

EN BANC

[A.C. No. 7054, November 11, 2014]

CONRADO N. QUE, COMPLAINANT, VS. ATTY. ANASTACIO E. REVILLA, JR., RESPONDENT.

R E S O L U T I O N

PER CURIAM:

For the Court's consideration is the Profound Appeal for Judicial Clemency^[1] filed by Atty. Anastacio E. Revilla, Jr. (*respondent*), who seeks to be reinstated as a member of the Philippine Bar.

Factual Background

In a Decision^[2] dated December 4, 2009, this Court disbarred the respondent from the practice of law on the following grounds: abuse of court procedures and processes; filing of multiple actions and forum-shopping; willful, intentional and deliberate resort to falsehood and deception before the courts; maligning the name of his fellow lawyer; and fraudulent and unauthorized appearances in court.

The material portions of the subject Decision provide:

Based on the foregoing, we conclude that the respondent committed various acts of professional misconduct and thereby failed to live up to the exacting ethical standards imposed on members of the Bar. We cannot, agree, however, that only a penalty of one-year suspension from the practice of law should be imposed. Neither should we limit ourselves to the originally recommended penalty of suspension for two (2) years.

Given the respondent's multiple violations, his past record as previously discussed, and the nature of these violations which shows the readiness to disregard court rules and to gloss over concerns for the orderly administration of justice, we believe and so hold that the appropriate action of this Court is to disbar the respondent to keep him away from the law profession and from any significant role in the administration of justice which he has disgraced. He is a continuing risk, too, to the public that the legal profession serves. Not even his ardor and overzealousness in defending the interests of his client can save him. Such traits at the expense of everything else, particularly the integrity of the profession and the orderly administration of justice, this Court cannot accept nor tolerate.

Additionally, disbarment is merited because this is not the respondent's first ethical infraction of the same nature. We penalized him in Plus

Builders, Inc. and Edgardo Garcia versus Atty. Anastacio E. Revilla for his willful and intentional falsehood before the court; for misuse of court procedures and processes to delay the execution of a judgment; and for collaborating with non-lawyers in the illegal practice of law. We showed leniency then by reducing his penalty to suspension for six (6) months. We cannot similarly treat the respondent this time; it is clear that he did not learn any lesson from his past experience and since then has exhibited traits of incorrigibility. It is time to put a finis to the respondent's professional legal career for the sake of the public, the profession and the interest of justice.

WHEREFORE, premises considered, we hereby **AFFIRM** Resolution No. XVII-2005-164 dated December 17, 2005 and Resolution No. XVII-2008-657 dated December 11, 2008 of the Board of Governors of the IBP Committee on Bar Discipline insofar as respondent Atty. Anastacio Revilla, Jr. is found liable for professional misconduct for violations of the Lawyer's Oath; Canon 8; Rules 10.01 and 10.03, Canon 10; Rules 12.02 and 12.04, Canon 12; and Rule 19.01, Canon 19 of the Code of Professional Responsibility; and Sections 20(d), 21 and 27 of Rule 138 of the Rules of Court. However, we modify the penalty the IBP imposed, and hold that the respondent should be **DISBARRED** from the practice of law.

SO ORDERED.

On July 8, 2010, the respondent filed a Petition for Judicial Clemency and Compassion^[3] praying that his license to practice law be restored based on humanitarian considerations, but the Court En Banc resolved to deny the petition for lack of merit.

The respondent subsequently filed on January 11, 2011, an Appeal for Grace, Succor, and Mercy^[4] asking the Court to take a second look at the penalty imposed upon him. He maintained that Conrado N. Que (*complainant*) failed to establish by clear and convincing evidence that he committed grossly immoral conduct meriting the severe penalty of disbarment. He also attempted to pass the blame on another individual (*a certain Gerolin Piedad, General Manager of Kalayaan Development Corporation*) to free himself from liability by claiming that one of the charges leading to his disbarment was not of his own doing.

In a Resolution^[5] dated February 8, 2011, the Court denied the appeal.

The respondent again wrote the Court on July 13, 2011, reiterating his pleas for the Court's compassion and mercy.^[6] He sought the Court's forgiveness stating that he has learned his lesson; but at the same time, questioning the Court's finding for lack of factual support. He appended to his appeal proofs of his updated payment of IBP membership dues,^[7] MCLE compliance,^[8] and a letter from the Bishop of Marinduque.^[9] His appeal, however, was denied by a Resolution^[10] dated August 2, 2011.

On May 17, 2012, the respondent sent a letter^[11] addressed to the Members of the

Court *En Banc* once again reiterating his prayer to lift the order of disbarment. He alleged among others that for more than three years that he has been disbarred in the practice of law, he has never been involved in any immoral or illegal activities, has devoted himself in the services of St. Peter Parish and Shrine, Commonwealth Avenue as Eucharistic Minister leader, has conducted regular monthly lectures on the subject of marriage at the Diocese of Novaliches, and has participated as monthly financial contributor to Mr. Carmel Church, Lucena City. He also begged the Court to no longer prolong his penalty since it had already served its purpose. The plea was also denied on July 3, 2012.^[12]

On August 30, 2012, the respondent once more prayed for his reinstatement professing repentance and remorse for what he did.^[13] He pleaded for the Court's consideration, and vowed that he will no longer misuse the rules of procedure but instead, devote his time and energy for its proper observance and implementation. He also stated that for almost three years of being disbarred from the practice of law, he has never been involved in any unlawful, dishonest, and immoral activities. He promised to maintain at all times a high degree of legal proficiency, morality, integrity, and fair dealings to the courts, clients, and the legal profession in accordance with the values and morals embodied in the Code of Professional Responsibility.

In a Resolution^[14] dated October 9, 2012, the Court denied his petition for lack of merit.

Aggrieved, the respondent filed on March 27, 2013 a letter^[15] pleading the Court to revisit his previous requests for reinstatement.

Treating his letter as a motion for the reconsideration of the resolutions dated August 2, 2011, July 3, 2012, and October 9, 2012, the Court, on June 4, 2013 denied the motion with finality.^[16]

On July 18, 2014, the respondent filed a Profound Appeal for Judicial Clemency^[17] reiterating his apologies to the Court. He stressed that the penalty of disbarment has already taken its toll on his health; he has now become most frail and weak; and he had been diagnosed with chronic kidney disease at stage five (5) and undergoing dialysis thrice weekly. He also stressed that in the years that he had been excluded from the practice of law, he devoted his time to Christian and charity pursuits serving with all humility as a Lay Minister and a regular lecturer on Legal Aspect of Marriage at St. Peter Church, Quezon City.

The respondent also pleads for clemency, not because he intends to practice law again, but to be made whole, to recover from being shattered, and to finally have peace of mind. He expressed his sincere repentance and deep remorse by taking full responsibility for his misdemeanor. He also prayed that his disbarment be lifted and that he be reinstated as a member of the Philippine bar. As part of his petition, he submitted a Medical Abstract^[18] evidencing his diagnosis for chronic kidney disease, and a certification^[19] from St. Peter Parish, Commonwealth Avenue, Quezon City, proving that he and his family are dedicated parishioners.

The Court's Ruling

We deny the present appeal.

Membership in the Bar is a privilege burdened with conditions.^[20] 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.^[21] 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.^[22]

The basic inquiry in a petition for **reinstatement** to the practice of law is whether the lawyer has sufficiently rehabilitated himself or herself in conduct and character.^[23] Whether the applicant shall be reinstated in the Roll of Attorneys rests to a great extent on the sound discretion of the Court.^[24] 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.^[25]

In the present case, we note that before his admission to the Bar, the respondent had demonstrated an active involvement and participation in community and church activities by joining Youth For Christ, Catechism, and Bible Study and Sharing. Likewise, upon admission to the Bar, the respondent worked as Municipal Attorney in Sta. Cruz, Marinduque rendering free legal assistance to his town mates who were in need of legal service. Thereafter, the respondent was appointed as a Municipal Administrator and had continued extending assistance to the indigent residents.

The respondent also actively engaged and participated in various community projects, through the Marinduque Jaycees, where he served as President from 1980 to 1981, and the Integrated Bar of the Philippines Marinduque Chapter, where he served as a member, Director, and President from 1982 to 1987.

In his present appeal for judicial clemency, the respondent acknowledged his indiscretions and claimed to have taken full responsibility for his misdemeanor. Unlike in his previous petitions/appeal for judicial clemency, the respondent no longer questioned the Court's decision. According to him, he has long expressed deep remorse and genuine repentance.

The respondent also claimed that the long period of his disbarment gave him sufficient time to reflect on his professional conduct, to show remorse and repentance, and to realize the gravity of his mistakes. After his disbarment, the respondent continued lending assistance, and deviated his time and effort in pursuing civic and religious work that significantly contributed to his character reformation. He professed that during his almost five (5) years of disbarment, he