



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 69-2012

TO : ALL JUDGES AND CLERKS OF COURT OF THE
FIRST AND SECOND LEVEL COURTS

SUBJECT : SUBMISSION OF REPORT ON ANY FURTHER
APPEARANCE OF MR. REMBERTO C. KARAAN,
SR. IN YOUR RESPECTIVE JURISDICTIONS

For your information and guidance, the Honorable Court issued a Resolution dated June 20, 2012 in A.M. OCA IPI No. 09-3210-RTJ (*Juvy P. Ciocon-Reer, Angelina P. Ciocon, Marivit P. Ciocon-Hernandez and Remberto C. Karaan, Sr. v. Judge Antonio C. Lubao, Regional Trial Court, Branch 22, General Santos City*), the relevant portion of which are quoted as follows:

xxx xxx xxx

In *Cayetano v. Monsod* (G.R. No. 100113, 3 September 1991, 201 SCRA 210), the Court ruled that “**practice of law**” means any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience. To engage in the practice of law is to perform acts which are usually performed by members of the legal profession (*Aguirre v. Rana*, 451 Phil. 428 (2003)). Generally, to practice law is to render any kind of service which requires the use of legal knowledge or skill (*Id.*). Here, the OCA was able to establish the pattern in Karaan’s unauthorized practiced of law. He would require the parties to execute a special power of attorney in his favor to allow him to join them as one of the plaintiffs as their attorney-in-fact. Then, he would file the necessary complaint and other pleadings “acting for and in his own behalf and as attorney-in-fact, agent or representative” of the parties. The fact that Karaan did not indicate the pleadings that he was a member of the Bar, or any PTR, Attorney’s Roll, or MCLE Compliance Number does not detract from the fact that, by his actions, he was actually engaged in the practice of law.

Under Section 3(e), Rule 71 of the 1997 Rules of Civil Procedure, a person “[a]ssuming to be an attorney or an officer of a court, and acting as such without authority,” is liable for indirect contempt of court. Under Section 7 of the same rules, a respondent adjudged guilty of indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank “may be punished by a fine not exceeding thirty thousand pesos or imprisonment not exceeding six (6) months, or both.” If a respondent is adjudged guilty of contempt committed against a lower

court, he "may be punished by a fine not exceeding five thousand pesos, or imprisonment not exceeding one (1) month, or both."

Following the ruling of this Court *In re: Joaquin T. Borromeo* (311 Phil. 441 [1995]), the OCA recommended that Karaan be cited for indirect contempt and be sentenced to serve an imprisonment of ten days at the Manila City Jail, and to pay a fine of P1,000 with a warning that a repetition of any of the offenses, or any similar or other offense against the courts, judges or court employees will merit further and more serious sanctions. **The OCA further recommended that a memorandum be issued to all courts of the land to notify the judges and court employees of Karaan's unauthorized practice of law and to report to the OCA any further appearance to be made by Karaan.** However, the records would show that Karaan is already 71 years old. In consideration of his old age and his state of health, we deem it proper to remove the penalty of imprisonment by the OCA and instead increase the recommended fine to P10,000.


WHEREFORE, we DENY the motion for reconsideration of the Court's Resolution dated 24 November 2010 dismissing the complaint against Judge Antonio C. Lubao for being judicial in nature. We find REMBERTO C. KARAAN, SR. GUILTY of indirect contempt under Section 3(e), Rule 71 of the 1977 Rules of Civil Procedure and impose on him a Fine of Ten Thousand Pesos (P10,000)

Let a copy of this Resolution be furnished all courts of the land for their guidance and information. **The courts and court employees are further directed to report to the Office of the Court Administrator any further appearance of Rembert C. Karaan, Sr. before their sala.** (Emphasis supplied.)

In view of the foregoing, you are hereby directed to submit a report to the Office of the Court Administrator, through the Court Management Office, any further appearance of Mr. Remberto C. Karaan, Sr. before your respective jurisdictions.

For strict compliance.

25 July 2012


JOSE MIDAS P. MARQUEZ
Court Administrator