

## EN BANC

[ A.C. No. 1302[1], 1391[2], 1543[3], June 30, 2008 ]

**CONSTANCIA L. VALENCIA, COMPLAINANT, VS. ATTY. DIONISIO C. ANTINIW, RESPONDENT.**

### D E C I S I O N

**LEONARDO-DE CASTRO, J.:**

This is an appeal for reinstatement to the Bar of respondent Dionisio C. Antiniw.

The record shows that respondent was disbarred and his name stricken off the Roll of Attorneys on April 26, 1991 in a consolidated Decision<sup>[4]</sup> of this Court, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered declaring: 1. Dionisio Antiniw DISBARRED from the practice of law, and his name is ordered stricken off from the roll of attorneys; 2. Arsenio Fer Cabanting SUSPENDED from the practice of law for six months from finality of this judgment; and 3. Administrative Case No. 1391 against Atty. Eduardo Jovellanos and additional charges therein, and Administrative Case No. 1543 DISMISSED.

In the aforesaid consolidated Decision, respondent was found guilty of malpractice in falsifying a notarized deed of sale and subsequently introducing the same as evidence for his client in court.

Respondent's motion for reconsideration of the consolidated decision disbarring him was denied by the Resolution of August 26, 1993.<sup>[5]</sup> In the same Resolution, the Court also held with respect to respondent's plea for mercy and compassion that:

x x x the same is merely NOTED until such time as he would have been able to satisfactorily show contrition and proof of his being again worthy of membership in the legal profession.

Subsequently, in a Manifestation dated September 17, 1993,<sup>[6]</sup> respondent proffered his apologies to the Court for his shortcomings as a legal practitioner asserting that *if there was an offense or oversight committed against the legal profession, it was due to his sincere belief that he was doing it honestly to protect the interest of his client.* He pleaded that, pending his submission of proof showing that he is again worthy of membership in the Bar, he be permitted to continue with his notarial work. In a Resolution dated October 19, 1993, <sup>[7]</sup> the Court denied respondent's plea in the aforesaid Manifestation.

On January 4, 1994, respondent filed a Petition dated December 8, 1993<sup>[8]</sup> praying for leave to submit proof of his being again worthy to be re- admitted to the legal profession. Attached to the Petition were testimonials, affidavits and sworn certifications of known and outstanding members of his community at Urdaneta, Pangasinan, as well as manifestos and resolutions of groups and associations representing various sectors thereat, all attesting to his honesty, worthiness, respectability and competency as a lawyer and as an elected Board Member in Pangasinan. In a Resolution dated January 27, 1994,<sup>[9]</sup> the Court denied said petition. A Letter dated February 1, 1995<sup>[10]</sup> which was sent to the Court by Bishop Jesus C. Galang, D.D. of the Diocese of Urdaneta, Pangasinan, pleading for respondent's reinstatement, was noted in the Court's Resolution dated March 14, 1995.<sup>[11]</sup>

Respondent filed an Appeal for Reinstatement dated March 8, 1996,<sup>[12]</sup> declaring that since his disbarment, he had embarked on and actively participated in civic and humanitarian activities in the Fifth District of Pangasinan where he was again elected for the third time as a Provincial Board Member and for which activities he received Plaques of Appreciation and Recognition, Resolution/Letters, Awards and Commendations from local government officials of Pangasinan and different groups and associations in the province, all showing that he is worthy to once again practice the legal profession. His appeal, however, was denied by the Resolution dated April 23, 1996.<sup>[13]</sup>

On December 17, 1996, respondent filed a Plea for Re-Admission dated December 8, 1996,<sup>[14]</sup> reiterating his earlier plea for the lifting of his disbarment. The plea was also denied on January 28, 1997.<sup>[15]</sup>

On September 1, 1997, respondent again filed a Plea for Judicial Clemency and Reinstatement to the Bar dated August 30, 1997,<sup>[16]</sup> submitting in support thereof the favorable indorsements, letters and resolutions from the Pangasinan Chapter of the Integrated Bar of the Philippines (IBP); the Executive Judges of the Regional Trial Courts at Lingayen and Urdaneta, Pangasinan; the Provincial Prosecutor's Association of Pangasinan; Eastern Pangasinan Lawyer's League; the Provincial Board of Pangasinan; Rotary Club of Urdaneta; and the past National President of the IBP, Atty. Numeriano G. Tanopo Jr. The foregoing plea was merely noted by the Court on October 14, 1997.<sup>[17]</sup>

The following year, respondent filed an Appeal dated July 8, 1998,<sup>[18]</sup> reiterating therein his apologies to the Court and promising that should he be given back his license to practice law, he will live up to the exacting standards of the legal profession and abide by the Code of Professional Ethics and the Lawyer's Oath. Among the written proofs appended to his appeal was the Letter dated June 18, 1998<sup>[19]</sup> from Bishop Galang, of the Diocese of Urdaneta, Pangasinan, wherein he reiterated his earlier plea for respondent's reinstatement.

In a Letter dated July 13, 1998<sup>[20]</sup> received by this Court on July 23, 1998, Bishop Galang withdrew his letter dated July 10, 1998 recommending respondent's reinstatement for being misled into signing the same.

Thereafter, respondent filed a Manifestation and Motion dated December 22, 1998, [21] wherein he pointed out that more than seven (7) years had elapsed from the time of his disbarment and that others who were likewise disbarred but for a shorter duration, namely Attys. Benjamin Grecia and Benjamin Dacanay, [22] had already been reinstated to the law profession. Among the attachments to respondent's Manifestation was Resolution No. 98-7c dated 6 July 1998 issued by the IBP, Pangasinan Chapter, strongly indorsing respondent's plea for judicial clemency and reinstatement, and the letter dated June 18, 1998 from Bishop Galang supporting his reinstatement to the Bar.

In a Resolution dated February 9, 1999, [23] the Court noted (a) the letters dated June 18, 1998 and July 13, 1998 of Bishop Galang; (b) Appeal dated July 8, 1998 and Manifestation and Motion dated December 22, 1998 both filed by respondent. Respondent was also required to comment on Bishop Galang's letter dated July 13, 1998 within ten days from notice.

In his Comments with Motion dated March 23, 1999, [24] on Bishop Galang's letter dated July 13, 1998, respondent denied the existence of a letter dated July 10, 1998 of Bishop Galang but acknowledged the existence of the letter dated June 18, 1998. Respondent averred that if the Bishop was indeed referring to the June 18, 1998 letter, he never misled or had any intention to mislead the bishop into signing the same. By its Resolution dated June 22, 1999, [25] the Court noted the aforesaid Comments with Motion of respondent

An Appeal Reiterating Earlier Petition, Appeal, Pleas and Motion for Reinstatement to the Bar dated August 28, 1999 [26] was filed by the respondent on September 21, 1999. In a Resolution dated November 16, 1999, [27] the Court noted said appeal and denied for lack of merit respondent's prayer that his Plea for Judicial Clemency and Reinstatement dated September 1, 1997 and Manifestation and Motion for Reinstatement dated December 22, 1998 be approved and given due course.

Thereafter, respondent's wife, Manuela A. Antiniw, sent to the Court a Letter of Appeal dated February 7, 2000, [28] asking for clemency in behalf of her husband and affirming therein that her husband had for eight (8) years continuously pleaded for his reinstatement and that he had submitted proof by way of testimonials of (a) his character and standing prior to his disbarment, (b) his conduct subsequent to his disbarment, and (c) his efficient government service. Attached to the letter of respondent's wife was a sworn testimonial of one of the complainants in the consolidated administrative cases, Lydia Bernal, attesting to the respondent's character reformation. The aforesaid letter was noted by the Court in a Resolution dated 28 February 2000. [29]

Respondent filed a Plea for Judicial Clemency and Reinstatement dated March 19, 2001, [30] therein asserting that the long period of his disbarment gave him sufficient time to soul-search and reflect on his professional conduct, redeem himself, and prove once more that he would be able to practice law and at the same time uphold the dignity of the legal profession. The Court, in its Resolution of June 26, 2001, [31] denied the aforesaid plea.

By its Indorsement dated September 10, 2001,<sup>[32]</sup> the Office of the Chief Justice referred to the Bar Confidant the letter dated August 24, 2001<sup>[33]</sup> of Assistant Commissioner Jesse J. Caberoy of the Civil Service Commission (CSC) requesting comment on the contention of respondent that the disbarment of a lawyer only prevents him from practicing his profession and does not operate to divest him of his earned eligibility by passing the Bar examination. In a Letter dated September 20, 2001, <sup>[34]</sup> respondent cited pertinent provisions of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws in support of his aforementioned stand. The aforesaid Letters dated August 24, 2001 and September 20, 2001, of CSC Assistant Commissioner and respondent, respectively, were noted by the Court's Resolution dated November 20, 2001.<sup>[35]</sup> Likewise in said Resolution, the letters were referred to the Office of the Bar Confidant (OBC) for evaluation, report and recommendation.

In its Report and Recommendation dated January 25, 2002,<sup>[36]</sup> the OBC opined that the eligibility vested in a successful bar candidate would not be prejudiced or forfeited by his disbarment and the matter of enjoying first- grade eligibility by passing the Bar, in relation to the position of City Administrator, should be determined by the CSC. Nevertheless, the OBC was of the view that the controversy between the CSC and respondent could not be considered as already ripe for judicial determination. Thus, the OBC recommended that the CSC, through Assistant Commissioner Caberoy, and respondent be advised to institute the corresponding legal remedy before the proper court.

In a Resolution dated February 12, 2002,<sup>[37]</sup> the Court held that it could only resolve actual controversies brought before it and would thus, refrain from rendering advisory opinions. Accordingly, the Letter dated August 24, 2001 of Assistant Commissioner Caberoy and Letter dated September 20, 2001 of respondent were merely noted.

Respondent then filed a Plea for Reinstatement to the Bar dated February 28, 2002, <sup>[38]</sup> stating therein that for the past ten (10) years since he was disbarred, he had deeply regretted having violated his obligations as a lawyer; that he realized the gravity of his mistakes; and that because of such disbarment, he even lost his chance to be permanently appointed as City Administrator of Urdaneta City and/or as City Legal Officer, after his stint as a Provincial Board Member in Pangasinan for three (3) consecutive terms. In the event his disbarment is lifted, respondent then promised never to cause dishonor again to the legal profession and to abide by the ideals and canons thereof. Attached to his Plea for Reinstatement to the Bar were certifications from various civic and religious groups attesting to his good moral character and to his worthiness to be a member of the legal profession. In a Resolution dated April 23, 2002,<sup>[39]</sup> the Court noted the aforesaid Plea. Subsequently, the Court required the IBP to Comment on the aforesaid respondent's Plea through its Resolution dated July 23, 2002. <sup>[40]</sup>

In its Comment of September 9, 2002,<sup>[41]</sup> the IBP, through its Commission on Bar Discipline, recommended the following:

Considering that the respondent has shown that he has been repentant of what he had done which was a gross violation of his lawyer's oath and

of the Canon of Professional Ethics and that he has been completely reformed and is therefore worthy to be reinstated in the Roll of Attorney's as evidenced by Certifications of different religious and civic groups, it is recommended that he be allowed to again practice the legal profession.

It is, however recommended that he be placed on probation, meaning that the reinstatement should only be temporary and that he be placed under observation for one year.

If during the period of one year, he proves that he has completely lived up to the high standards of the legal profession, by then it will be recommended that his reinstatement as a member of the Bar be made permanent.<sup>[42]</sup>

The aforesaid comment was noted and referred to the IBP Board of Governors for comment and recommendation by the Resolution dated December 3, 2002.<sup>[43]</sup>

The IBP Board of Governors issued its Resolution No. XVI-2005-99, dated March 12, 2005 <sup>[44]</sup> resolving as follows:

xxx to approve respondent's Plea for Reinstatement and recommend the reinstatement of Atty. Dionisio C. Antiniw as member of the bar immediately.

On June 6, 2006, the Court issued a Resolution<sup>[45]</sup> referring the case to the Office of the Bar Confidant (OBC) for study and recommendation.

On March 23, 2007, the OBC submitted its Report and Recommendation,<sup>[46]</sup> to wit:

Indeed the high standards of the Bar require an impeccable record but our findings show that respondent has been sufficiently punished for the last fifteen (15) years of his disbarment and he has sufficiently reformed to be a worthy member of the Bar. In all candor, he promises the Court that should he be reinstated to practice the legal profession, he will faithfully abide by the ideals, canons and ethics of the legal profession and by his oath as a lawyer.

x x x

In the light of the foregoing, it is respectfully submitted that the disbarment of respondent DIONISIO C. ANTINIW from the practice of law be LIFTED and he be allowed to resume the practice of law. <sup>[47]</sup>

We agree with the foregoing recommendations of the Office of the Bar Confidant and the IBP Commission on Bar Discipline as affirmed by the IBP Board of Governors.

Respondent was disbarred from the practice of law pursuant to the Decision promulgated on April 26, 1991<sup>[48]</sup> which pertinently reads, as follows:

There is a clear preponderant evidence that Atty. Antiniw committed falsification of a deed of sale, and its subsequent introduction in court prejudices his prime duty in the administration of justice as an officer of the court.