

## EN BANC

[ B.M. No. 3288, April 10, 2019 ]

**MERCURIA D. SO, COMPLAINANT, V. MA. LUCILLE P. LEE,<sup>[\*]</sup>  
RESPONDENT.**

### RESOLUTION

**J. REYES, JR., J.:**

Subject of this Resolution are the October 9, 2017<sup>[1]</sup> and March 15, 2019<sup>[2]</sup> Petitions to Retake the Lawyer's Oath and to Sign the Roll of Attorneys of Ma. Lucille P. Lee (Lee), one of the successful examinees of the 2016 Bar Examinations.

#### *Factual Antecedents*

On May 19, 2017, the Office of the Bar Confidant (OBC) received a letter<sup>[3]</sup> from Mercuria D. So (So) alleging that Lee is a defendant in Civil Case No. 740 and is not fit for admission to the Bar considering her irresponsible attitude towards her monetary obligations. Attached in the said letter was a copy of the Complaint for Collection of Sum of Money<sup>[4]</sup> So had filed against Lee.

In her Comment,<sup>[5]</sup> Lee claimed that she was unaware of the pendency of Civil Case No. 740 as she learned of it only when she registered for the oath taking. She admitted that she obtained a P200,000.00 loan from So but had already paid a total of P140,000.00 for 10 months. Lee explained that due to the losses her business suffered, she failed to pay the subsequent monthly payments. She pointed out that she did not intend to evade her obligation to So, but had asked the latter to give her ample time to settle it.

In its July 11, 2017 Report,<sup>[6]</sup> the OBC noted that Lee was an applicant of the 2016 Bar Examinations and in her application, she declared that a civil case was filed against her on January 29, 2014 docketed as Civil Case No. 1436 titled "*Nonoy Bolos v. Ma Lucille Lee Jao*" for collection of sum of money. It highlighted that Civil Case No. 1436 pertained to the several loans Lee had incurred with Joseph "Nonoy" Bolos (Bolos) in the aggregate amount of P1,450,000.00."

In its August 1, 2017 Resolution,<sup>[7]</sup> the Court held in abeyance Lee's request to be allowed to sign the Roll of Attorneys in view of the pendency of Civil Case Nos. 740 and 1436, and required her to manifest the status of the aforementioned cases.

In her October 2017 petition, Lee manifested that Civil Case No. 740 had been dismissed in view of the Compromise Agreement she had entered into with So. She manifested that she already paid So in accordance with the terms and conditions of the approved Compromise Agreement.<sup>[8]</sup>

In her March 2019 petition, Lee reiterated the dismissal of Civil Case No. 740 and the satisfaction of her obligation in accordance with the Compromise Agreement

with So. In addition, she noted that a Judgment by Compromise had been issued dismissing Civil Case No. 1436 in view of the Compromise Agreement she had executed with Bolos. It was agreed upon that Lee would pay Bolos at least P15,000.00 a month starting one month after she signs the Roll of Attorneys.<sup>[9]</sup>

In its March 28, 2019 Report,<sup>[10]</sup> the OBC recommended that Lee be allowed to retake the Lawyer's Oath and sign the Roll of Attorneys subject to the condition that she inform the Court within one month from the time she has made her first payment of P15,000.00 to Bolos and to inform the Court upon full payment of the debt in accordance with the terms and conditions of the compromise.

### **The Issue**

#### **WHETHER LEE SHOULD BE ALLOWED TO RETAKE THE LAWYER'S OATH AND SIGN THE ROLL OF ATTORNEYS.**

### **The Court's Ruling**

The practice of law is not a right but a privilege bestowed by the State upon those who show that they possess, and continue to possess, the qualifications required by law for the conferment of such privilege.<sup>[11]</sup> It is extended only to the few who possess the high standards of intellectual and moral qualifications and the Court is duty-bound to prevent the entry of undeserving aspirants, as well as to exclude those who have been admitted but have become a disgrace to the profession.<sup>[12]</sup> Section 2, Rule 138 of the Rules of Court provides for the minimum requirements applicants for the admission to the Bar must possess, to wit:

*SEC. 2. Requirements for all applicants for admission to the bar.* - Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and a resident of the Philippines, and must produce before the Supreme Court satisfactory evidence of good moral character, and that **no charges against him, involving moral turpitude**, have been filed or are pending in any court in the Philippines. (Emphasis supplied)

Moral turpitude has been defined as an act of baselessness, vileness, or the depravity of private and social duties that man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty or good morals.<sup>[13]</sup>

Jurisprudence had deemed the following acts as crimes involving moral turpitude: abduction with consent, bigamy, concubinage, smuggling, rape, attempted bribery, profiteering, robbery, murder, estafa, theft, illicit sexual relations with a fellow worker, issuance of bouncing checks, intriguing against honor, violation of the Anti-Fencing Law, violation of the Dangerous Drugs Act, perjury, forgery, direct bribery, frustrated homicide, adultery, arson, evasion of income tax, barratry, blackmail, bribery, duelling, embezzlement, extortion, forgery, libel, making fraudulent proof of loss on insurance contract, mutilation of public records, fabrication of evidence, offenses against pension laws, perjury, seduction under the promise of marriage, falsification of public document, and estafa through falsification of public document.<sup>[14]</sup>