

IN RE ATTY. SATURNINO PARCASIO.

Adm. Case No. 1000. February 18, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

The Court of First Instance of Davao in its decision dated August 31, 1966 convicted Atty. Saturnino Parcasio of Malita, Davao del Sur, together with Mariano Regis, of robbery with intimidation and imposed on him an indeterminate sentence of one year, seven months and seventeen days of prison correctional to six years and one day of prison mayor and to pay an indemnity of P200 to Venancio Sepulveda (Criminal Case No. 8466).

The Court of Appeals affirmed that decision in CA-G.R. No. 07232-Cr. dated November 27, 1968. This Court in its resolutions of August 4 and September 29, 1969 denied the petition for the review of the Appellate Court's decision (L-30781, Parcasio vs. People). Parcasio commenced the service of his sentence on November 11, 1970.

The robbery imputed to Parcasio and Regis was that in collaboration with Ong Pin they extorted on June 10, 1963 from Sepulveda (a naturalized Filipino citizen) two hundred pesos so that it would not be necessary for Sepulveda to appear in Manila for investigation (Parcasio was Congressman Rasid Lucman's secretary and Regis posed as the Congressman's agent).

This Court in its resolution of November 5, 1969 referred Parcasio's case to the Solicitor General for disbarment proceedings.

Acting on this Court's directive, the then Solicitor General Felix Q. Antonio filed on May 5, 1971 against Parcasio (who was admitted to the bar in 1959) a complaint, praying that the respondent be disbarred by reason of having committed a crime involving moral turpitude (Sec. 27, Rule 138, Rules of Court).

Parcasio in his answer to the complaint said that he disagreed with the factual and legal findings in the judgment of conviction rendered against him. He alleged that he filed a motion in the trial court to reopen his case on the basis of newly discovered evidence, consisting of (a) the affidavit of Patrolman Fidel de Guzman, stating that Sepulveda admitted to him that Parcasio never extorted money from the complainant (Sepulveda); (b) a summons dated June 21, 1963 from Congressman Lucman, Chairman of the House Subcommittee on Immigration and Naturalization for Mindanao and Sulu, requiring Sepulveda to appear before the subcommittee to shed light on his acquisition of Philippine citizenship and of real properties, and (c) the directive dated June 3, 1963 addressed by Congressman Lucman to Julito Ongpin, his special investigator, and Regis, his confidential assistant, to conduct an investigation of the alleged fraudulent income tax return of Vicente Maruya, the mayor of Malita, Davao del Sur.

Parcasio revealed that the Provincial Fiscal did not interpose any objection to his motion but the trial court denied it on the ground of loss of jurisdiction.

Parcasio annexed to his answer a certification from Judge Vicente Cusi, Jr. (who rendered the judgment of conviction against him) stating that Parcasio appeared to be a bright and promising young lawyer who, if given a

chance, would be a credit to the law profession. Also annexed to the answer was a letter dated May 31, 1971 addressed to the President of the Philippines by Martin V. Delgra, Jr. (the fiscal who filed the information for robbery against Parcasio and directed his prosecution and who was then President of the Davao del Sur Lawyers' League), stating that "an error had been committed" in the conviction of Parcasio and recommending an absolute pardon for him.

The case was set for hearing on September 6, 1971. The parties did not appear. The case was deemed submitted for decision on that date.

On June 12, 1975 the President of the Philippines, upon the recommendation of the Board of Pardons and Parole, granted to Parcasio "an absolute and unconditional pardon" and restored him "to full civil and political rights". (He served his sentence from November 11, 1970 to September 15, 1971).

On October 9, 1975 Atty. Parcasio (now forty-three years old) filed a "manifestation" praying for the dismissal of this case on the basis of the absolute pardon. Annexed to his manifestation were carbon copies of the certifications as to his good moral character signed in November, 1970 by Judges Alfredo I. Gonzales, Cayetano F. Tuason and Elviro Peralta and by three Fiscals. The original certifications were attached to his petition for executive clemency.

Asked to comment on Atty. Parcasio's manifestation, the Solicitor General offered no objection to the dismissal of the instant case. The Integrated Bar of the Philippines, through its President, Atty. Liliano B. Neri, also recommended the dismissal of the case. The respondent in his motion of November 19, 1975 submitted the certification of Judge Cusi, reiterating his 1970 certification, that Atty. Parcasio "should be given the chance to remain in the practice of law".

The question is whether in view of the plenary pardon granted to Atty. Parcasio during the pendency of this disbarment proceeding, its dismissal is warranted. That is not an unprecedented and novel issue.

In the case of *In re Lontok*, 43 Phil. 293 a disbarment proceeding was filed against Marcelino Lontok because he was convicted of bigamy, a crime involving moral turpitude. During the pendency of the disbarment proceeding, Lontok was pardoned by the Governor General. At the instance of the Attorney-General, the disbarment case against Lontok was dismissed by reason of the pardon.

This Court in the *Lontok* case applied the rule that "a pardon reaches both the punishment prescribed for the offense and the guilt of the offender; and when the pardon is full, it releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offense." "If granted after conviction, it removes the penalties and disabilities, and restores him to all his civil rights; it makes him, as it were, a new man, and gives him a new credit and capacity." (*Ex-Parte Garland*, 4 Wall. 380. As to nondisbarment cases where the rule was applied, see *Cristobal vs. Labrador*, 71 Phil. 34, 39; *Pelobello vs. Palatino*, 72 Phil. 441; *Mijares vs. Custorio*, 73 Phil. 507; *Flora vs. Oximana*, L-19745, January 31, 1964, 10 SCRA 212; *Lacuna vs. Abes*, L-28613, August 27, 1968, 24 SCRA 780).

The ruling in the *Lontok* case applies to this case. Hence, respondent's motion for dismissal may be granted. (Cf. *In re Gutierrez*, 115 Phil. 647, where the rule was not applied because the pardon was conditional).

Wherefore, the instant case is dismissed. So ordered.

Fernando (Chairman), Barredo, Concepcion, Jr., and Martin[*], JJ., concur.

Antonio, J., did not take part.

[*] Designated to take part in this case.

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