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FIRST DIVISION

[A.C. No. 188. November 29, 1976]

RICARDA GABRIEL DE BUMANGLAG, *complainant, vs.* **ESTEBAN T. BUMANGLAG,** *respondent.*

SYLLABUS

LEGAL ETHICS; ATTORNEYS; GROSS IGNORANCE OF LAW; SANCTION; CASE AT BAR.— Respondent served his two-year suspension, as duly noted in the Court's Resolution of November 7, 1975. Since respondent has apologized for his "big mistake" and now appreciates that under the fundamental principle of separation of powers enshrined in both that 1935 and 1973 Constitutions, a decision of this Court may not be set aside by the President, the Court is disposed to view his misconduct and/or ignorance with liberality and will administer a reprimand with warning or severe action on any future transgressions, considering respondent's unenviable record.

RESOLUTION

TEEHANKEE, *J.*:

In the Court's decision of September 24, 1973, the Court found respondent guilty of gross immoral conduct and ordered his suspension from the practice of law for a period of two (2) years. Respondent filed several motions for reconsideration, all of which were denied per the Court's Resolutions of November 20, 1973, December 19, 1973, January 9, 1974 and October 30, 1974.

On March 31, 1975, the Clerk of Court received a 1st Indorsement dated February 21, 1975 from then Assistant Executive Secretary Ronaldo B. Zamora "requesting comment and/or appropriate action"on the therewith enclosed petition of respondent to the President of the Philippines that he "promulgate(s) a decree that the order of suspension by the

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Supreme Court be set aside and that your humble self be allowed to become an active member of the New Society."

The Court per its Resolution of June 16, 1975 directed the Clerk of Court "to furnish the Office of the President through Assistant Executive Secretary Zamora with copies of the Court's decision of September 24, 1973 wherein the Court in a spirit of liberality by majority vote imposed a lesser penalty of two-year suspension instead of disbarment (as voted by a minority composed of Justices Castro and Makasiar) and of the Court's resolutions of November 20, 1973 and December 19, 1973 denying for lack of merit respondent's two motions for reconsideration dated October 18, 1973 and December 12, 1973"; and further resolved "to require respondent to show cause within ten (10) days from notice why he should not be subjected to further disciplinary action for making false statements and misrepresentations in his petition to the President that he has been allegedly deprived of due process of law contrary to the facts of record as stated in the Court's decision, and for gross ignorance of the law and of the Constitution in asking the President to set aside by decree this Court's decision imposing upon him two-year suspension from the practice of law."

In a 2nd Indorsement of June 18, 1975 and received by the Clerk of Court on the same day, then Assistant Executive Secretary Zamora forwarded respondent's letter of the same date to the President stating that "(T)he undersigned by now (has) come to realize that I made a big mistake by making said letter to you, Your Excellency, because the Honorable Supreme Court may believe that I may be challenging the decision which is already final and executory and as such do not observe the doctrine of protocol of separation of power(s)," and withdrawing and asking the President to disregard his first letter.

Respondent in his Explanation of July 23, 1975 cited the fact that he had "immediately" withdrawn his letter asking for the President's intervention and that "lately, however, he has fully realized that the Chief Executive is bereft (of) any authority to set aside or modify the decision of this Honorable Supreme Court and "with folded hands begs and asks an apology from

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the members of this Honorable Court, with the full assurance that nothing of this sort will be repeated by him in the future."

Respondent served his two-year suspension, as duly noted in the Court's Resolution of November 7, 1975. Since respondent has apologized for his "big mistake" and now appreciates that under the fundamental principle of separation of powers enshrined in both that 1935 and 1973 Constitutions, a decision of this Court may not be set aside by the President, the Court is disposed to view his misconduct and/or ignorance with liberality and will administer a reprimand with warning or severe action on any future transgressions, considering respondent's unenviable record.

A final word is called for on respondent's statement in his Explanation inferring that he was led to file his petition wit the President by the fact that his motions for reconsideration "were only denied by the Clerk of Court without any comment whatsoever." As the Court has had occasion to state in *People vs. Catolico*[*] and earlier cases, this remark of respondent exposes his lack of appreciation or disregard of the time-honored usage of the Court that minute resolutions, summons and processes of the Court, upon being duly adopted and recorded are transmitted to the interested parties by and upon the signature of the Clerk of Court who is duly authorized to do so. With the thousands of resolutions approved monthly by the Court, it would unduly tax the time and attention of the Chief Justice and members of the Court to the prejudice of the administration of justice if all such papers, other than decisions, could be released only upon their own signatures.

ACCORDINGLY, respondent is hereby administered a reprimand for gross ignorance of the law and of the Constitution in having asked the President to set aside by decree the Court's decision which suspended him for two years from the practice of law, with warning that the commission of any transgression in the future of his oath and duties as a member of the bar will be severely dealt with.

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[*] 38 SCRA 389.

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SO ORDERED.

Makasiar, Muñoz Palma, Concepcion, Jr., and *Martin, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-25694. November 29, 1976]

IN THE MATTER OF THE PETITION FOR A WRIT OF HABEAS CORPUS, LUCIO SANTOS, *petitioner-appellee, vs.* **THE COMMISSIONER, BUREAU OF IMMIGRATION,** *respondent-appellant.*

SYLLABUS

CONSTITUTIONAL LAW; EXECUTIVE DEPARTMENT; PRESIDENT; POWERS AND PREROGATIVES; TO CONDUCT INVESTIGATION LEADING TO DEPORTATION DOES NOT CARRY WITH IT AUTHORITY TO ORDER ARREST; CASE AT BAR.— The question that had to be decided in Qua Chee Gan, according to the *ponente*, Justice Barrera, was whether the power of the President to conduct an investigation leading to deportation carries with it the authority to order an arrest. It was answered in the negative. Thus: "Under the express terms of our Constitution, it is, therefore, even doubtful whether the arrest of an individual may be ordered by any authority other than the judge if the purpose is merely to determine the existence of a probable cause, leading to an administrative investigation. The Constitution does not distinguish between warrants in a criminal case and administrative warrants in administrative proceedings. And, if one suspected of having committed a crime is entitled to a determination of the probable cause against him, by a judge, why should one suspected of a violation of an administrative nature deserve less guarantee? Of course it is different if the