

# Khan jr. v. simbillo

[Business](#), [Marketing](#)



KHAN, JR. V SIMBILLO YNARES-SANTIAGO; August 19, 2003 (apple maramba) NATURE ADMINISTRATIVE MATTER in the Supreme Court and SPECIAL CIVIL ACTION in the Supreme Court. Certiorari. FACTS - Atty. Rizalino Simbillo publicized his legal services in the July 5, 2000 issue of the Philippine Daily Inquirer via a paid advertisement which read: " Annulment of Marriage Specialist 532-4333/521-2667. " - A staff member of the Public Information Office of the Supreme Court took notice and called the number posing as an interested party. She spoke to Mrs.

Simbillo, who said that her husband was an expert in handling annulment cases and can guarantee a court decree within four to six months, and that the fee was P48, 000. - Further research by the Office of the Court Administrator and the Public Information Office revealed that similar ads were published in the August 2 and 6, 2000 issues of the Manila Bulletin and August 5, 2000 issue of the Philippine Star. - Atty. Ismael Khan, Jr. , in his capacity as Assistant Court Administrator and Chief of the Public Information Office filed an administrative complaint against Atty.

Simbillo for improper advertising and solicitation in violation of Rule 2. 03 and Rule 3. 01 of the Code of Professional Responsibility and Rule 138, Section 27 of the Rules of Court. - The case was referred to the IBP for investigation, report and recommendation. - IBP found respondent guilty - Respondent filed an Urgent Motion for Reconsideration, which was denied - Hence, this petition for certiorari ISSUE WON Atty. Rizalino Simbillo is guilty of violating Rule 2. 03 and Rule 3. 1 of the Code of Professional Responsibility and Rule 138, Section 27 of the Rules of Court HELD Yes. Petitioner was suspended from the practice of law for one year and was

sternly warned that a repetition of the same or similar offense will be dealt with more severely. Ratio The practice of law is not a business. It is a profession in which duty to public service, not money is the primary consideration. Reasoning - Rule 2.03 - A lawyer shall not do or permit to be done any act designed primarily to solicit legal business. - Rule 3.1 - A lawyer shall not use or permit the use of any false, fraudulent, misleading, deceptive, undignified, selflaudatory or unfair statement or claim regarding his qualifications or legal services. - Rule 138, Sec 27 of the Rules of Court states: Disbarment and suspension of attorneys by Supreme Court, grounds therefore. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience appearing as attorney for a party without authority to do so. - The following elements distinguish legal profession from business: 1. A duty of public service 2. A relation as an “ officer of the court” to the administration of justice involving thorough sincerity, integrity and reliability 3. A relation to clients in the highest degree of fiduciary 4. A relation to colleagues at the bar characterized by candor, fairness, and unwillingness to resort to current business methods of advertising and encroachment on their practice, or dealing directly with their clients. - Respondent advertised himself as an “ Annulment Specialist,” and by this he undermined the stability and sanctity of marriage —encouraging people who might have otherwise been disinclined and would have refrained from dissolving their

marriage bonds, to do so. - Solicitation of legal business is not altogether proscribed, however, for solicitation to be proper, it must be compatible with the dignity of the legal profession.