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[Adm. Matter No. __. July 6, 1976]

IN RE: REMOVAL FROM OFFICE OF ROSALIE L. PARAGUAS, Municipal Judge of Sablan, Benguet.

R E S O L U T I O N

***PER CURIAM*:**

The records of the Court (judiciary and bar) show that Rosalie Llorente Paraguas, 43 years of age, who was appointed on June 16, 1973 Municipal Judge of Sablan, Benguet was not among those who were admitted for the Bar Examination, took the Bar Examination, failed in the Bar Examination or passed the Bar Examination, during the years 1946 through 1975[1] (whether under her maiden name of Rosalie Llorente or her married name of Rosalie Llorente Paraguas or any combination of the said names).

The Acting Judicial Consultant upon instructions of the Chief Justice required her in writing this month to prove her qualifications as a member of the Philippine Bar and in a conference on June 10, 1076 she submitted an affidavit of June 9, 1976 (which she later tried to retrieve) asserting that she took the Bar Examination in 1956 under the name of ROSA C. BACULO (under which name she had been allegedly registered in school) which was also the name she used "when I took my oath as a lawyer when I was admitted as a member of the Philippine Bar in 1975."[2]

It is a fact, however, that there exists a person by the name of ROSA C. BACULO of Borongan, Samar who passed the Bar Examination in 1956 and was admitted to the Philippine

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[1] Certification of Emilio R. Rebueno, Acting Bar Confidant issued in June, 1976.

[2] Annex F of the Judicial Consultant's Report dated June 14, 1976.

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Bar in 1957) after having failed when she first took the Bar Examination in 1955) and is presently employed in the Social Security System, and confronted with these facts, according to the Acting Judicial Consultant's Report, "Judge Paraguas broke into tears and told me that it was Rosa Baculo who advised her to use that name and to lay claim to her Bar record."

Whatever may be the truth or falsity of this last allegation of Rosalie L. Paraguas, the fact remains that despite the opportunity given her, she has failed to submit any positive proof or documentation of her even been duly admitted as a member of the Philippine Bar, and without such qualification, which is an essential requirement for appointment as a judge under the Constitution and the law,[3] she cannot be permitted to stay one day longer in the Office of Municipal Judge Sablan, Benguet, particularly in the light of the certification dated June 28, 1976 of the Bar Division of this Court that she is not a member of the Philippine Bar.

ACCORDINGLY, Rosalie L. Paraguas is ordered removed from the Office of Municipal Judge of Sablan, Benguet, effective immediately, with forfeiture of all benefits, and with prejudice to reinstatement in any branch of the government service, whether pertaining to the national or local government, including government owned and/or controlled instrumentalities, agencies and corporations. Let certified copies of the pertinent records and papers be furnished the Secretary of the Justice for the filing of such action or actins as may be warranted by the evidence and the facts.

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[3] Art. VIII, Sec. 8, 1935 Constitution; Article X, sec. 3 (2), 1973 Constitution; Judiciary Act of 1948 (Rep. Act 296) as amended, sec. 71 requiring further that "No person shall be eligible for appointment as municipal judge or auxiliary municipal judge unless he is (1) at least twenty-five years of age; (2) a citizen of the Philippines; (3) of good moral character and has not be convicted of any felony; (4) has been admitted by the Supreme Court to the practice of law; and (5) has practised law in the Philippines for a period of not less than five years or has held during a like period within the Philippines, an office requiring admission to the practice of law in the Philippines as an indispensable requisite. (RA Nos. 2613, 3749 & 3828.)"

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Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Muñoz Palma, Aquino, and *Martin, JJ.*, concur.

Concepcion, Jr., J., is on leave.

SECOND DIVISION

[A.C. No. 1637. July 6, 1976]

***IN RE:* ATTY. RUFILLO D. BUCANA,** *respondent.*

SYLLABUS

1. **CIVIL LAW; PERSONS AND FAMILY RELATIONS; MARRIAGE, NATURE OF.** — Marriage is an inviolable social institution in the maintenance of which in its purity the public is deeply interested, for it is the foundation of the family and of society, without which there could be neither civilization nor progress.

2. **ID.; ID.; ID.; CONTRACT THAT INDUCES BIGAMY IS NOT ONLY IMMORAL BUT IN EFFECT ABETS COMMISSION OF CRIME.** — Where the contract, in substance, purports to formulate an agreement between the husband and the wife to take unto himself a concubine and the wife to live in adulterous relations with another man without opposition from either one, induces each party to commit bigamy, the same is not only immoral but in effect abets the commission of a crime.

3. **REMEDIAL LAW; NOTARY PUBLIC; NATURE AND DUTY OF OFFICE.** — A notary public, by virtue of the nature of his office, is required to exercise his duties with due care and with due regard to the provision of existing law. It is for the notary to inform himself of the facts to which he intends to certify, and to take in no illegal enterprise.

4. **ID.; ID.; DUAL RESPONSIBILITY OF NOTARY PUBLIC.** — The notary public is usually a person who has been admitted to the practice of law, and as such, in the commingling of his duties