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IN VIEW OF ALL THE FOREGOING, the petition under consideration is dismissed and the writs prayed for are denied, with costs.

The temporary restraining order issued by this Court is hereby dissolved.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, and *Aquino, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-38502. May 30, 1975]

HON. PIO B. FERANDOS, *petitioner, vs.* **HON. JUAN Y. REYES, LEOCADIO VERDEFLOR and ATTY. MARCIAL A. EDILLON,** *respondents.*

SYLLABUS

LEGAL ETHICS; DUTIES OF A LAWYER; RESPECT TO COURTS AND JUDICIAL OFFICERS; PENALTY FOR USE OF OFFENSIVE LANGUAGE. — It is the duty of a lawyer, as an officer of the court, to observe and maintain the respect due to the courts of justice and judicial officers. Where respondent has exhibited a penchant for using abrasive, vituperative and intemperate language, with its innuendos and disparaging implications, he is guilty of direct contempt punishable by a fine of ₱200 with subsidiary imprisonment in case of insolvency.

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RESOLUTION

AQUINO, *J.*:

In this Court's resolution of March 25, 1975 the petition of Judge Pio B. Ferandos for *certiorari*, prohibition and *mandamus* against Judge Juan Y. Reyes, Leocadio Verdeflor and Atty. Marcial A. Edillon was dismissed for having become moot. It became moot because Civil Case No. R-13779 of the Court of First Instance of Cebu, entitled "*Leocadio Verdeflor and Marcial A. Edillon, plaintiffs, versus Hon. Pio B. Ferandos and Antonia Montero Gabor, defendants,*" for supposed annulment of judgment with damages, was dismissed by Judge Reyes. This case stemmed from Civil Case No. R-13779.

A copy of that resolution was served by registered mail on April 29, 1975 on Atty. Edillon, a respondent herein. The dismissal resolution was in his favor because he was a respondent. He had no reason to view it with repugnance. Yet, on May 20, 1975, after that resolution had become final, he, on his own volition, mailed to this Court a "Manifestation" dated May 17, 1975 wherein, after making an obeisance ("with all due respect unto this Honorable Court"), he "sincerely" manifested that the said resolution was "the paradigm of legal unreason or perhaps vacant thinking" and "also indifference to the factual history of the case."

It is at once obvious from that gratuitous comment, with its derogatory implications compounded with some nonsensicality, that respondent Edillon, while pretending to show respect to this Court, mischievously insulted it by categorizing its resolution as an example of thoughtlessness or of "an act devoid of rational excuse or justification" (that is the dictionary meaning of "unreason"). The imputation that the "factual history" of the case was disregarded is false and is belied by the resolution itself which recites the factual background of the incident.

The fact that respondent Edillon was vexed and frustrated by the actuations of Judges Reyes and Ferandos was not a justification for him to vent his spleen against this Court by

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needlessly making an unfounded, offensive, abusive, vicious and uncalled for animadversion on the dismissal resolution which had already become final and which did not prejudice him at all. Such a flagrant act of disrespect constitutes direct contempt (Sec. 1, Rule 71, Rules of Court; *Salcedo vs. Hernandez*, 61 Phil. 724, 728; *De Joya vs. CFI of Rizal, Pasay City Branch,* 99 Phil. 906, 916; *Malolos vs. Reyes,* 111 Phil. 1113; *Sison vs. Sandejas*, 105 Phil. 1279). It is contempt in *facie curiae* committed with wanton malice. The respondent used his manifestation as a vehicle to gratify his maleficent desire to ridicule the Court's resolution.

In that same manifestation respondent Edillon used the expressions "absurd petition," "like the heathen, Judge Juan Y. Reyes took the law unto himself," and "sheer legal ignorance if not downright stupidity."

In his comment dated May 20, 1974 the same respondent employed with respect to Judge Ferandos the words "confession of moral and mental ineptitudes; of cowardice and treasonable betrayal of official position" and imputed to him "amorality and ignorance."

It is the duty of a lawyer, as an officer of the court, "to observe and maintain the respect due to the courts of justice and judicial officers" (Sec. 20[b], Rule 138, Rules of Court. See par. 1 of the Canons of Legal Ethics).

Respondent Edillon has exhibited a penchant for using abrasive, vituperative and intemperate language. As observed by Mr. Justice Antonio, "it bears emphasis that the use in pleadings of language disrespectful to the court or containing offensive personalities serves no useful purpose and on the contrary constitutes direct contempt" (*In re Climaco,* Adm. Case No. 134-J, January 31, 1974, 55 SCRA 107, 120).

After due consideration of the insolent language used by respondent Edillon, with its innuendos and disparaging implications, we find him guilty of direct contempt and hereby sentence him to pay to this Court within ten (10) days from notice a fine of

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two hundred pesos (₱200) with subsidiary imprisonment in case of insolvency.

He is furthermore required to show cause also within ten (10) days from notice why he should not be suspended from the practice of law or why disciplinary action should not be taken against him for his misbehavior or noncompliance with a lawyer's duty to observe due respect to the courts. (See *In re Sotto*, 82 Phil. 595, 603-4).

Respondent's manifestation is stricken out of the record as a sham, false, immaterial and impertinent pleading.

A copy of this resolution should be attached to respondent's personal record in the office of the Bar Confidant.

SO ORDERED.

Makalintal, C.J., Barredo, Antonio, and *Concepcion Jr., JJ.*, concur.

Fernando, J., did not take part.

SECOND DIVISION

[G.R. No. L-39741. May 30, 1975]

NATION MULTI SERVICE LABOR UNION, PAULINA H. DE LOS REYES, EULALIA LISING, CRISOSTOMO D. SASIS, ALFREDO BAES, SEGUNDO DOMINGUEZ, ISMAEL ROYOL, JR., JESUS RAMOS, VIRGILIO LAUREANO, HERNANDE DE GUZMAN, MAGARLO AMISOLA, ALFREDO DAANAY, JOHNNY BIBIT, EDGARDO DE GUZMAN, MARIANO UCHI, DOMINGO AQUINO, JR., MARIO CONCEPCION, GOMER LITONG, FELIX DOLORES, ANTONIO DEYTA,