

IN RE: ATTY. TRANQUILINO ROVERO*Adm. Case No. 126. October 24, 1952*

Ponente: PARAS, C.J.

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The Solicitor-General has filed the present complaint for disbarment against Atty. Tranquilino Rovero, on the grounds that on March 31, 1947, "respondent Tranquilino Rovero, having been found in a final decision rendered by the then Insular Collector of Customs to have violated the customs law by fraudulently concealing a dutiable importation, was fined in an amount equal to three times the customs duty due on a piece of jewelry which he omitted to declare and which was subsequently found to be concealed in his wallet", and that on October 28, 1948, "respondent Tranquilino Rovero was convicted of smuggling by final decision of the Court of Appeals in Criminal Case No. CA-G. R. No. 2214-R, affirming a judgment of the Court of First Instance of Manila sentencing him to pay a fine of P2,500 with subsidiary imprisonment in case of insolvency, said case involving a fraudulent practice against customs revenue, as defined and penalized by Section 2703 of the Revised Administrative Code." The respondent admits the existence of the decision of the Collector of Customs, and his conviction by the Court of Appeals, but sets up the defense that they are not sufficient to disqualify him from the practice of law, especially because the acts of which he was found guilty, while at most merely discreditable, had been committed by him as an individual and not in pursuance or in the exercise of his legal profession.

Under section 25, Rule 127, of the Rules of Court, a member of the bar may be removed or suspended from his office as attorney for a conviction of a crime involving moral turpitude, and this ground is apart from any deceit, malpractice or other gross misconduct in office as lawyer. Moral turpitude includes any act done contrary to justice, honesty, modesty or good morals. (In re Basa, 41 Phil. 275.)

Respondent's conviction of smuggling by final decision of the Court of Appeals certainly involves an act done contrary at least to honesty or good morals. The ground invoked by the Solicitor General is aggravated by the fact that the respondent sought to defraud, not merely a private person, but the Government.

Wherefore, the respondent Tranquilino Rovero is hereby disbarred from the practice of law, and he is hereby directed to surrender to this Court his lawyer's certificate within 10 days after this resolution shall have become final.

So ordered.

Pablo, Bengzon, Padilla, Montemayor, Jugo, Bautista Angelo, and Labrador, JJ., concur.

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