



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held May 22, 2018

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Chairperson
HON. KARL B. MIRANDA.....Associate Justice
HON. MARYANN E. CORPUS-MAÑALAC*.....Associate Justice

The following resolution was adopted:

SB-16-CRM-0136 to 0172 –

PEOPLE vs. ROBERTO R. CORPUS

This Court **NOTES** Atty. Arys Deloso's *Compliance* dated March 14, 2018,¹ the prosecution's *Manifestation (Re: Accused's Compliance dated March 14, 2018)*,² and Atty. Deloso's *Compliance* dated April 27, 2018.³

In his *Compliance* dated March 14, 2018, Atty. Arys Deloso submitted the House of Representatives Secretary General's *Memorandum* dated March 12, 2018, granting him the authority to engage in limited practice of his profession. In its *Manifestation*, the prosecution interposed no objection.

In Atty. Deloso's *Compliance* dated April 27, 2018, he avers that he was explicitly directed by his superior, Rep. Deloso-Montalla, to represent the accused in the present cases; and that such representation is considered a part of his official functions as Political Affairs Officer VI, and thus, will not interfere with his other tasks or duties. He further argues that only the Supreme Court has the power to regulate the practice of law. In case he violates any Civil Service rule or code of conduct, he may be subject to administrative liability but the accused cannot be deprived of the right to counsel.

At the outset, it must be emphasized that this Court may, on its own initiative or upon motion of the other party,⁴ require Atty. Deloso to show his

* The incidents were submitted for resolution on May 2, 2018, when Atty. Deloso filed the *Compliance* dated April 27, 2018; In view of the vacancy in the Sixth Division (Per administrative Order No. 058-2018 dated January 29, 2018)

¹ Filed on March 14, 2018

² Dated March 20, 2018 and filed on March 23, 2018

³ Filed on May 2, 2018

⁴ Please see *Land Bank of the Philippines v. Pamintuan Development Co.*, G.R. No. 167886, October 25, 2005

authority to appear in behalf of his client. Rule 138, Sec. 21 of the Rules of Court provides:

Sec. 21. Authority of attorney to appear. – An attorney is presumed to be properly authorized to represent any cause in which he appears, and no written power of attorney is required to authorize him to appear in court for his client, but the presiding judge may, on motion of either party and on reasonable grounds therefor being shown, require any attorney who assumes the right to appear in a case to produce or prove the authority under which he appears, and to disclose, whenever pertinent to any issue, the name of the person who employed him, and may thereupon make such order as justice requires. An attorney willfully appearing in court for a person without being employed, unless by leave of the court, may be punished for contempt as an officer of the court who has misbehaved in his official transactions.

(underscoring supplied)

Republic Act No. 6713 prohibits public officials or employees from engaging in the private practice of their profession unless authorized by the Constitution, law or regulation, and, provided that such practice will not conflict or tend to conflict with their official functions. Sec. 7 (b) (2) thereof reads:

Section 7. Prohibited Acts and Transactions. – In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) x x x

(b) Outside employment and other activities related thereto. – Public officials and employees during their incumbency shall not:

(1) x x x

(2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions; or

(3) x x x

The Secretary General of the House of Representatives granted Atty. Deloso the authority to engage in limited practice of profession subject to certain conditions including:⁵

1. The conditions set forth in Section 18, Rule XIII of the Rules on Appointment and Other Personnel Actions, as contained in CSC Memorandum Circular No. 15, S. 1999 are strictly followed;

⁵ Memorandum dated March 12, 2018 (Annex "4" of Compliance dated March 14, 2018)

2. x x x;
3. Such practice shall not be during office hours; and
4. x x x.

There being no apparent conflict with his official functions, this Court resolves to ALLOW Atty. Deloso, in his personal capacity, to continue representing the accused in the present cases. Atty. Deloso must ensure that (1) the performance of his duties as counsel for the accused will not impair in any way his efficiency nor be in conflict or tend to conflict with his official functions and his official work hours as Political Affairs Officer VI; and (2) no government funds will be utilized in his representation of the accused in the present cases.

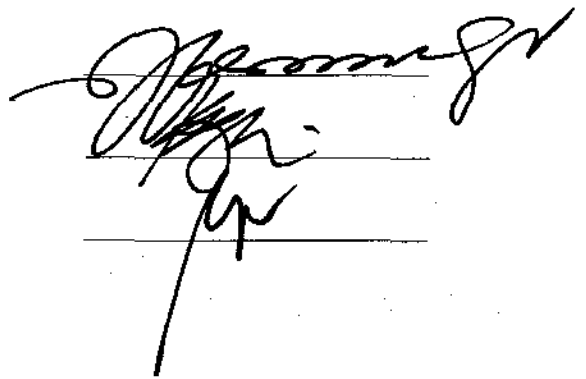
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J.,

MIRANDA, J.

CORPUS-MAÑALAC, J.



Handwritten signatures of the judges: Fernandez, SJ, J., Miranda, J., and Corpus-Mañalac, J. The signatures are written in black ink over three horizontal lines.