

JOSE S. SANTOS, PETITIONER, VS. COURT OF FIRST INSTANCE OF CEBU, BRANCH VI, CEBU CITY, HON. RAFAEL T. MENDOZA, PRESIDING, AND CONSOLADOR LAO, RESPONDENTS.

G.R. Nos. 57190-91. May 18, 1990

Ponente: REGALADO, J.

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REGALADO, J.:

These two consolidated petitions for certiorari seek to annul the following orders of respondent judge, to wit: (1) In G.R. Nos. 57190-91, the orders dated April 10, 1981 and April 20, 1981 insofar as the same declare petitioner guilty of direct contempt; and (2) In G.R. No. 58532, the order dated August 17, 1981 suspending petitioner from the practice of law for the acts and omissions for which he has been found guilty of contempt of court.

Petitioner, a member of the Philippine Bar and a legal officer in the Bureau of Customs, Manila, was the complaining witness in Criminal Cases Nos. CU-4457 and CU-4458 for falsification of commercial documents and perjury, respectively, both entitled "People vs. Consolador Lao" and filed with Branch VI of the Court of First Instance of Cebu presided by respondent judge.

On December 24, 1980, the accused Consolador Lao, private respondent herein, filed a motion to have petitioner declared in contempt of court for having allegedly (1) obtained the postponement of the hearing of the two cases scheduled on August 27 and 28, 1979 on the false claim that his father had died; 2) testified falsely on October 6, 1980 that he was not at a time connected with any government office and that he was a practicing lawyer; and (3) executed an affidavit imputing derogatory conduct to the lower court, thus placing it in discredit and subjecting it to disrespect.[1]

What transpired thereafter is recited in the aforesaid order of April 20, 1981.[2] Respondent judge, in an order dated December 29, 1980, directed petitioner to submit his explanation on the contempt charges and set the hearing thereof on January 19, 1981 at 8:00 o'clock in the morning. On January 14, 1981, the court received petitioner's motion for extension of time to file his explanation and for the resetting of the hearing to another date. On January 19, 1981, petitioner appeared before respondent court and reiterated his plea for time to file his explanation and for the resetting of the hearing. Petitioner was given up to February 6, 1981 to submit his explanation, whereupon he manifested that he was not taking the witness stand any more and that he would submit the incident for resolution on February 6, 1981. On February 5, 1981, respondent court received the petitioner's answer to the contempt charges.

On February 6, 1981, petitioner did not appear in court. The hearing of the contempt motion was reset to February 27, 1981. On February 23, 1981, respondent court received petitioner's motion to reset the hearing scheduled for February 27, 1981 to April 6, 1981 on the ground that he had accepted various engagements which were intransferable in nature such that his calendar for February and March, 1981 was full. On February 24, 1981, respondent judge issued an order denying petitioner's motion since it did not specify what petitioner's various engagements were, why they were intransferable and why it asked for a date more than 30 days away.

On February 27, 1981, petitioner did not appear in court. He merely sent to respondent court two telegrams requesting for the reconsideration of the denial of his motion to reset the hearing on the ground that he had to attend to cases in the Bicol area. For his failure to appear in court on this date, the hearing was reset to March 12, 1981 and petitioner was directed by telegram to appear on that date to explain why he should not be held in contempt of court.

On March 12, 1981, petitioner still did not appear in court. Fiscal Gabiana, the prosecutor assigned to prosecute Criminal Cases Nos. CU-4457 and CU-4458, manifested that petitioner had instructed him to tell the court that he was submitting the incident for resolution. The court accordingly required movant to present evidence in support of the contempt charge, after which it set one more hearing thereof on March 23, 1981, to give petitioner a chance to cross-examine the witnesses or otherwise meet the evidence against him if he so desired. In the meantime, for his failure to appear on said hearing of March 12, 1981 and to explain his non-appearance at the previous hearing of February 27, 1981, petitioner was declared in contempt of court.[3]

On March 20, 1981, respondent court received petitioner's explanation, dated March 16, 1981, explaining petitioner's non-appearance before the court on February 27, 1981 and March 12, 1981. On March 23, 1981 petitioner, still did not appear. Fiscal Gabiana reiterated the information he gave the court on March 12, 1981 that he was instructed by petitioner to tell the court that he was submitting the incident for resolution. Movant then wound up the presentation of evidence in support of the contempt motion and, in addition, presented, evidence disputing certain assertions made by petitioner in his explanation. Thereupon, the incidents were submitted for resolution. On March 26, 1981, respondent court received petitioner's motion for reconsideration of the court orders dated February 27, 1981 and March 12, 1981.

On April 10, 1981, respondent judge issued an order finding petitioner guilty of contempt, with the following dispositive part:

"WHEREFORE, premises considered, this Court finds Atty. Jose S. Santos guilty: (a) of indirect contempt of court by abuse of legal process in frustrating the order of this Court of February 24, 1981, denying his motion to reset the hearing of February 27, 1981, by the simple expedient of transmitting to this Court two last-minute and improperly filed telegraphic motions for postponements, and in failing to observe truthfulness and candor with this Court with respect to the ground relied upon by him for his motion to reset the hearing of February 27, 1981 and his justification for his non-appearance on said dates; b) of direct contempt for using a falsified document consisting of the supposed certification of the Collector of Customs of Bislig, Surigao del Sur, that Atty. Santos appeared before that office from March 9 to 13, 1981, and of claiming to have acquired knowledge of the hearing of March 12, 1981 only upon his return from his trip to Bislig, Surigao del Sur on the aforesaid dates.

"Accordingly, this Court sentences Atty. Jose S. Santos to pay a fine of P1,000.00 and to suffer imprisonment of six (6) months on the first count and a fine of P200.00 and imprisonment for ten (10) days on the second count.

"Pursuant to the ruling of our Supreme Court in the case of U.S. versus Lumampao, 20 Phils. 168, the Office of the City Fiscal of Cebu is hereby directed to conduct a preliminary investigation to determine the culpability of Atty. Jose S. Santos for violation of Art. 172, last paragraph, of the Revised Penal Code (use of falsified document) in connection with the presentation by Atty. Santos to this Court, as part of his justification for his non-appearance before this Court on March 12, 1981, of a falsified document consisting of the supposed certification of the Collector of Customs of Bislig, Surigao del Sur, that said Atty. Santos appeared before said office from March 9 to 13, 1981, and to file thereafter the corresponding information with the appropriate court.

"The Office of the Solicitor General is also hereby directed to determine the feasibility of instituting

disbarment proceedings against Atty. Jose S. Santos on the basis of the premises herein-above cited.

"Meanwhile, pursuant to Section 28, Rule 138 of the Rules of Court, and for the reason that the acts for which he is herein found guilty of contempt of court constitute deceit, malpractice, gross misconduct, violation of his oath and disobedience to a lawful order of a superior court, this Court hereby suspends Atty. Jose S. Santos from his office as attorney."[4]

x x x

On April 20, 1981, another order was issued by respondent judge, the pertinent part of the dispositive portion reading as follows:

"WHEREFORE, on the basis of the foregoing consideration, this Court finds Atty. Jose S. Santos guilty of:

1. Indirect contempt of court with respect to the first charge concerning the falsity of the ground on which he sought and obtained the postponement of the hearing of August 27, and 28, 1979, and accordingly hereby sentences him to pay a fine of P1,000.00 and to suffer imprisonment for six (6) months;
2. Direct contempt of the second and third charges relating to his false testimony in court regarding his employment and to his affidavit on his alleged agreement with this Court for its inhibition, and accordingly hereby sentences him to pay a fine of P200.00 and to suffer imprisonment for ten (10) days on each of said charges.

"Pursuant to the ruling of our Supreme Court in the case of U.S. vs. Lumampao, 20 Phils. 168, the Office of the City Fiscal of Cebu is hereby directed to conduct a preliminary investigation to determine the culpability of Atty. Jose S. Santos for perjury under Art. 183 of the Revised Penal Code, and to file thereafter the corresponding information with the appropriate court.

"The Ministry of the Solicitor General is also hereby directed to determine the feasibility of instituting disbarment proceedings against Atty. Jose S. Santos on the basis of the premises hereinabove cited.

"Meanwhile, pursuant to Sec. 28, Rule 138 of the Rules of Court, and for the reason that the acts for which he is herein found guilty of contempt of court constitute malpractice, deceit, gross misconduct and violation of his oath as a member of the bar, this Court hereby suspends Atty. Jose S. Santos from his office as attorney."[5]

x x x

On May 18, 1981, petitioner filed a verified motion for reconsideration of the orders dated March 12, 1981, April 10, 1981 and April 20, 1981. Respondent judge, in his order dated June 3, 1981, denied petitioner's motion for reconsideration insofar as said orders declared petitioner guilty of contempt but granted the lifting of his suspension from the practice of law imposed in the orders of April 10, 1981 and April 20, 1981. He was, however, directed to explain within ten days from notice why he should not be suspended from the practice of law for the acts and omissions for which he was found guilty of contempt in the aforesaid two orders.[6]

Before submitting the required explanation, on June 29, 1981 petitioner first presented a motion to quash the suspension proceedings on the ground that respondent judge could not act upon the former's suspension without violating the constitutional provision on due process of law, that is, respondent judge could not act with impartiality or cold neutrality as the grounds for suspension are the same grounds for which he had previously found petitioner guilty of direct and indirect contempt. In an order dated July 16, 1981, respondent judge denied the motion to quash on the ground that, in setting aside the suspension in the order of June 3, 1981, he did not recognize that petitioner was unlawfully deprived of his right to be heard, the court's purpose being allegedly to give petitioner a chance to present evidence other than those already presented in the contempt proceedings. In the same order, petitioner was given another five days from receipt of the order to explain and show cause why he

should not be suspended from the practice of law.[7]

On July 20, 1981, petitioner filed a petition with this Court, docketed herein as G.R. No. 57190-91, to review on certiorari the ruling of respondent judge finding petitioner guilty of direct contempt in his orders of April 10, 1981 and April 20, 1981. On July 31, 1981, we issued a temporary restraining order ordering respondent judge and/or any person or persons acting upon his orders not to enforce and carry out said orders and the warrant of arrest issued pursuant thereto.[8]

On August 3, 1981, petitioner filed in the court below a motion for reconsideration of the order dated July 16, 1981, asserting that the five counts of contempt of which petitioner was found guilty are on appeal before the Court of Appeals (two counts for indirect contempt) and the Supreme Court (three counts for direct contempt) and, as the suspension proceedings are based on the very same grounds for which he was found guilty of contempt in the orders of April 10, 1981 and April 20, 1981, the proceedings may not proceed until the five counts of contempt are finally resolved by the appropriate courts.[9]

On August 17, 1981, respondent judge issued an order suspending petitioner from the practice of law, the dispositive part of which reads:

"WHEREFORE, for the foregoing considerations, the Motion for Reconsideration is hereby DENIED.

"Accordingly, for failure on the part of Atty. Santos to explain and show cause to this Court why he should not be suspended from the practice of law for the acts and omissions for which he has been found guilty of contempt of court in the Orders of this Court of April 10, 1981 and April 20, 1981, this Court hereby suspends Atty. Jose S. Santos from his office as attorney and from the practice of law, for said acts and omissions and upon the grounds stated in said Orders which are hereby incorporated hereto in toto by reference, effective immediately and until otherwise lifted by this or a higher court.

"Forward certified copies of this Order, together with the Orders of April 10, 1981 and April 20, 1981, to the Honorable Supreme Court and the Honorable Solicitor General for their appropriate action." [10]

On September 16, 1981, petitioner filed a motion for reconsideration of the said order which was denied by the respondent court in its order dated September 25, 1981. Petitioner then filed another petition for review on certiorari before us, docketed as G.R. No. 58532. On February 10, 1982, the Court resolved to consolidate the two petitions. On the same date, a temporary restraining order was issued ordering respondent judge, his agents or representatives, and/or any person or persons acting in his place or stead not to enforce or carry out the order dated August 17, 1981 suspending the petitioner from the practice of law.[11]

The two petitions raise the following as the errors committed by respondent judge and as the central issues for resolution.

G.R. Nos. 57190-91

Respondent court acted arbitrarily, capriciously, without due process of law, without competent evidence, without legal basis, with extreme bias, and with grave abuse of discretion amounting to lack of jurisdiction in finding petitioner guilty of direct contempt.

1. In its Order dated April 10, 1981 for allegedly presenting a falsified document, namely, the certification of the Port Collector of Customs of Bislig, Surigao del Sur, stating that petitioner "personally appeared (in) this office from March 9-13, 1981, on official business," and for "claiming to have acquired knowledge of the hearing of March 12, 1981 only upon his return from his trip to Bislig, Surigao del Sur, on the aforesaid dates."

2. In its Order dated April 20, 1981, for (a) giving "false testimony in court regarding his employment," and (b) for submitting an "affidavit on his alleged agreement with the court for its inhibition." [12]

G.R. No. 58532

Respondent Judge acted contrary to law, arbitrarily, capriciously, without due process of law, with extreme bias and with grave abuse of discretion amounting to lack of jurisdiction in suspending petitioner from the practice of law for the alleged acts and omissions for which he was found guilty of contempt of court in the orders of April 10, 1981 and April 20, 1981.[13]

On the issue of contempt, we rule in favor of petitioner.

We agree that respondent judge denied petitioner due process of law and acted with grave abuse of discretion in holding the latter guilty of direct contempt for allegedly using a falsified document. The imputed use of a falsified document, especially in this case where the falsity of the document is not apparent on its face, did not constitute direct contempt; it may only, if at all, constitute indirect contempt, subject to such defenses as may be raised by petitioner in the proper proceedings. This finds support, by analogy, in the case of *Nava vs. Teodoro, etc., et al.*,^[14] where we ruled that the giving of false information would not constitute direct but constructive contempt, which requires proper investigation and the filing of a formal charge, without which petitioner cannot be held guilty of constructive contempt. As laid down in *Bengson vs. Tan*,^[15] a doubt as to whether a contemnor has been guilty of direct or constructive contempt should be resolved in favor of constructive contempt. Consequently, petitioner may be adjudged guilty of and punished for alleged contumacious acts only after written charge and hearing.^[16]

In the present case, the alleged falsity of the document and the claim of petitioner that he acquired knowledge of the hearing of March 12, 1981 only upon his return from his official trip to Bislig was based solely on the findings of respondent judge as stated in his questioned order, thus:

"As regards his non-appearance before this Court on March 12, 1981, Atty. Santos gives the impression to this Court that he came to know of the order of February 27, 1981, resetting the hearing of the pending incidents to March 12, 1981, only upon his return to his residence in Metro Manila from Bislig, Surigao del Sur, to which he had travelled officially, appearing before the office of the Collector of Customs of that place from March 9 to 13, 1981, per Annex 'A' to his explanation. This claim, however, of Atty. Santos appears belied by the manifestation of Fiscal Gabiana on March 12, 1981, to the effect that 'the other day, the complaining witness in this case, Atty. Jose S. Santos, passed by Cebu on his way to Surigao and he was already aware of the hearing for today because not only (by) informing him of the resetting of this case today but also by a long distance telephone made by him, that was I think last Monday, wherein in our conversation I also informed him of the resetting for today's hearing of his Motion and according to him Your Honor please, he is submitting this case for resolution of this court.' (TSN-Ermita, 12 March 1981, pp. 2-3). This manifestation of Fiscal Gabiana appears to be supported by the evidence and even by the admission of Atty. Santos that he was in fact here in Cebu on March 11, 1981, the day before the scheduled hearing.

"Annex 'A' to the explanation of Atty. Santos certifies that he was in Bislig, Surigao del Sur, from March 9 to 13, 1981. The indubitable proof presented to this Court, however, shows that Atty. Santos left Cebu for Bislig on March 11, 1981, and returned to Cebu from Bislig on March 13, 1981. He was not and could not have been in Bislig, Surigao del Sur, from March 9 to 13, 1981. Consequently, Annex 'A' to his explanation appears to be a false document."^[17]

The aforesaid findings of respondent judge necessarily require that petitioner be granted the opportunity to meet said charges against him and to be heard in his defense. Although we agree with respondent judge that such acts are contumacious, nevertheless the same cannot be summarily punished with abuse of discretion and without due process of law. Even if the surmises of respondent judge are correct, the acts attributed to petitioner would at most be constitutive of indirect contempt. Direct contempt presupposes that the misbehavior was committed in order to interrupt the administration of justice or with disrespect to the court.

A court, as a rule, has the power to punish perjury as a contempt even though perjury is an indictable offense, where the circumstances are such that the perjury obstructs the administration of justice. However, criminal contempt proceedings are not available as a substitute for a perjury prosecution, and that, inasmuch as perjury is a crime, it should not be punished as a contempt unless exceptional circumstances exist and the administration of justice is obstructed.[18]

The charge that petitioner executed an affidavit imputing derogatory conduct to the court is not supported by the evidence on record. A cursory reading of the affidavit itself negates the findings of respondent judge that it gives the impression that he is approachable and willing to enter into an arrangement for the benefit of one party to the prejudice of the adverse party. Annexed to petitioner's motion for reconsideration filed in the court a quo for relief from the orders declaring him in contempt,[19] said affidavit narrates petitioner's request made to respondent judge in chambers for the latter's possible inhibition, and that the latter supposedly agreed but thereafter changed his mind. It is actually an explanation for petitioner's failure to testify coupled with, at the most, an expression of misgivings on his part over the denial by respondent judge of his motion for inhibition and the subsequent dismissal of the criminal cases wherein petitioner was the complaining witness. Said affidavit neither contains any derogatory statement nor uses disrespectful or contemptuous language.

As we held in *Austria vs. Masaquel*:[20]

"x x x A citizen of this Republic is entitled to expect that our courts of justice are presided by judges who are free from bias and prejudice -- and it should not be made a count against the citizen if he so expresses himself truthfully, sincerely and respectfully. A judge, as a public servant, should not be so thin-skinned or sensitive as to feel hurt or offended if a citizen expresses an honest opinion about him which may not altogether be flattering to him. After all, what matters is that a judge performs his duties in accordance with the dictates of his conscience and the light that God has given him. A judge should never allow himself to be moved by pride, prejudice, passion or pettiness in the performance of his duties. And a judge should always bear in mind that the power of the court to punish for contempt should be exercised for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise.

"It is worth mentioning here that numerous cases there have been where judges, and even members of this Court, were asked to inhibit themselves from trying, or from participating in the consideration of, a case, but scarcely were the movants punished for contempt even if the grounds upon which they based their motions for disqualification are not among those provided in the rules. It is only when there was direct imputation of bias or prejudice, or a stubborn insistence to disqualify the judge, done in a malicious arrogant, belligerent and disrespectful manner, that movants were held in contempt of court. And this liberal attitudes of the courts is in keeping with the doctrine that 'the power to punish for contempt of court should be exercised on the preservative and not on the vindictive principle. Only occasionally should the court invoke its inherent power in order to retain that respect without which the administration of justice must falter or fail.' The power to punish for contempt, being drastic and extraordinary in its nature, should not be resorted to unless necessary in the interest of justice."

Contempt proceedings being also criminal in nature, any doubt should be resolved in favor of the person against whom proceedings therefor have been brought.[21] This Court has been and continues to be committed to the authoritative doctrine that the power to punish for contempt should be sparingly used and should be exercised on the preservative, and not on the vindictive, principle.[22] It should be used sparingly, with caution, deliberation and due regard to constitutional rights. It should be exercised only when necessary to prevent actual, direct obstruction of, or interference with the administration of justice.[23]

On the order suspending petitioner from the practice of law, we do not agree that the same was unlawfully issued for having been rendered without due process of law. It will be recalled that petitioner was first suspended in the

two orders of April 10 and 20, 1981. On his motion for reconsideration, the suspension was recalled by respondent judge in an order dated June 3, 1981 and petitioner was given ten days from receipt thereof to explain and show cause why he should not be suspended from the practice of law. Petitioner opted to file a motion to quash the suspension proceedings, which was denied by respondent judge in his order dated July 16, 1981. In the same order, petitioner was granted another five days within which to submit his explanation, with a warning that his failure to do so would be considered as a waiver of his right to be heard and the matter would be resolved on the basis of the evidence on hand. Petitioner still failed to file any explanation, and in an order dated August 17, 1981, he was suspended from the practice of law.

Section 30, Rule 138 of the Rules of Court provides that no attorney shall be removed or suspended from the practice of his profession until he has had full opportunity upon reasonable notice to answer the charges against him, to produce witnesses in his own behalf, and to be heard by himself or counsel. But, if upon reasonable notice he fails to appear and answer the accusation, the court may proceed to determine the matter *ex parte*. The failure of petitioner to submit the required explanation constitutes a waiver of the right to be heard. There is no denial of due process when a party, a lawyer, was given all the opportunity to defend himself. Failure on his part to defend himself is equivalent to waiver of his right to due process.[24]

We have held that where the contemnor is a lawyer, the contumacious conduct also constitutes professional misconduct which calls into play the disciplinary authority of the court. Where the respondent is a lawyer, however, the courts' disciplinary authority over lawyers may come into play whether or not the misconduct with which the respondent is charged also constitutes contempt of court. The power to punish for contempt of court does not exhaust the scope of disciplinary authority of the court over lawyers. The disciplinary authority of the court over members of the Bar is but corollary to the court's exclusive power of admission to the Bar. A lawyer is not merely a professional but also an officer of the court, and as such, he is called upon to share in the task and responsibility of dispensing justice and resolving disputes in society. Any act on his part which visibly tends to obstruct, pervert, or impede and degrade the administration of justice constitutes both professional misconduct calling for the exercise of disciplinary action against him, and contumacious conduct warranting application of the contempt power.[25]

Upon a review of the evidence on record, we are satisfied that herein petitioner committed the following acts, to wit: (1) seeking the postponement of the hearing scheduled on August 27 and 28, 1979 on a false ground that his father died, when the records show that his father died on April 10, 1971; and (2) testifying falsely in open court as to his personal circumstances. These acts of petitioner constitute grave misconduct and a violation of his oath of office for which he may be disciplined by the courts. They fall short of the exacting standard of candor, fairness and good faith required of lawyers.[26]

A lawyer is called upon by virtue of his oath of office to do no falsehood nor consent to the doing of any in court. As an officer of the court, it is his sworn and moral duty to help maintain and not destroy the high esteem and regard towards the court so essential to the proper administration of justice. A lawyer's oath is one impressed with the utmost seriousness. It must not be taken lightly. Every lawyer must do his best to live up to it.[27]

The fact that petitioner was acting as a witness and not as a lawyer will not free him from the disciplinary authority of the court. An attorney will be removed not only for malpractice and dishonesty in his profession, but also for gross misconduct not connected with his professional duties, which shows him to be unfit for the office and unworthy of the privilege which his license and the law confer upon him.[28] Generally, any misconduct on the part of a lawyer in his professional or private capacity which shows him to be wanting in moral character may justify his suspension or removal from office even though the law does not specify the act as a ground for disciplinary action.[29]

However, under the factual milieu of this case, we believe that the suspension of petitioner from August 17, 1981, the date of the order of suspension, to February 10, 1982, when the temporary restraining order against its enforcement was issued by this Court, has subserved the disciplinary purpose and is sufficient punishment for his misconduct.

WHEREFORE, certiorari is GRANTED in G.R. Nos. 57190-91 and DENIED in G.R. No. 58532. The rulings on and the penalties for direct contempt imposed by respondent judge on petitioner in the questioned orders of April 10, 1981 and April 20, 1981 are hereby ANNULLED and SET ASIDE, while the order of August 17, 1981 is AFFIRMED. The temporary restraining orders issued in these cases are made permanent. The suspension of petitioner is hereby LIFTED, with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

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

[1] Rollo, G.R. Nos. 57190-91, 44.

[2] Ibid., id., 44-59.

[3] Ibid., id., 36.

[4] Ibid., id., 41-43.

[5] Ibid., id., 58-59.

[6] Rollo, G.R. No. 58532, 95-96.

[7] Ibid., id., 101-106.

[8] Ibid., G.R. Nos. 57190-91, 166-168.

[9] Ibid., G.R. No. 58532, 109-111.

[10] Ibid., id., 116-117.

[11] Ibid., id., 127-129.

[12] Ibid., G.R. No. 57190-91, 13.

[13] Ibid., id., 309; Petitioner's Brief, 1-3.

[14] G.R. No. L-10074, April 30, 1959 (unpublished).

[15] 103 Phil. 1154 (1958).

[16] Sec. 3 Rule 71, Rules of Court.

[17] Rollo, G.R. No. 57190-91, 38-39.

[18] 17 C.J.S. 135.

[19] Rollo, G.R. No. 57190-91, 139-140.

[20] 20 SCRA 1247 (1967).

[21] Pajao vs. Provincial Board of Canvassers of Leyte, etc., et al., 88 Phil. 588 (1951).

[22] Lipata vs. Tutaan, etc., et al., 124 SCRA 877 (1983); Ceniza vs. Sebastian, 130 SCRA 295 (1984).

[23] 17 C.J.S. 68.

[24] Vda. de Laig, et al. vs. Court of Appeals, et al., 86 SCRA 641 (1978).

[25] Zaldivar vs. Sandiganbayan, et al., and Zaldivar vs. Gonzales, 166 SCRA 316 (1988).

[26] Canon 10, Code of Professional Responsibility.

[27] Berenguer vs. Carranza, 26 SCRA 673 (1969).

[28] Hernandez vs. Villaruel, 107 SCRA 633 (1981).

[29] Mortel vs. Aspiras, 100 Phil. 586 (1956).

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