

EN BANC

[A.C. No. 5161, August 25, 2015]

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

R E S O L U T I O N

PER CURIAM:

For resolution is the Petition^[1] filed by respondent Rolando S. Torres (respondent) who seeks judicial clemency in order to be reinstated in the Roll of Attorneys.

Records show that respondent was administratively charged by his sister-in-law, complainant Isidra Ting-Dumali (complainant), 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."^[2] The particular charges are:

According to the complainant, the respondent took advantage of his relationship with her and her brothers and used his profession to deprive them of what was lawfully due them even if it involved the commission of an illegal, unlawful, or immoral act. She attributes to the respondent the following acts or omissions:

1. The respondent participated in, consented to, and failed to advise against, the perjury committed by his wife Felicisima and his sister-in-law Miriam when they executed a Deed of Extrajudicial Settlement of Estate dated 11 November 1986, wherein the two made it appear that they were the sole heirs of the late spouses Julita Reynante and Vicente Ting, knowing fully well that the same was false. He presented that document to the Register of Deeds of Cavite for the transfer of the title over Lot No. 1586 in the names of his wife and Miriam. The lot was later sold to Antel Holdings[,] Inc. for P1,195,400. Payment was already made to, and received by, Felicisima and Miriam.
2. The respondent participated in, consented to, and failed to advise against, the forgery of complainant's signature in a purported Deed of Extrajudicial Settlement dated 17 March 1995 involving Lot 1603 when he knew that she was in Italy at that time working as an overseas contract worker. He even presented the falsified document to the Register of Deeds of

Cavite to transfer the title over the property in favor of his wife Felicisima and sister-in law Marcelina. The forgery or falsification was made to enable them to sell Lot 1603 to Antel Holdings, Inc. Payment was received and misappropriated by Felicisima and Marcelina.

3. In LRC Rec. No. 5964 entitled In Re: Petition for Judicial Reconstitution of the Original Copy. and Owner's Duplicate Copy of TCT No. T-1869 Covering Lot No. 1605 of the Registry of Deeds for the Province of Cavite, filed by complainant's sisters Marcelina and Felicisima on 24, October 1995, the respondent made gross misrepresentation and offered false testimony to the effect that Marcelina and Felicisima are the only children and legal heirs of the late spouses Vicente Ting and Julita Reynante for the purpose of obtaining a new title in their names. With the reconstituted title, and with the express conformity of the respondent, Felicisima and Marcelina were able to sell Lot 1605 to Antel Holdings, Inc., for P2,213,100 and profited from the sale to the exclusion of their other siblings. Partial payment was even received pending the reconstitution proceedings.

4. On 20 November 1996, the respondent made gross and false misrepresentations for the purpose of profiting therefrom when he requested the buyer through a certain Mrs. Ong to release the full payment for Lot 1605 under the pretense that the order of reconstitution would be released within a month when he knew that it would be impossible because he presented evidence in the reconstitution case only on 12 August 1997. To facilitate the release of the money, he even used the stationery of the Philippine National Bank, of which he was an employee.^[3]

In a Resolution^[4] dated **April 14, 2004**, the Court found merit in the complaint and, thus, held respondent guilty of gross misconduct and of violating the lawyer's oath, as well as Canons 1 and 10 of the Code of Professional Responsibility, resulting in his disbarment from the practice of law:

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^[5]

Aggrieved, respondent filed on **May 20, 2004** a Motion for Reconsideration^[6] of the

aforesaid Resolution, which the Court denied with finality in the Resolution^[7] dated June 29, 2004.

Unperturbed, he filed on September 15, 2004 a Motion for Leave to File and Admit Second Motion for Reconsideration,^[8] which the Court denied for lack of merit in the Resolution^[9] dated November 9, 2004, stating that "[n]o further pleadings will be entertained."

On January 26, 2006, respondent filed an Ex-Parte Motion to Lift Disbarment^[10] begging that compassion, mercy, and understanding be bestowed upon him by the Court in that his disbarment be lifted. The same was, however, expunged from the records in a Resolution^[11] dated June 13, 2006.

Still insistent, respondent wrote letters addressed to former Associate Justice Dante O. Tinga^[12] and former Chief Justice Artemio V. Panganiban,^[13] reiterating his pleas for compassion and mercy. However, these letters were similarly expunged from the records in a Resolution^[14] dated September 5, 2006, considering the previous directive that no further pleadings will be further entertained in this case. These were followed by numerous submissions either seeking his reinstatement to the bar^[15] or the reduction of his penalty of disbarment to suspension, ^[16] all of which were either expunged from the records^[17] or denied^[18] by the Court.

More than ten (10) years from his disbarment, or on **June 23, 2015**, respondent filed the instant Petition once more seeking judicial clemency from the Court to reinstate him in the Roll of Attorneys.

The Court's Ruling

"Membership in the Bar is a privilege burdened with conditions. It is not a natural, absolute or constitutional right granted to everyone who demands it, but rather, a special privilege granted and continued only to those who demonstrate special fitness in intellectual attainment and in moral character. The same reasoning applies to reinstatement of a disbarred lawyer. When exercising its inherent power to grant reinstatement, the Court should see to it that only those who establish their present moral fitness and knowledge of the law will be readmitted to the Bar. Thus, though the doors to the practice of law are never permanently closed on a disbarred attorney, the Court owes a duty to the legal profession as well as to the general public to ensure that if the doors are opened, it is done so only as a matter of justice."^[19]

"The basic inquiry in a petition for reinstatement to the practice of law is **whether the lawver has sufficiently rehabilitated himself or herself in conduct and character**. Whether the applicant shall be reinstated in the Roll of Attorneys rests to a great extent on the sound discretion of the Court. The lawyer has to demonstrate and prove by clear and convincing evidence that he or she is again worthy of membership in the Bar. The Court will take into consideration his or her character and standing prior to the disbarment, the nature and character of the charge/s for which he or she was disbarred, his or her conduct subsequent to the disbarment, and the time that has elapsed in between the disbarment and the application for reinstatement."^[20]

In *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*^[21] 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 development of the legal system or administrative and other relevant skills), as well as potential for public service.**
5. There must be other relevant factors and circumstances that may justify clemency.^[22] (emphases and underscoring supplied)

Applying the foregoing standards to this case, the Court finds that the instant petition is **not meritorious**.

While more than ten (10) years had already passed since his disbarment on April 14, 2004, respondent's present petition has failed to show substantial proof of his reformation as required in the first guideline above.

The principle which should hold true not only for judges but also for lawyers, being officers of the court, is that judicial "[c]lemency, 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.**"^[23]

In this case, the only ostensible proof of reformation that respondent has presented is a Certification^[24] dated June 5, 2015 signed by Reverend Nelson D. Feranil, Administrative Pastor of the Buenavista Evangelical Church in General Trias, Cavite, which generally states that respondent, "before and after his disbarment," has been "assisting the poor and indigent litigants in our community," and that "he has been very active in spreading the [w]ords and gospel of the Almighty God[,], being an active member of the Couples of Christ FFL." Aside from these bare statements, no