

Title: Aquilino Q. Pimentel, Jr. vs. Attys. Antonio M. Llorente and Ligaya P. Salayon

Facts:

Aquilino Pimentel Jr., a candidate for the Senate in the May 8, 1995 Philippine elections, filed a disbarment complaint against Attys. Antonio M. Llorente and Ligaya P. Salayon. Salayon was the Election Officer of COMELEC and chairman of the Pasig City Board of Canvassers, and Llorente was the City Prosecutor of Pasig City and ex officio vice-chairman of the board. The complaint arose from alleged tampering with the votes credited to Pimentel and other candidates in the Statements of Votes (SoVs) and Certificate of Canvass (CoC) for 1,263 precincts in Pasig City. Pimentel claimed that such acts violated R.A. No. 6646, §27(b), constituting gross misconduct, serious breach of trust, and violation of the lawyer's oath by the respondents.

Respondents denied the allegations, attributing errors to honest mistakes, oversight, or fatigue by the canvassing committees. The Integrated Bar of the Philippines (IBP) initially recommended dismissal of the complaint for lack of merit, which was challenged by Pimentel but upheld by the IBP Board of Governors. Pimentel subsequently escalated the matter to the Supreme Court. It is noteworthy that criminal charges were also filed and initially dismissed by the COMELEC against respondents, but on petition by Pimentel, the Supreme Court directed the filing of appropriate charges, emphasizing the severity of the alleged misconduct.

Issues:

1. Whether the petition was filed within the permissible period despite the contention of tardiness by respondents.
2. If the respondents' actions in certifying the SoVs and CoC amidst evident discrepancies constituted misconduct warranting disciplinary action.

Court's Decision:

The Supreme Court rejected the argument of respondents regarding the timeliness of the petition, affirming the allowance of motions for reconsideration in disbarment cases for exhaustive administrative remedies. Addressing the substantive issues, the Court found the respondents guilty of misconduct. The Court emphasized that the errors and discrepancies in the SoVs and CoC were too significant and systematic to be dismissed as mere oversight or fatigue. In certifying the documents as true and correct despite clear inconsistencies, respondents violated the Code of Professional Responsibility and their oath as lawyers. The Court imposed a fine of P10,000.00 on each respondent but refrained from suspension,

noting it was their first administrative offense and considering Salayon's long public service.

Doctrine:

This case reiterates that in disciplinary proceedings against lawyers, a clear preponderance of evidence is sufficient to establish liability. Additionally, it highlights that lawyers in government service must adhere to higher standards of honesty and integrity, considering public office as a public trust. Misconduct that also violates the Code of Professional Responsibility or the lawyer's oath can be grounds for disciplinary action as a member of the bar.

Class Notes:

- In disciplinary cases against lawyers, only clear preponderance of evidence is needed to establish wrongdoing.
- Lawyers must not engage in "unlawful, dishonest, immoral or deceitful conduct" (Code of Professional Responsibility, Rule 1.01).
- The standards of professional conduct apply to lawyers in both private practice and government service (Canon 6).
- A lawyer's certification of a document as "true and correct" encompasses both its genuineness and its substantive accuracy.
- The public nature of canvassing activities does not exclude the possibility of misconduct in the certification of election documents.
- Misconduct that indicates a lawyer's unfitness for the privileges of legal practice or demonstrates moral delinquency can lead to disciplinary sanctions.

Historical Background:

This case provides insight into the legal and electoral landscape of the Philippines in the mid-1990s, highlighting concerns over electoral integrity and the professional conduct of lawyers in public service. The decision underscores the judiciary's role in safeguarding both the electoral process and the ethical standards of the legal profession, reflecting broader efforts to strengthen democratic institutions and accountability in the post-Marcos era.