

2 Phil. 266

[G.R. No. 1203. May 15, 1903]

IN THE MATTER OF THE SUSPENSION OF HOWARD D. TERRELL FROM THE PRACTICE OF LAW.

D E C I S I O N

PER CURIAM:

Howard D. Terrell, an attorney-at-law, was ordered to show cause in the Court of First Instance, in the city of Manila, on the 5th day of February, 1903, why he should not be suspended as a member of the bar of the city of Manila for the reasons:

First, that he had assisted in the organization of the "Centro Bellas Artes" Club, after he had been notified that the said organization was made for the purpose of evading the law then in force in said city; and,

Secondly, for acting as attorney for said "Centro Bellas Artes" during the time of and after its organization, which organization was known to him to be created for the purpose of evading the law.

The accused appeared on the return day, and by his counsel, W. A. Kincaid, made answer to these charges, denying the same, and filed affidavits in answer thereto. After reading testimony given by said Howard D. Terrell, in the case of the United States vs. H. D. Terrell,^[1] wherein he was charged with *estafa*, and after reading the said affidavits in his behalf, and hearing his counsel, the court below found, and decided as a fact, that the charges aforesaid made against Howard D. Terrell were true, and thereupon made an order suspending him from his office as a lawyer in the Philippine Islands, and directed the clerk of the court to transmit to this court a certified copy of the order of suspension, as well as a full statement of the facts upon which the same was based.

We have carefully considered these facts, and have reached the conclusion that they were

such as to justify the court below in arriving at the conclusion that the knowledge and acts of the accused in connection with the organization of the "Centro Bellas Artes" Club were of such a nature and character as to warrant his suspension from practice.

The promoting of organizations, with knowledge of their objects, for the purpose of violating or evading the laws against crime constitutes such misconduct on the part of an attorney, an officer of the court, as amounts to malpractice or gross misconduct in his office, and for which he may be removed or suspended. (Code of Civil Procedure, sec. 21.) The assisting of a client in a scheme which the attorney knows to be dishonest, or the conniving at a violation of law, are acts which justify disbarment.

In this case, however, inasmuch as the defendant in the case of United States vs. Terrell was acquitted on the charge of *estafa*, and has not, therefore, been convicted of crime, and as the acts with which he is charged in this proceeding, while unprofessional and hence to be condemned, are not criminal in their nature, we are of opinion that the ends of justice will be served by the suspension of said Howard D. Terrell from the practice of law in the Philippine Islands for the term of one year from the 7th day of February, 1903.

It is therefore directed that the said Howard D. Terrell be suspended from the practice of law for a term of one year from February 7, 1903. It is so ordered.

^[1] Page 222, *supra*

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