

## EN BANC

[ A.C. No. 5161, July 11, 2017 ]

**RE: IN THE MATTER OF THE PETITION FOR REINSTATEMENT OF  
ROLANDO S. TORRES AS A MEMBER OF THE PHILIPPINE BAR.**

**ROLANDO S. TORRES, Petitioner.**

### R E S O L U T I O N

#### PER CURIAM:

For resolution is the Petition<sup>[1]</sup> dated March 10, 2017 filed by Rolando S. Torres (Torres) who seeks judicial clemency in order to be reinstated in the Roll of Attorneys.

Records show that in a Resolution<sup>[2]</sup> dated April 14, 2004 in *Ting-Dumali v. Torres*,<sup>[3]</sup> the Court meted the supreme penalty of disbarment on Torres for "presentation of false testimony; participation in, consent to, and failure to advise against, the forgery of complainant's signature in a purported Deed of Extrajudicial Settlement; and gross misrepresentation in court for the purpose of profiting from such forgery,"<sup>[4]</sup> thereby committing gross misconduct and violating Canons 1 and 10 the Code of Professional Responsibility. The dispositive portion of the said Resolution reads:

**IN VIEW OF ALL THE FOREGOING**, we find respondent Atty. Rolando S. Torres guilty of gross misconduct and violation of the lawyer's oath, as well as Canons 1 and 10 of the Code of Professional Responsibility, thereby rendering him unworthy of continuing membership in the legal profession. He is thus ordered **DISBARRED** from the practice of law, and his name is ordered stricken off the Roll of Attorneys, effective immediately.

x x x x<sup>[5]</sup>

Aggrieved, Torres twice moved for reconsideration,<sup>[6]</sup> both of which were denied with finality by the Court,<sup>[7]</sup> which then stated that "[n]o further pleadings will be entertained."<sup>[8]</sup> This notwithstanding, Torres: (a) filed an *Ex-Parte* Motion to Lift Disbarment<sup>[9]</sup> dated January 26, 2006 begging for compassion, mercy, and understanding;<sup>[10]</sup> and (b) wrote letters to former Chief Justice Artemio V. Panganiban<sup>[11]</sup> and former Associate Justice Dante O. Tinga<sup>[12]</sup> reiterating his pleas for compassion and mercy. However, these were ordered expunged through the Court's Resolutions dated June 13, 2006<sup>[13]</sup> and September 5, 2006,<sup>[14]</sup> considering

the previous directive that no further pleadings will be further entertained in this case. Still undaunted, Torres continued to file numerous submissions either seeking his reinstatement to the bar<sup>[15]</sup> or the reduction of his penalty of disbarment to suspension,<sup>[16]</sup> all of which were either expunged from the records<sup>[17]</sup> or denied<sup>[18]</sup> by the Court.

More than ten (10) years from his disbarment, Torres filed a Petition<sup>[19]</sup> dated June 11, 2015 seeking judicial clemency from the Court to reinstate him in the Roll of Attorneys.<sup>[20]</sup> In a Resolution<sup>[21]</sup> dated August 25, 2015 (August 25, 2015 Resolution), the Court denied the petition, holding that Torres had failed to provide substantial proof that he had reformed himself, especially considering the absence of showing that he had reconciled or attempted to reconcile with his sister-in-law, the original complainant in the disbarment case against him; nor was it demonstrated that he was remorseful over the fraudulent acts he had committed against her.<sup>[22]</sup>

Despite the foregoing, Torres filed the instant petition, again seeking judicial clemency from the Court to reinstate him in the Roll of Attorneys.

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

The petition is not meritorious.

The principle which should hold true for lawyers, being officers of the court, is that judicial clemency, as an act of mercy removing any disqualification, should be balanced with the preservation of public confidence in the courts. Thus, the Court will grant it only if there is a showing that it is merited. Proof of reformation and a showing of potential and promise are indispensable.<sup>[23]</sup> In *Re: The Matter of the Petition for Reinstatement of Rolando S. Torres as a member of the Philippine Bar*,<sup>[24]</sup> the Court laid down the following guidelines in resolving requests for judicial clemency, to wit:

1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform.
3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the