

LEDESMA DE JESUS-PARAS, PETITIONER VS. QUINCIANO VAILOCES, RESPONDENT.

Adm. Case No. 439. April 12, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This concerns the disbarment of Quinciano Vailoces as member of the Philippine bar.

It appears that as member of the bar and in his capacity as a notary public, Vailoces, on December 14, 1950, acknowledged the execution of a document purporting to be the last will and testament of one Tarcila Visitacion de Jesus. Presented for probate before the Court of First Instance of Negros Oriental, the will was impugned by her surviving spouse and daughter. Consequently, the probate court, finding that the will was a forgery, rendered decision denying probate to the will. This decision became final. On the basis of this decision a criminal action for falsification of public document was filed against Vailoces and the three attesting witnesses to the will before the Court of First Instance of Negros Oriental where, after trial, they were found guilty and convicted. On appeal, the Court of Appeals affirmed the decision with regard to Vailoces but modified it with regard to his co-accused. As finally adjudged, Vailoces was found guilty beyond reasonable doubt of the crime of falsified of public document defined and penalized in Article 171 of the Revised Penal Code and was sentenced to suffer an indeterminate penalty ranging from 2 years 4 months and 1 day of prisión correccional, as minimum, to 8 years 1 day of prisión mayor, as maximum, with the accessories of the law, fine and costs. This sentence having become final, Vailoces began serving it in the insular penitentiary. As a consequence, the offended party instituted the present disbarment proceedings.

In his answer, respondent not only disputes the judgment of conviction rendered against him in the criminal case but contends that the same is based on insufficient and inconclusive evidence, the charge being merely motivated by sheer vindictiveness, malice and spite on the part of herein complainant, and that to give course to this proceeding would be tantamount to placing him in double jeopardy. He pleads that the complaint be dismissed.

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 if it appears that he has been convicted of a crime involving moral turpitude. Moral turpitude, as used in this section, includes any act deemed contrary to justice, honesty or good morals.[1] Among the examples given of crimes of this nature by former Chief Justice Moran are the crime of seduction and the crime of concubinage[2]. The crime of which respondent was convicted is falsification of public document, which is indeed of this nature, for the act is clearly contrary to justice, honesty and good morals. Hence such crime involves moral turpitude. Indeed it is well-settled that "embezzlement, forgery, robbery, swindling are crimes, which denote moral turpitude and, as a general rule, all crimes of which fraud is an element are looked on as involving moral turpitude" (53 C.J.S., 1206).

It appearing that respondent has been found guilty and convicted of a crime involving moral turpitude it is clear that he rendered himself amenable to disbarment under Section 25, Rule 127, of our Rules of Court. It is futile on

his part much as we sympathize with him to dispute now the sufficiency of his conviction, for this is a matter which we cannot now look into. That is now a closed chapter insofar as this proceeding is concerned. The only issue with which we are concerned is that he was found guilty and convicted by a final judgment of a crime involving moral turpitude. As this Court well said:

"The review of respondent's conviction no longer rests upon us, The judgment not only has become final but has been executed. No elaborate argument is necessary to hold the respondent unworthy of the privilege bestowed on him as a member of the bar. Suffice it to say that, by his conviction, the respondent has proved, himself unfit to protect the administration of justice." (In the Matter of Disbarment Proceedings against Narciso N. Jaramillo, Adm. Case No. 229, April 30, 1957)

The plea of respondent that to disbar him now after his conviction of a crime which resulted in the deprivation of his liberty and of his office as Justice of the Peace of Bais, Negros Oriental would be tantamount to placing him in double jeopardy is untenable, for such defense can only be availed of when he is placed in the predicament of being prosecuted for the same offense, or for any attempt to commit the same or frustration thereof, or for any offense necessarily included therein, within the meaning of Section 9, Rule 113. Such is not the case here. The disbarment of an attorney does not partake of a criminal proceeding. Rather, it is intended "to protect the court and the public from the misconduct of officers of the court" (In re Montagne and Dominguez, 3 Phil., 588), and its purpose is "to protect the administration of justice by requiring that those who exercise this important function shall be competent, honorable and reliable; men in whom courts and clients may repose confidence" (In re McDougall, 3 Phil., 77).

Wherefore, respondent is hereby removed from his office as attorney and, to this effect, our Clerk of Court is enjoined to erase his name from the roll of attorneys.

Bengzon, Acting C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, and Dizon, JJ., concur.

[1] In re Basa, 41 Phil., 275.

[2] In re Isada, 60 Phil., 915.

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