

Title:

Nuñez, et al. v. Atty. Romulo L. Ricafort: A Case Brief on Judicial Clemency

Facts:

Soledad Nuñez, represented by her attorney-in-fact, and Adelita B. Llunar, filed separate administrative disciplinary complaints against Atty. Romulo L. Ricafort for breaching his fiduciary duties. These complaints were docketed as A.C. Nos. 5054, 8253, and 6484.

In A.C. No. 5054 (2002), petitioner failed to remit proceeds from the sale of lots he was engaged to sell in 1982. Despite a civil suit and an executory judgment against him, he defied the court order. This resulted in his indefinite suspension from the practice of law, with the order to return P13,800.00 to the complainant.

In A.C. No. 8253 (2011), a client engaged petitioner in 1992 to assist with a foreclosed property dispute. The petitioner deposited money given for the case into his personal account and failed to file a required memorandum, resulting in another order to return P80,000.00 and a disbarment penalty, considering his prior infraction.

Finally, in A.C. No. 6484 (2015), petitioner did not institute the necessary action for a land recovery case, despite being paid for the redemptive price of the land, filing fees, and legal fees in 2000. Three years later, the client discovered that the action was never filed, and petitioner was already suspended. This led to another disbarment order and a mandate to return P95,000.00 for practicing law while suspended and failing to fulfill his legal services.

Ricafort filed a Petition for Judicial Clemency on March 21, 2019, and a supplemental petition on April 5, 2019, seeking reinstatement in the Roll of Attorneys. The subject petitions were assigned to three justices resulting in conflicting actions. The subject petitions were then referred to the Office of the Bar Confidant (OBC) for evaluation, except for A.C. No. 8253, which was immediately denied.

On August 8, 2019, the OBC recommended the consolidation of A.C. Nos. 5054, 6484, and 8253 to prevent conflicting actions. It found the subject petitions moot and academic due to the denial in A.C. No. 8253 and recommended denying the motion for reconsideration.

Issues:

The primary legal issue was whether judicial clemency should be granted in favor of Atty. Ricafort.

Court's Decision:

On preliminary consideration, the Supreme Court saw conflicting actions on petitions due to separate docketing. Nonetheless, the Court undertook to examine the petitions under new clemency guidelines. The main considerations for granting judicial clemency include proof of remorse and reformation, sufficient elapsed time for reformation, the petitioner's age indicating productive years ahead, promise and potential for service, and other relevant factors.

Upon review, the Court found the subject petitions lacked *prima facie* merit. The testimonials attached were similarly worded and not executed under oath, raising doubts on their genuineness. Additionally, petitioner's infractions were multiple and serious, showing his propensity for breaching fiduciary duties. His behavior did not demonstrate sufficient time lapsed for reformation, as required under the *Re: Diaz* guidelines. Thus, the petitions filed in A.C. Nos. 5054 and 6484 were denied, consistent with the Court's earlier denial in A.C. No. 8253.

Doctrine:

The decision reiterated that judicial clemency is not a right and lies in the sound discretion of the Court. It must be exercised with concern for public confidence in the courts. Moreover, the resolution established new guidelines for the process of granting judicial clemency to align with the public interest and fairness.

Class Notes:

- Membership in the Bar is a special privilege imbued with public interest.
- The Supreme Court holds the power to regulate the practice of law under Article VIII, Section 5 of the 1987 Philippine Constitution.
- Judicial clemency guidelines now include mandatory verification of details and authenticity by the Office of the Bar Confidant (OBC) for a petition with *prima facie* merit.
- Clemency petitions must demonstrate remorse, a period of reformation, remaining productive years, promise and potential for service, and other relevant justifications.
- The Court may grant judicial clemency at its discretion following new guidelines but must protect public trust in the legal profession and uphold the administration of justice.

Historical Background:

The historical context of this case can be seen in the continuous efforts of the Philippine Supreme Court to uphold integrity within the legal profession and ensure public confidence in the administration of justice. Over time, the Supreme Court has developed and refined its

guidelines on judicial clemency, balancing the principle of mercy against the need to maintain the highest ethical standards among lawyers. The resolution in this case reflects the evolving legal framework and the Court's responsibility to regulate legal practitioners in a manner that prioritizes public interest and the solemn duties of legal practitioners.