

### Title:

\*\*Zaldivar vs. The Honorable Sandiganbayan & Hon. Raul M. Gonzales\*\*

### Facts:

This case involves two petitions filed by Enrique A. Zaldivar against The Honorable Sandiganbayan and Hon. Raul M. Gonzales, stemming from the latter's suspension from the practice of law. Gonzales, a respondent in this case, was suspended by the Philippine Supreme Court in October 1988 due to contempt and misconduct. The suspension was indefinite, meant to last until Gonzales exhibited repentance and an adherence to the standards of conduct demanded of members of the bar.

In January 1993, more than four years after his suspension, Gonzales filed an ex-parte motion to lift his suspension. He cited his pro bono work, civic involvement especially during the Mt. Pinatubo eruption, participation in an international dialogue, and his long-standing commitment to human rights and the rule of law. He expressed regret for his actions and reassured his respect for the Supreme Court.

Despite being ordered to, Zaldivar failed to comment on Gonzales' motion, leading the court to consider Gonzales' plea for reinstatement to the legal profession.

### Issues:

1. Whether Raul M. Gonzales' suspension from the practice of law should be lifted based on his actions during the suspension period.
2. The extent to which contrition and professional contributions can affect the lifting of a suspension from legal practice.

### Court's Decision:

The Supreme Court granted Gonzales' motion, lifting his suspension from the practice of law. The decision was influenced by Gonzales' demonstrated contrition, his contributions to the community and legal fields during his suspension, and his reaffirmation of respect for the court and its members. The court emphasized that the practice of law is a privilege with conditions, requiring adherence to standards of mental fitness, morality, and compliance with professional rules. Gonzales' actions during the suspension period were viewed as sufficient for his rehabilitation and reinstatement.

### Doctrine:

The Supreme Court reiterates that the practice of law is a privilege conditional upon the maintenance of high standards of mental fitness, morality, and strict adherence to the rules

of the legal profession. The Court possesses the ultimate disciplinary authority over attorneys, a right and duty essential for the preservation of justice, order, and the integrity of the legal profession.

### Class Notes:

- The lifting of a legal professional's suspension is contingent upon demonstrated contrition, rehabilitation, and adherence to the professional and ethical standards expected of the bar.
- The Supreme Court holds disciplinary power over members of the legal profession, emphasizing the necessity of respect for and fidelity to the court not for the individuals who temporarily hold office but for the institution's paramount importance in the administration of justice.
- The practice of law is not an absolute right but a privilege subject to conditions, including compliance with ethical standards and the profession's rules.

### Historical Context:

The case highlighted tensions between the judiciary and members of the legal profession during a period of political and social upheaval in the Philippines. Coming after the EDSA People Power Revolution that ended Marcos' martial law, the newfound emphasis on legal ethics, human rights, and the rule of law marked the period as one of judicial reform and the re-establishment of the legal profession's integrity.