

****Title: Adez Realty, Inc. vs. Court of Appeals and Others****

****Facts:****

Adez Realty, Inc., represented by Atty. Benjamin M. Dacanay, filed a petition with the Supreme Court after an unfavorable decision by the Court of Appeals. During this process, it was revealed that Atty. Dacanay inserted unauthorized material into the Court of Appeals decision while appealing to the Supreme Court, attempting to deceive the court to gain a favorable outcome.

On October 30, 1992, the Supreme Court found Atty. Dacanay guilty of this misconduct, leading to his disbarment from practicing law. He filed a motion for reconsideration on November 20, 1992, citing that the alteration was unintentional, resulting from his client's contribution to the petition draft, which his secretary inadvertently included in the final version. However, this motion was denied on December 3, 1992, as the court found no compelling reason to reverse the disbarment decision.

Subsequent pleadings by Atty. Dacanay to lift the disbarment were also denied, including filing on February 23, August 4, and September 12, 1994, as well as several letters from Atty. Dacanay and his wife pleading for reinstatement due to personal hardships and promises of reform.

Finally, in a letter dated November 17, 1995, Atty. Dacanay reiterated his remorse and responsibility, emphasizing the impact of disbarment on his livelihood and his family. The persistence of his appeals and his public admission of guilt led to the Supreme Court reinstating him on November 17, 1995, warning him of the high standards expected in the legal profession.

****Issues:****

1. Whether or not Atty. Benjamin M. Dacanay committed a professional misconduct by intercalating a material fact in court documents.
2. The appropriateness of the penalty of disbarment imposed on Atty. Dacanay for his actions.
3. The conditions under which disbarred lawyers can be reinstated to the practice of law.

****Court's Decision:****

1. On the matter of professional misconduct, the Supreme Court affirmed that Atty. Dacanay altered court documents with an intent to mislead, upholding the finding of misconduct.
2. Regarding the penalty of disbarment, initially, it was determined to be appropriate given

the severity of the offense which breaches the integrity required of legal practitioners.

3. Ultimately, the court resolved to lift the disbarment after repeated admissions of guilt and public displays of contrition by Atty. Dacanay, considering internal reform and the hardship faced by his family. However, the court sternly warned that any further lapses would not be tolerated, emphasizing the privilege and not a right nature of practicing law.

****Doctrine:****

The case reiterates the principle that the practice of law is a privilege burdened with conditions, including adhering to the highest standards of honesty and integrity. Legal practitioners must maintain fidelity to the courts and truthful representations in their advocacy.

****Class Notes:****

- Key concepts include rules on professional conduct, particularly regarding honesty and integrity in legal practice (Canon 1 and Canon 10 of the Code of Professional Responsibility).
- The importance of a lawyer's duty to maintain the highest degree of morality and ethics.
- Procedures concerning disbarment and reinstatement of lawyers explained.
- Supreme Court's disciplinary authority over attorneys, including sanctions for unethical actions.

****Historical Background:****

This case highlights transitional attitudes toward legal ethics and the judiciary's role in regulating the professional conduct of attorneys in the Philippines. It showcases the legal community's ongoing struggle between maintaining the stern standards of legal practice and demonstrating compassion for personal and professional redemption.