

IN RE: PETITION TO TAKE THE LAWYER'S OATH BY ARTHUR M. CUEVAS, JR.*Bar Matter No. 810. January 27, 1998*

Ponente: FRANCISCO, J.

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Petitioner Arthur M. Cuevas, Jr., recently passed the 1996 Bar Examinations.[1] His oath-taking was held in abeyance in view of the Court's resolution dated August 27, 1996 which permitted him to take the Bar Examinations "subject to the condition that should (he) pass the same, (he) shall not be allowed to take the lawyer's oath pending approval of the Court x x x" due to his previous conviction for Reckless Imprudence Resulting In Homicide. The conviction stemmed from petitioner's participation in the initiation rites of the LEX TALIONIS FRATERNITAS, a fraternity in the SAN BEDA COLLEGE OF LAW, sometime in September 1991, where Raul I. Camaligan, a neophyte, died as a result of the personal violence inflicted upon him. Thereafter, petitioner applied for and was granted probation. On May 16, 1995, he was discharged from probation and his case considered closed and terminated.

In this petition, received by the Court on May 5, 1997, petitioner prays that "he be allowed to take his lawyer's oath at the Court's most convenient time"[2] attaching thereto the Order dated May 16, 1995 of the Regional Trial Court, Branch 10 of Antique discharging him from his probation, and certifications attesting to his righteous, peaceful and law abiding character issued by: (a) the Mayor of the Municipality of Hamtic, Antique; (b) the Officer-in-Charge of Hamtic Police Station; (c) the Sangguniang Kabataan of Pob. III, Hamtic, through its chairman and officers; (d) a member of the IBP Iloilo Chapter; (e) the Parish Priest and Vicar General of St. Joseph Cathedral, San Jose, Antique, and (f) the President of the Parish Pastoral Council, Parish of Sta. Monica, Hamtic, Antique. On July 15, 1997, the Court, before acting on petitioner's application, resolved to require Atty. Gilbert D. Camaligan, father of the deceased hazing victim Raul I. Camaligan, to comment thereon. In compliance with the Court's directive, Atty. Gilbert D. Camaligan filed his comment which states as follows:

"1 – He fully appreciates the benign concern given by this Hon. Court in allowing him to comment to the pending petition of Arthur M. Cuevas to take the lawyer's oath, and hereby expresses his genuine gratitude to such gesture.

"2 – He conforms completely to the observation of the Hon. Court in its resolution dated March 19, 1997 in Bar Matter No.712 that the infliction of severe physical injuries which approximately led to the death of the unfortunate Raul Camaligan was deliberate (rather than merely accidental or inadvertent) thus, indicating serious character flaws on the part of those who inflicted such injuries. This is consistent with his stand at the outset of the proceedings of the criminal case against the petitioner and his co-defendants that they are liable not only for the crime of homicide but murder, since they took advantage of the neophyte's helpless and defenseless condition when they were "beaten and kicked to death like a useless stray dog", suggesting the presence of abuse of confidence, taking advantage of superior strength and treachery (People vs. Gagoco, 58 Phil. 524).

“3 – He, however, has consented to the accused-students’ plea of guilty to the lesser offense of reckless imprudence resulting to the homicide, including the petitioner, out of pity to their mothers and a pregnant wife of the accused who went together at his house in Lucena City, literally kneeling, crying and begging for forgiveness for their sons, on a Christmas day in 1991 and on Maundy Thursday in 1992, during which they reported that the father of one of the accused died of heart attack upon learning of his son’s involvement in the case.

“4 – As a Christian, he has forgiven the petitioner and his co-defendants in the criminal case for the death of his son. But as a loving father, who lost a son in whom he has a high hope to become a good lawyer – to succeed him, he still feels the pain of his untimely demise, and the stigma of the gruesome manner of taking his life. This he cannot forget.

“5 – He is not, right now, in a position to say whether petitioner, since then has become morally fit for admission to the noble profession of the law. He politely submits this matter to the sound and judicious discretion of the Hon. Court.” [3]

At the outset, the Court shares the sentiment of Atty. Gilbert D. Camaligan and commiserates with the untimely death of his son. Nonetheless, Atty. Gilbert D. Camaligan admits that “[h]e is not, right now, in a position to say whether petitioner since then has become morally fit x x x” and submits petitioner’s plea to be admitted to the noble profession of law to the sound and judicious discretion of the Court.

The petition before the Court requires the balancing of the reasons for disallowing petitioner’s admission to the noble profession of law. His deliberate participation in the senseless beatings over a helpless neophyte which resulted to the latter’s untimely demise indicates absence of that moral fitness required for admission to the bar. And as the practice of law is a privilege extended only to the few who possess the high standards of intellectual and moral qualifications the Court is duty bound to prevent the entry of undeserving aspirants, as well as to exclude those who have been admitted but have become a disgrace to the profession. The Court, nonetheless, is willing to give petitioner a chance in the same manner that it recently allowed Al Caparros Argosino, petitioner’s co-accused below, to take the lawyer’s oath.[4]

Petitioner Arthur M. Cuevas, Jr.’s discharge from probation without any infraction of the attendant conditions therefor and the various certifications attesting to his righteous, peaceful and civic-oriented character prove that he has taken decisive steps to purge himself of his deficiency in moral character and atone for the unfortunate death of Raul I. Camaligan. The Court is prepared to give him the benefit of the doubt, taking judicial notice of the general tendency of the youth to be rash, temerarious and uncalculating.[5] Let it be stressed to herein petitioner that the lawyer’s oath is not a mere formality recited for a few minutes in the glare of flashing cameras and before the presence of select witnesses. Petitioner is exhorted to conduct himself beyond reproach at all times and to live strictly according to his oath and the Code of Professional Responsibility. And, to paraphrase Mr. Justice Padilla’s comment in the sister case of *Re: Petition of Al Argosino To Take The Lawyer’s Oath*, Bar Matter No. 712, March 19, 1997, “[t]he Court sincerely hopes that” Mr. Cuevas, Jr., “will continue with the assistance he has been giving to his community. As a lawyer he will now be in a better position to render legal and other services to the more unfortunate members of society.[6]

ACCORDINGLY, the Court hereby resolved to allow petitioner Arthur M. Cuevas, Jr., to take the lawyer’s oath and to sign the Roll of Attorneys on a date to be set by the Court, subject to the payment of appropriate fees. Let this resolution be attached to petitioner’s personal records in the Office of the Bar Confidant.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, and Martinez, JJ., concur.

[1] Held on September 7, 14, 21, and 28, 1996, at De La Salle University, Taft Avenue, Manila, with Associate Justice Ricardo J. Francisco as Chairman of the Bar Committee.

[2] Manifestation With Motion TO Take The Lawyer's Oath, p. 2.

[3] Comment, pp. 1-2.

[4] Re: Petition of Al Argosino To Take The Lawyer's Oath, Bar Matter No. 712, March 19, 1997.

[5] Id.

[6] Id., at p. 5.

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