino P. Arias is hereby declared guilty of contempt and sentenced to pay to this Court within ten (10) days from notice hereof a fine in the sum of One Thousand Pesos (P1,000.00) with a stern warning that a repetition of the same or similar infraction will be dealt with more severely by the Court.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

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[1] SEC. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs. - The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport, or distribute any regulated drug.

Notwithstanding the provisions of Section 20 of this Act to the contrary, if the Victim of the offense is a minor, or should a regulated drug involved in any offense under this Section should be the proximate cause of the death of a victim thereof, the maximum penalty herein provided shall be imposed.

[2] SEC. 16. Possession or Use of Regulated Drugs.- The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who shall possess or use any regulated drug without the corresponding license or prescription, subject to the provisions of Section 20 hereof.

[3] Rollo, p. 187.

[4] Id., at 188.

[5] CANONS 12 and 18, CODE OF PROFESSIONAL ETHICS.

[6] CANON 10, Id.

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