

PETITION OF SOCORRO KE. LADRERA, 1954 SUCCESSFUL BAR EXAMINEE TO TAKE THE LAWYER'S OATH

Bar Matter No. 135. January 29, 1987

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

Socorro Ke. Ladrera passed the 1954 bar examinations. Before he could participate in the scheduled oath taking of successful bar examinees, an administrative complaint for immorality was filed against him by Lucila C. Casas.

Lucila stated that she and Ladrera were married on May 23, 1944 and that when she married him, he represented himself to be single. Sometime in 1948, Lucila learned that her husband had been previously married on March 23, 1936 to Florencia Orticio by whom he had a child called Monserrat. Lucila filed a case for annulment of her marriage to Ladrera on October 5, 1949. A decision was rendered on February 13, 1950 annulling the marriage and ordering Ladrera to give P40.00 a month for the support of his three minor children with Lucila.

In 1951, Socorro Ladrera filed a civil case to declare his first wife, Florencia Orticio as presumptively dead. In a November 24, 1951 decision, the Court of First Instance of Davao stated that Ladrera and Orticio were married on March 23, 1936 in the Roman Catholic church of Capul, Samar. The couple had a daughter, Monserrat Ladrera, who lived with the petitioner from birth up to the date of the decision. It appears that, while the couple were living in Cebu, Florencia Orticio, eloped with a certain Ramon Esteban and left the conjugal home without the petitioner's knowledge. In spite of allegedly determined searches by the petitioner in Samar, Cebu, Bohol, and Manila, Florencia could not be located or her whereabouts ascertained. The court therefore ruled "that the petition to declare Florencia Orticio presumptively dead for all intents and purposes of law has satisfactorily been established".

Petitioner Ladrera had three children with his second wife, Lucila C. Casas.

Sometime after the judicial declaration that his first wife was presumptively dead, Ladrera married his third wife, Socorro Santos by whom he has five children. After Ladrera married a third time, his first wife showed up and filed a bigamy case against him with the Court of First Instance of Davao. According to the immorality complaint filed by Lucila, the second wife, this bigamy case was later dismissed as a result of alleged monetary concessions which Ladrera made in favor of Orticio. Incidentally, the latest information about Florencia Orticio is that she is quite well off, having inherited properties from her parents and that she teaches Spanish at the University of Eastern Philippines in Catarman, Samar.

On the basis of the administrative complaint filed against Ladrera, this Court suspended his oath taking and directed him to file an answer to the complaint. In his Answer, Ladrera alleged that:

"x x x [W]hen he married complainant, he honestly believed that his first wife, Florencia Orticio, was already dead; that complainant in fact knew that respondent was previously married because respondent's child with Florencia Orticio lived with respondent and complainant after the latter's marriage and until its annulment; that respondent has paid all the monthly pensions to complainant's three minor children; that respondent later

discovered that complainant's motive in suing for annulment of her marriage to respondent was to get a share of the properties acquired by respondent, and as a matter of fact, complainant has squandered and sold the properties adjudicated to her in Civil Case No. 470, and the money realized from the sales was not used for the benefit of their children; that the value of the properties adjudicated to the complainant in the case for liquidation of conjugal properties was approximately P37,000.00; that respondent married Socorro Santos and still lives with her in view of the decision in Civil Case No. 501, dated November 24, 1951, declaring respondent's first wife, Florencia Orticio presumptively dead; that respondent's admission in Civil Case No. 399 for annulment of complainant's marriage, that Florencia Orticio was alive and residing in Manila was made in good faith, he having then received information from his brother, Fr. Emerardo Ladrera, that Florencia Orticio was in Manila; that subsequent search and inquiries, however, led the respondent to believe that Florencia Orticio was not alive and this resulted in the filing by respondent of the petition in civil Case No. 501, praying that Florencia Orticio be declared presumptively dead; that Criminal Case No. 1863, against the respondent for bigamy, was dismissed by the Court of First Instance of Davao upon motion of the City Attorney of Davao; that the mere filing of civil cases against respondent does not necessarily reflect immorality on his part, not to mention the circumstances that said cases were settled or otherwise dismissed; that complainant's charges were motivated by hatred and revenge, intended as a ruse to compel respondent to give to complainant another ten hectares of first class agricultural land located in Monteverde, Calinan, Davao City, plus complainant's desire to put respondent down politically."

The then Supreme Court Clerk of Court, Jose S. de la Cruz, was ordered to investigate the administrative charge and to submit his report.

On August 31, 1955, de la Cruz submitted his Report, the salient portion of which reads:

"It is noteworthy that the complainant had chosen not to testify in the investigation, and that by merely presenting documentary evidence consisting of copies of the complaint for annulment of marriage in Civil Case No. 399; the decision of the Court of First Instance of Davao in said case annulling the marriage between complainant and respondent; the decision in Special Case No. 501 wherein the Court of First Instance of Davao declared respondent's first wife, Florencia Orticio, presumptively dead; the order of the Court of First Instance of Davao in Criminal Case No. 1863 against respondent for bigamy, dismissing said case, the complainant is basing her charges of immorality against respondent upon the latter's bad faith arising from the fact that, while in the annulment proceedings respondent and his attorney admitted that Florencia Orticio was alive, in Special Case No. 501 filed in 1951 by respondent, the latter claimed that said Florencia Orticio could not be located and was unheard from for several years, and from the fact that he married for the third time Socorro Santos while respondent's first wife was alive, and who, as a matter of fact, filed a case for bigamy against respondent.

"Upon the other hand, the respondent testified during the investigation and declared that he acted in good faith, first, in marrying complainant; secondly, in instituting Special Case No. 501; and, thirdly, in marrying Socorro Santos. He explained that when he married complainant in 1944, he honestly believed that his first wife, Florencia Orticio, was already dead; that he had to admit in the annulment proceedings, Civil Case No. 399, that Florencia was alive because of a letter he received from his brother, Fr. Ladrera; that he filed the subsequent Special Case No. 501 after suspecting that complainant's purpose in annulling her marriage to respondent was merely to obtain her share in the conjugal properties, and in order also to establish definitely his civil status; and that he married his third wife, Socorro Santos, after the decision in Special Case No. 501, declaring his first wife Florencia presumptively dead, had become final.

"While the complainant's charges are based upon inferences or assumptions, the testimony of respondent is unrefuted that he acted in good faith. In the first place, the fact that no annulment proceeding was instituted by complainant until after three children were born to her marriage with respondent, at least shows that Florencia Orticio was not generally known to be alive. In the second place, the admission by respondent and his counsel in the annulment proceeding that Florencia was alive, is explained by respondent's receipt of a letter from his

brother, Fr. Ladrera, to the effect that she might still be living, which at any rate was the very fact alleged in the complaint for annulment. In the third place, respondent was constrained to file Special Case No. 501 because he subsequently realized that complainant annulled her marriage to respondent mainly to get her share of their conjugal properties, and because he also wanted to definitely settle his own civil status after failing to locate the whereabouts of his first wife, Florencia Orticio; and the respondent undoubtedly had the right to look for Florencia after his marriage to complainant was judicially set aside on the ground that Florencia was alive. It is very significant that no opposition whatsoever was interposed in Special Case No. 501 either by complainant or by Florencia in spite of due publication of the proceedings; and the final decision therein can be said to have legally paved the way for respondent's third marriage to Socorro Santos. As a matter of fact, in the order of the Court of First Instance of Davao dismissing the bigamy case against respondent, it was in effect held that respondent married Socorro Santos without fraudulent intent, and said order had become final.

"Complainant's allegation that respondent has failed to comply with his obligation to pay the monthly support of his three children with complainant as ordered in the decision of the Court of First Instance of Davao in Civil Case No. 399, is neither touched nor pressed in complainant's memorandum. At any rate, complainant may avail herself of any appropriate civil remedy for the collection or enforcement (or even increase) of said support; and respondent has presented evidence to show that he had complied with his obligation at least to the date of this investigation in March, 1955. The claim that respondent is immoral because of the filing against him of several civil cases, deserves no serious consideration since, according to respondent's evidence, said cases, aside from having been dismissed or otherwise settled, do not necessarily imply moral perversity.

"WHEREFORE, it is recommended that respondent Socorro Ke. Ladrera be allowed to take the lawyer's oath."

The favorable recommendation, notwithstanding, this Court, on September 7, 1955 issued a resolution disqualifying Ladrera from taking the lawyer's oath, to wit:

"Acting upon the complaint for immorality filed by Lucila Casas against Socorro Ke. Ladrera, 1954 successful bar candidate; the answer filed by the latter; the evidence taken during the investigation; the report of the investigator; as well as all the circumstances surrounding the case, the Court RESOLVED to disqualify respondent Socorro Ke. Ladrera from taking the lawyer's oath."

A motion for reconsideration of the above-quoted resolution was denied in another resolution issued on October 11, 1955.

Up to now or more than thirty-one years after he passed the bar examinations, Ladrera has not been allowed to take the lawyer's oath. All his motions to allow him to take the oath filed every year without fail beginning on May 23, 1956 up to September 7, 1982 have been denied. Before us, now is Ladrera's April 15, 1985 urgent motion, to wit:

"NOW COMES your petitioner, by and for himself and unto this Honorable Supreme Tribunal most respectfully stated:

"That your petitioner has been deprived from taking his Lawyer's Oath as member of the Philippine Bar since January 20, 1955, because of a petition of Lucila C. Casas who has long ago withdrawn her complaint and has in fact attested to the good reputation and character of the herein respondent;

"That considering the time that has elapsed which is already more than thirty (30) years is more than sufficient punishment, your respondent now prays this Honorable Tribunal to grant him the privilege to take the Lawyer's Oath together with the new successful candidates scheduled to take their oath on April 25, 1985 at the Philippine Convention Center, Manila."

On October 4, 1986, he wrote another letter, this time to the Court Administrator asking for the approval of his petition of nearly 32 years.

An applicant for admission to the bar must be of good moral character. (Rule 138, Sec. 2). What constitutes good moral character within the meaning of the rule has been elucidated in precedent cases.

In *Carmen E. Bacarro v. Ruben M. Pinatacan* (127 SCRA 218), this Court cited various precedent cases and ruled:

"One of the indispensable requisites for admission to the Philippine Bar is that the applicant must be of good moral character. This requirement aims to maintain and uphold the high moral standards and the dignity of the legal profession, and one of the ways of achieving this end is to admit to the practice of this noble profession only those persons who are known to be honest and to possess good moral character. (Martin, Ruperto G., 'Legal & Judicial Ethics,' 5th ed., p. 15, citing *In Re Parazo*, 82 Phil. 230) As a man of law, (a lawyer) is necessarily a leader of the community, looked up to as a model citizen.' (*Planza v. Arcangel*, 21 SCRA 1, 4). He sets an example to his fellow citizens not only for his respect for the law, but also for his clean living. (Martin, *supra*, p. 36) Thus, becoming a lawyer is more than just going through a law course and passing the Bar examinations. One who has the lofty aspiration of becoming a member of the Philippine Bar must satisfy this Court, which has the power, jurisdiction and duty to pass upon the qualifications, ability and moral character of candidates for admission to the Bar, that he has measured up to that rigid and ideal standard of moral fitness required by his chosen vocation."

The Court, in the past, consistently denied the annual petitions of Ladrera that he be allowed to take the lawyer's oath. He claimed that when he married his second wife, he sincerely believed that his first wife was already dead. He married his third wife only after the first wife had been declared presumptively dead and after his second marriage had been annulled. There may have been compliance with a strict or narrow interpretation of the letter of the law but the Court was of the view that Ladrera had failed to live up to the high moral standards required for membership in the Bar.

All of that, however, is in the past. Ladrera now states that if he has committed an act which justified the suspension from taking the lawyer's oath, the time that has elapsed is more than sufficient punishment. He submits that "he humbly believes with all candor and sincerity that he has more than atoned for it by living a very moral and exemplary life since then".

Apart from his marital misadventures, there is nothing in the records to warrant a permanent denial of Ladrera's petition. He worked as a janitor-messenger in Cebu City while pursuing his college education at night. He has also served in fairly important positions in the government such as Technical Assistant to President Ramon Magsaysay, Special Assistant to President Carlos P. Garcia, and member and later Chairman of the Board of People's Homesite and Housing Corporation. He has served as Treasurer of the Escolta Walking Corporation and Director of the Foreign Affairs Association of the Philippines.

As early as 1960, then Senator Quintin Paredes endorsed Ladrera's petition stating that the latter was "honest, dependable, and trustworthy" and followed this up with another endorsement in 1966.

In July 13, 1966, Lucila Casas filed a motion for the withdrawal or dismissal of her complaint. Casas stated as her "considered opinion" that Ladrera has been sufficiently punished by the then 12-year suspension of his oath-taking as a lawyer. Casas stated that her children by Ladrera — Teresita, graduating with AB and BSC degrees; Belen, preparatory medicine student; and Socorro, Jr. an engineering student — were suffering from the stigma of the punishment which arose from her complaint. Casas observed that Ladrera was "behaving well and leading an exemplary life".

The records show various indorsements of good character from lawyers, a law professor in Davao City, a congressman, and others. A priest, Fr. Emiliano Sabandal attested that Ladrera "is a man of high moral chracter, humble and possessed with an innate religious quality; as a consequence thereof he is a daily communicant of the

blessed sacrament".

In the 32 years since Ladrera passed the bar examinations, he has supported and sent through college all his children by the three women he married — a daughter by Florencia Orticio, three children by Lucila Casas, and five children by Socorro Santos. Some of the children have joined their father in his many petitions asking for the privilege of taking his lawyer's oath.

Ladrera was a guerrilla officer during World War II in Bohol and Mindanao. After the war, he was elected head of the Davao War Veterans Association and led the veterans' movement to acquire some of the lands left by Japanese-owners. He became a successful businessman in Davao, acquiring a gasoline station, three corn and rice mills, and a transportation line called "Ladrera Overland Transit".

There was moral delinquency in Mr. Ladrera's younger days but he has made up for it by observing a respectable, useful, and religious life since then. Thirty-two years of rejecting his petitions are enough for chastisement and retribution. Considering that the respondent has realized the wrongfulness of his past conduct and demonstrated a sincere willingness to make up for that moral lapse, the Court has decided to admit him to membership in the Philippine bar.

WHEREFORE, the PETITION of Mr. Socorro Ke. Ladrera to be allowed to take the lawyer's oath is hereby GRANTED.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Cruz, Paras, Feliciano, Padilla, and Bidin, JJ., concur.

Gancayco, J., on leave

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