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the same should be threshed out in a proper proceeding of such nature." This pronouncement the Court applies to this case and thus, renders a disposition solely on respondent's administrative liability.

WHEREFORE, respondent Atty. Bartolome C. Lawsin is found guilty of violating Rules 16.01 and 16.03, Canon 16, and Rules 18.03 and 18.04, Canon 18 of the Code of Professional Responsibility. Accordingly, he is hereby **SUSPENDED** from the practice of law for a period of one (1) year, effective upon his receipt of this Resolution, with a stern warning that a repetition of the same or similar acts will be dealt with more severely.

Let a copy of this Resolution be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all the courts.

SO ORDERED.

Carpio (Chairperson), Brion, del Castillo, and *Perez, JJ.*, concur.

SECOND DIVISION

[A.C. No. 8954. November 13, 2013]

HON. MARIBETH RODRIGUEZ-MANAHAN, Presiding Judge, Municipal Trial Court, San Mateo, Rizal, *complainant, vs.* **ATTY. RODOLFO FLORES,** *respondent.*

SYLLABUS

1. POLITICAL LAW; JUDICIARY; COURT ORDERS ARE TO BE RESPECTED, NOT BECAUSE THE JUDGES WHO ISSUE

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THEM SHOULD BE RESPECTED, BUT BECAUSE OF THE RESPECT AND CONSIDERATION THAT SHOULD BE EXTENDED TO THE JUDICIAL BRANCH OF THE GOVERNMENT.— There is no doubt that Atty. Flores failed to obey the trial court's order to submit proof of his MCLE compliance notwithstanding the several opportunities given him. "Court orders are to be respected not because the judges who issue them should be respected, but because of the respect and consideration that should be extended to the judicial branch of the Government. This is absolutely essential if our Government is to be a government of laws and not of men. Respect must be had not because of the incumbents to the positions, but because of the authority that vests in them. Disrespect to judicial incumbents is disrespect to that branch of the Government to which they belong, as well as to the State which has instituted the judicial system."

2. **LEGAL ETHICS; CODE OF PROFESSIONAL RESPONSIBILITY; ATTORNEYS ARE ENJOINED TO ABSTAIN FROM SCANDALOUS, OFFENSIVE OR MENACING LANGUAGE OR BEHAVIOR BEFORE THE COURTS; VIOLATION; IMPOSABLE PENALTY.—** Atty. Flores also employed intemperate language in his pleadings. As an officer of the court, Atty. Flores is expected to be circumspect in his language. Rule 11.03, Canon 11 of the Code of Professional Responsibility enjoins all attorneys to abstain from scandalous, offensive or menacing language or behavior before the Courts. Atty. Flores failed in this respect. x x x However, we find the recommended penalty too harsh and not commensurate with the infractions committed by the respondent. It appears that this is the first infraction committed by respondent. Also, we are not prepared to impose on the respondent the penalty of one-year suspension tor humanitarian reasons. Respondent manifested before this Court that he has been in the practice of law for half a century. Thus, he is already in his twilight years. Considering the foregoing, we deem it proper to fine respondent in the amount of ₱5,000.00 and to remind him to be more circumspect in his acts and to obey and respect court processes.

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R E S O L U T I O N

DEL CASTILLO, *J.*:

Respondent Atty. Rodolfo Flores (Atty. Flores) was counsel for the defendant in Civil Case No. 1863 captioned as *Marsha Aranas, plaintiff, versus Arnold Balmores, defendant*, a suit for damages filed before the Municipal Trial Court of San Mateo, Rizal and presided by herein complainant Judge Maribeth Rodriguez-Manahan (Judge Manahan). During the proceedings in Civil Case No. 1863, Judge Manahan issued an Order[1] dated January 12, 2011, whereby she voluntarily inhibited from hearing Civil Case No. 1863. The said Order reads in part, *viz*:

> More than mere contempt do his (Atty. Flores) unethical actuations, his traits of dishonesty and discourtesy not only to his own brethren in the legal profession, but also to the bench and judges, would amount to grave misconduct, if not a malpractice of law, a serious ground for disciplinary action of a member of the bar pursuant to Rules 139a & b.
>
> IN VIEW WHEREOF, furnish a copy of this Order to the Bar Discipline Committee, Integrated Bar of the Philippines, & to the Supreme Court *en banc*, for appropriate investigation and sanction.[2]

Upon receipt of the copy of the above Order, the Office of the Bar Confidant (OBC) deemed the pronouncements of Judge Manahan as a formal administrative Complaint against Atty. Flores. Docketed as A.C. No. 8954, the case was referred to the Executive Judge of the Regional Trial Court of Rizal for investigation, report and recommendation.[3]

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[1] *Rollo*, pp. 2-5.

[2] *Id.* at 5.

[3] *Id.* at 1, 7.

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In her Investigation, Report and Recommendation,[4] Investigating Judge Josephine Zarate Fernandez (Investigating Judge) narrated the antecedents of the case as follows:

A complaint for Damages was filed before the Municipal Trial Court (MTC) of San Mateo, Rizal docketed as Civil Case No. 1863, entitled Marsha Aranas *vs*. Arnold Balmores. The Public Attorney's Office (PAO) thru Atty. Ferdinand P. Censon represented the complainant while Atty. Rodolfo Flores appeared as counsel for the defendant.

x x x During the Preliminary Conference x x x, respondent Atty. Flores entered his appearance and was given time to file a Pre-Trial Brief. x x x On May 24, 2010, respondent Atty. Flores filed his Pre-Trial Brief but without proof of MCLE compliance [hence it] was expunged from the records without prejudice to the filing of another [P]re-[T]rial [B]rief containing the required MCLE compliance. x x x Atty. Flores asked [for] ten (10) days to submit proof.

The preliminary conference was reset several times (August 11, September 8) for failure of respondent Atty. Flores to appear and submit his [P]re-[T]rial [B]rief indicating thereon his MCLE compliance. The court *a quo* likewise issued Orders dated September 15 and October 20, 2010 giving respondent Atty. Flores [a] last chance to submit his [P]re-[T]rial [B]rief with stern warning that failure to do so shall be considered a waiver on his part.

Meanwhile, respondent Atty. Flores filed a Manifestation in Court dated September 14, 2010 stating among others, the following allegations:

xxx xxx xxx

4. When you took your oath as member of the Bar, you promised to serve truth, justice and [fair play]. Do you think you are being truthful, just and fair by serving a cheater[?]

5. Ignorance of the law excuses no one for which reason even Erap was convicted by the Sandiganbayan. But [even worse] is a lawyer who violates the law.

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[4] *Id*. at 28-31.

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> 6. Last but not the least, God said Thou shall not lie. Again the Philippine Constitution commands: Give every Filipino his due. The act of refusal by the plaintiff is violative of the foregoing divine and human laws.
>
> xxx xxx xxx

Respondent Atty. Flores later filed his [P]re-[T]rial [B]rief bearing an MCLE number which was merely superimposed without indicating the date and place of compliance. During the preliminary conference on November 24, 2010, respondent Atty. Flores manifested that he will submit proof of compliance of his MCLE on the following day. On December 1, 2010, respondent Atty. Flores again failed to appear and to submit the said promised proof of MCLE compliance. In its stead, respondent Atty. Flores filed a Letter of even date stating as follows:

> If only to give your Honor another chance to prove your pro plaintiff sentiment, I am hereby filing the attached Motion which [you may once more] assign to the waste basket of [nonchalance].
>
> With the small respect that still remains, I have asked the defendant to look for another lawyer to represent him for I am no longer interested in this case because I feel I cannot do anything right in your sala.[5]

The Investigating Judge found Atty. Flores to have failed to give due respect to the court by failing to obey court orders, by failing to submit proof of his compliance with the Mandatory Continuing Legal Education (MCLE) requirement, and for using intemperate language in his pleadings. The Investigating Judge recommended that Atty. Flores be suspended from the practice of law for one year.[6]

The OBC adopted the findings and recommendation of the Investigating Judge.[7]

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[5] *Id*. at 28-30.

[6] *Id*. at 31.

[7] *Id*., unpaginated.

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Our Ruling

There is no doubt that Atty. Flores failed to obey the trial court's order to submit proof of his MCLE compliance notwithstanding the several opportunities given him. "Court orders are to be respected not because the judges who issue them should be respected, but because of the respect and consideration that should be extended to the judicial branch of the Government. This is absolutely essential if our Government is to be a government of laws and not of men. Respect must be had not because of the incumbents to the positions, but because of the authority that vests in them. Disrespect to judicial incumbents is disrespect to that branch of the Government to which they belong, as well as to the State which has instituted the judicial system."[8]

Atty. Flores also employed intemperate language in his pleadings. As an officer of the court, Atty. Flores is expected to be circumspect in his language. Rule 11.03, Canon 11 of the Code of Professional Responsibility enjoins all attorneys to abstain from scandalous, offensive or menacing language or behavior before the Courts. Atty. Flores failed in this respect.

At this juncture, it is well to remind respondent that:

> While a lawyer owes absolute fidelity to the cause of his client, full devotion to his client's genuine interest and warm zeal in the maintenance and defense of his client's rights, as well as the exertion of his utmost learning and ability, he must do so only within the bounds of law. A lawyer is entitled to voice his criticism within the context of the constitutional guarantee of freedom of speech which must be exercised responsibly. After all, every right carries with it the corresponding obligation. Freedom is not freedom from responsibility, but freedom with responsibility. The lawyer's fidelity to his client must not be pursued at the expense of truth and orderly

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[8] *Lt. Villaflor v. Sarita*, 367 Phil. 399, 407 (1999), citing *De Leon v. Torres*, 99 Phil. 462, 466 (1956).

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administration of justice. It must be done within the confines of reason and common sense.[9]

However, we find the recommended penalty too harsh and not commensurate with the infractions committed by the respondent. It appears that this is the first infraction committed by respondent. Also, we are not prepared to impose on the respondent the penalty of one-year suspension for humanitarian reasons. Respondent manifested before this Court that he has been in the practice of law for half a century.[10] Thus, he is already in his twilight years. Considering the foregoing, we deem it proper to fine respondent in the amount of ₱5,000.00 and to remind him to be more circumspect in his acts and to obey and respect court processes.

ACCORDINGLY, respondent Atty. Rodolfo Flores is **FINED** in the amount of ₱5,000.00 with **STERN WARNING** that the repetition of a similar offense shall be dealt with more severely.

SO ORDERED.

Carpio (Chairperson), Brion, Perez, and *Perlas-Bernabe, JJ.,* concur.

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[9] *Re: Letter dated 21 February 2005 of Atty. Noel Sorreda*, 502 Phil. 292, 301(2005).

[10] *Rollo,* p. 37.