

SPECIAL THIRD DIVISION

[A.C. No. 4947, June 07, 2007]

**ROSA YAP-PARAS, PETITIONER, VS. ATTY. JUSTO PARAS,
RESPONDENT.**

R E S O L U T I O N

GARCIA, J.:

For resolution is this Motion for Contempt and/or Disbarment^[1] dated April 11, 2005, filed by herein petitioner-movant Rosa Yap Paras against respondent Atty. Justo Paras, for the latter's alleged violation of a suspension order earlier meted upon him by the Court. The motion alleges:

4. That the respondent in this case admits that he has continued his practice of law and in fact filed pleadings in court after the receipt of suspension on the ground that the alleged filing of his motion for reconsideration suspends or interrupt (*sic*) the running of the period to appeal,

and prays that for his violation of the suspension order, the respondent be declared in contempt of court and be disbarred.

Briefly, the facts may be stated as follows:

On September 9, 1998, herein petitioner-movant filed a verified Petition^[2] praying for the disbarment of her estranged husband respondent Atty. Justo J. Paras alleging acts of deceit, malpractice, grave misconduct, grossly immoral conduct and violation of oath as a lawyer committed by the latter.

On February 14, 2005, the Court issued a Resolution^[3] finding Atty. Paras guilty of committing a falsehood in violation of his lawyer's oath and of the Code of Professional Responsibility. Thus, the Court resolved to suspend Atty. Paras from the practice of law for a period of one (1) year, with a warning that commission of the same or similar offense in the future will result in the imposition of a more severe penalty.

Per records, the aforesaid Resolution was received by Atty. Paras on March 18, 2005. Thereafter, he filed a Motion for Reconsideration dated March 28, 2005.^[4]

During the pendency of Atty. Paras' motion for reconsideration, complainant-movant filed with the Court the instant Motion for Contempt and/or Disbarment, alleging thereunder, *inter alia*, that Atty. Paras violated the suspension order earlier issued by the Court with his continued practice of law.

In time, the Court issued a Resolution dated July 18, 2005,^[5] denying for lack of merit Atty. Paras' motion for reconsideration, to wit:

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Acting on the respondent's motion for reconsideration dated March 28, 2005 of the resolution of February 14, 2005 which suspended him from the practice of law for a period of one (1) year, the Court Resolves to **DENY** the motion for lack of merit.

The Court further Resolves to **NOTE**:

(a) the complainant's opposition dated April 11, 2005 to the said motion for reconsideration with leave of Court;

(b) the respondent's motion dated May 6, 2005 for immediate resolution of the motion for reconsideration; and

(c) the complainant's motion for contempt and/or disbarment dated April 11, 2005, praying that respondent be declared in contempt of court and ordered disbarred and to **REQUIRE** the respondent to **COMMENT** thereon, within ten (10) days from notice.

In the same resolution, the Court required Atty. Paras to comment on petitioner-movant's Motion for Contempt and/or Disbarment.

After more than a year, or on September 12, 2006 Atty. Paras filed with the Court a Manifestation^[6], stating that he had completely and faithfully served his one (1) year suspension from the practice of law from August 25, 2005, the day after he received the denial resolution on his motion for reconsideration, to August 24, 2006.

It appearing that Atty. Paras failed to file a comment on the Motion for Contempt and/or Disbarment, the Court issued another Resolution dated November 27, 2006 requiring Atty. Paras to show cause why he should not be held in contempt of court for such failure and to comply with the said resolution within ten (10) days from receipt.

Consequently, a Comment on Motion for Contempt and Explanation on Failure to Timely File Required Comment^[7] was filed by Atty. Paras denying all the allegations in petitioner-movant's Motion for Contempt and/or Disbarment. He likewise claimed that he had never done nor made any conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice, nor undermine or put to naught or violate any of the pertinent causes enumerated in Section 3, Rule 71 of the Revised Rules of Court.

Here, we are called upon to impose on Atty. Paras the highest punishment to an erring lawyer – disbarment – or to hold him in contempt for his failure to comply with this Court's resolutions.

In a number of cases,^[8] we have repeatedly explained and stressed that the purpose of disbarment is not meant as a punishment to deprive an attorney of a means of livelihood but is rather intended to protect the courts and the public from