

RE: 1999 BAR EXAMINATIONS, MARK ANTHONY A. PURISIMA, PETITIONER.

Bar Matter Nos. 979 and 986. December 10, 2002

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

Petitioner was conditionally admitted to take the 1999 Bar Examinations. Like many others he was directed “to submit the required certification of completion of the pre-bar review course within sixty (60) days from the last day of the examinations.”

Petitioner passed the 1999 Examinations. But in a Resolution dated 13 April 2000 the Court disqualified him from becoming a member of the Philippine Bar and declared his examinations null and void on two (2) grounds: (a) Petitioner failed to submit the required certificate of completion of the pre-bar review course under oath for his conditional admission to the 1999 Bar Examinations; and (b) He committed a serious act of dishonesty which rendered him unfit to become a member of the Philippine Bar when he made it appear in his Petition to Take the 1999 Bar Examinations that he took his pre-bar review course at the Philippine Law School (PLS) when, as certified by Acting Registrar Rasalie G. Kapauan, PLS had not offered such course since 1967.

Petitioner moved for a reconsideration of the 13 April 2000 Resolution but his motion was denied.

On 29 October 2001, retired Regional Trial Court Judge Amante P. Purisima, father of petitioner, filed a Petition to Reopen Bar Matter 986. However, the Court in its Resolution of 27 November 2001 “noted without action” the said petition and further resolved “that no further pleadings will be entertained.”

On 2 July 2002 petitioner filed a Motion for Due Process stating, among others, his reasons why in his Petition to Take the 1999 Bar Examinations it was stated that he was enrolled in and regularly attending the pre-bar review course at the PLS and not at the University of Santo Tomas (UST) where he in fact took the said course as evidenced by the Certification dated 22 July 1999 of Dean Amado L. Damayuga of the UST Faculty of Civil Law.

Petitioner claimed that the statement in paragraph 8 of his Petition that “he x x x enrolled in and passed the regular fourth year (law) review classes at the Phil. Law School x x x x” was a “self-evident clerical error and a mere result of an oversight which is not tantamount to a deliberate and willful declaration of a falsehood.”

Petitioner explained that upon obtaining a “ready-made form” of the Petition and affixing his signature on the space provided therefor, he requested his schoolmate/friend Ms. Lilian A. Felipe to fill up the form, have it notarized and then to file it for him with the Office of the Bar Confidant (OBC). Being “consumed with his preparations for the upcoming bar examinations,” petitioner admitted that he did not have the opportunity to check the veracity of the information supplied by Ms. Felipe. Had he done this he could have readily seen that Ms. Felipe had erroneously typed “Philippine Law School,” instead of UST, on the space provided for the school where petitioner attended his pre-bar review course.

Petitioner further averred that on 26 July 1999, a week after the filing of the Petition to take the bar, he (thru Ms.

Felipe) submitted the Certification of Completion of the Pre-Bar Review as Annex “D” of his Petition to prove that he actually enrolled and attended the pre-bar review course in UST.

To corroborate his enrollment in UST, petitioner submitted (a) the Official Receipt of his payment of tuition fee for the course; (b) his identification card for the course; (c) car pass to the UST campus; (d) individual affidavits of classmates in the pre-bar review course in UST that petitioner was their classmate and that he attended the review course; (e) separate affidavits of five (5) UST students/acquaintances of petitioner that they saw him regularly attending the review lectures; (f) affidavit of Professor Abelardo T. Domondon attesting to the attendance of petitioner in his review classes and lectures in Taxation and Bar Review Methods at the UST Faculty of Civil Law; (g) affidavit of Ms. Gloria L. Fernandez, maintenance staff at the UST Law Department that she knew petitioner very well as he was among those who would arrive early and request her to open the reading area and turn on the airconditioning before classes started; and, (h) affidavit of Ms. Melicia Jane Parena, office clerk at the UST Faculty Civil Law, that Dean Dimayuga issued the Certification dated 22 July 1999 to the effect that petitioner was officially enrolled in and had completed the pre-bar review course in UST which started on 14 April 1999 and ended 24 September 1999.

Petitioner also explained that he did not submit the required certification of completion of the pre-bar review course within sixty (60) days from the last day of the examinations because he thought that it was already unnecessary in view of the Certification of Completion (Annex “D” of his Petition) issued by Dean Dimayuga which not only attested to his enrollment in UST but also his completion of the pre-bar review course.

In a letter dated 17 September 2002, addressed to Chief Justice Hilario G. Davide, Jr., thru Senior Associate Justice Josue N. Bellosillo, who took over as Chairman of the 1995 Committee on Bar Examinations, retired Judge Purisima expressed his concern for his son and stated that his son took the pre-bar review course in UST and that he entry in his son’s Petition that he took it in PLS is a “self-evident clerical error.” He then poised the question that if there was really a falsehood and forgery in paragraph 8 and Annex “D” of the Petition, which would have been a fatal defect, why then was his son issued permit to take the 1999 Bar examinations?

Pursuant to the Court Resolution of 1 October 2002, the OBC conducted a summary hearing on 30 October 2002 during which the Bar Confidant asked clarificatory questions from petitioner who appeared together with his father, retired Judge Purisima, and Ms. Lilian Felipe.

On 7 November 2002 the OBC submitted its Report and Recommendation the pertinent portions of which are quoted hereunder:

“Considering petitioner’s explanation fortified by unquestionably genuine documents in support thereof, we respectfully submit that petitioner should be given the benefit of the doubt.

The Resolution of the Court dated April 2, 2002, in Bar Matter 890, may be cited. In the said case, Victor Rey T. Gingoyon was given the benefit of the doubt and allowed to take the Lawyer’s Oath.

In said case, Mr. Gingoyon stated in his Petition to take the 1998 Bar that the charge of Grave Threats (Criminal Case No. 9693) against him was still pending before the Municipal Trial Courts in Cities, Mandaue City, Branch 3, when in fact, in the decision of MTC dated April 8, 1998, he was already convicted. But the Court believed his explanation that he had no actual knowledge of his conviction.

In allowing Mr. Gingoyon to take the Lawyer’s Oath, the Court stated, thus:

‘It had been two (2) years past since he first filed the petition to take the lawyer’s oath. Hopefully, this period of time of being deprived the privilege had been long enough for him to do some introspection.’

In his letter, petitioner’s father also pleaded that the three (3) years denial of his son’s request for oath-taking

should be enough penalty, if there may be any wrong that his son may have unwittingly committed.

It is submitted that the same kindness and compassion extended to Mr. Gingoyon in Bar Matter 890 be given to petitioner. Three years deprivation of the privilege to practice law may be considered an ample penalty, not to mention that petitioner has not been convicted of any crime.

As regards petitioner's failure to submit within sixty days the required certification of completion of the pre-bar review course, his explanation that there was no need for him to submit another certification because the July 22, 1999 Certification of Dean Dimayuga certified not only his enrollment but also his completion of the course, is impressed with truth.

Let it be also noted that, in the Resolution dated April 13, 2000, in this Bar Matter 986, the Court declared DISQUALIFIED from the 1999 Bar examinations not only Purisima but also Josenio Marquez Reoma, Ma. Salvacion Suggang Revilla and Victor Estell Tesorero for their failure to submit within sixty days from the last day of the examinations the certification of completion of the pre-bar review course. However, the Court, in its Resolution dated June 20, 2000, acting on the separate motions for reconsideration of the Court Resolution dated April 13, 2000 filed by Reoma and Revilla, both were allowed to take the Lawyer's Oath.

In the case of Reoma, his explanation that his failure to submit the required certification was due to his honest belief and assumption that the UP College of Law, where he took his review course, had filed the required certification together with other required documents, was accepted.

In the case of Revilla, her claim that her failure to submit the required certification within the 60-day period was due to her erroneous impression that only the certification of enrollment and attendance was required, was likewise accepted.

The Court also allowed Mr. Tesorero to take his oath, as he stated that his failure to submit within the 60-day period was due to his honest and mistaken belief that he had substantially complied with the requirements for admission to the Bar Examinations because he thought that the required certificate of completion of the pre-bar review course is the same as the certificate of enrollment and attendance in the said course.

The OBS respectfully submits that petitioner's explanation should also be given credit just like his three co-examinees.

Let it be finally cited that in Bar Matter No. 832, in the Matter of Admission to the Bar of Blas Antonio M. Tuliao, the Court also favorably considered the report of the Committee on Legal Education which recommended the admission to the Bar of Mr. Tuliao on grounds of fairness, equal treatment and protection, considering that his co-accused in a criminal case have been allowed to take the lawyer's oath. This Court stated, in its Resolution dated November 27, 2001, that there was no reason to accord a different treatment to Mr. Tuliao, and that the dispensation of justice should be even-handed and consistent."

The recommendation is well taken.

The foremost question to be resolved is whether petitioner did enroll in and complete his pre-bar review course in UST as he herein avows.

The testimony of petitioner and Ms. Felipe during the 30 October 2002 hearing that the subject Certification of Dean Dimayuga was duly submitted to the OBC a week after the filing of the Petition to take the bar appears to be credible. It is supported by documentary evidence showing that petitioner actually enrolled and completed the required course in UST.

Granting that the Certification of Dean Dimayuga was defective as it certified completion of the pre-bar review

course which was still on-going, this defect should not be attributed to petitioner considering that he had no participation in the preparation thereof. Whatever it is, the fact remains that there is such a certification issued by the UST which appears to be genuine. This finding is backed by the affidavit of Ms. Parena, office clerk at the UST Faculty of Civil Law, that she was the one who released the Certification to petitioner on 26 July 1999.

Indeed, it must be stressed that there is nothing on record which impugns the authenticity of the subject Certification as well as that of the other documentary evidence proffered by petitioner to establish that he was duly enrolled and took the pre-bar review course in UST, not in PLS. As to the argument that the Certification of Dean Dimayuga did not include the “taking and completion” of the pre-bar review course, the realities of our bar reviews render it difficult to record the attendance religiously of the reviewees every single day for several months.

Considering petitioner’s explanation, fortified by undisputedly genuine documents, at the very least, petitioner should be given the benefit of the doubt and be allowed to take his oath.

The Court is well aware of instances in the past when, as a measure of compassion and kindness, it has acted favorably on similar petitions. In his letter petitioner’s father pleaded that “the denial of permission for Mark to take his oath for about three (3) years now should be enough penalty.” It is time to move on.

At this juncture it may be well to note the Court’s growing concern over the apparent laxity of law schools in the conduct of their pre-bar review classes. Specifically, it has been observed that the attendance of reviewees is not closely monitored, such that some reviewees are able to comply with the requisite with minimal attendance. Enrollment and completion of pre-bar review course is an additional requirement under Rule 138 of the Rules of Court for those who failed the bar examinations for three (3) or more times.

For the Court to insist on strict compliance may be literally asking for the moon but it can be done. We just have to bear in mind that this requirement is not an empty or idle ceremony; it is intended to ensure the quality and preparedness of those applying for admission to the bar.

WHEREFORE, premises considered, as recommended by the Office of the Bar Confidant in its Report and Recommendation dated 7 November 2002, the prayer in Bar Matters Nos. 979 and 986 is granted and examinee MARK ANTHONY A. PURISIMA who passed the 1999 Bar Examinations is now allowed to take the Lawyer’s Oath and be admitted to the Philippine Bar. He is further allowed to sign the Roll of Attorneys upon payment of the required fees.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Mendoza, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.
Panganiban, J., in the result.

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