

IN THE MATTER OF THE IBP MEMBERSHIP DUES DELINQUENCY OF ATTY. MARCIAL A. EDILLON (IBP ADMINISTRATIVE CASE NO. MDD-1)

A.C. No. 1928. December 19, 1980

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-1928/>

FERNANDO, C.J.:

The full and plenary discretion in the exercise of its competence to reinstate a disbarred member of the bar admits of no doubt. All the relevant factors bearing on the specific case, public interest, the integrity of the profession and the welfare of the recreant who had purged himself of his guilt are given their due weight. Respondent Marcial A. Edillon was disbarred on August 3, 1978,[1] the vote being unanimous with the late Chief Justice Castro as ponente. From June 5, 1979, he had repeatedly pleaded that he be reinstated. The minute resolution dated October 23, 1980, granted such prayer. It was there made clear that it "is without prejudice to issuing an extended opinion." [2]

Before doing so, a recital of the background facts that led to the disbarment of respondent may not be amiss. As set forth in the resolution penned by the late Chief Justice Castro: "On November 29, 1975, the Integrated Bar of the Philip-pines (IBP for short) Board of Governors unanimously adopted Resolution No. 75-65 in Administrative Case No. MDD-1 (In the Matter of the Membership Dues Delinquency of Atty. Marcial A. Edillon) recommend-ing to the Court the removal of the name of the respondent from its Roll of Attorneys for 'stubborn refusal to pay his membership dues' to the IBP since the latter's constitution notwithstanding due notice. On January 21, 1976, the IBP, through its then President Liliano B. Neri, submitted the said reso-lution to the Court for consideration and approval, pursuant to paragraph 2, Section 24, Article III of the By-Laws of the IBP, which reads: '* * * Should the delinquency further continue until the following June 29, the Board shall promptly inquire into the cause or causes of the continued delinquency and take whatever action it shall deem appropriate, including a recommendation to the Supreme Court for the removal of the delinquent member's name from the Roll of Attorneys. Notice of the action taken shall be sent by registered mail to the member and to the Secretary of the Chapter concerned.' On January 27, 1976, the Court required the respondent to comment on the resolution and letter adverted to above he submitted his comment on February 23, 1976, reiterating his refusal to pay the membership fees due from him. On March 2, 1976, the Court required the IBP President and the IBP Board of Governors to reply to Edillon's comment: On March 24, 1976, they submitted a joint reply. Thereafter, the case was set for hearing on June 3, 1976. After the hearing, the parties were required to submit memoranda in amplification of their oral arguments. The matter was thenceforth submitted for resolution." [3]

Reference was then made to the authority of the IBP Board of Governors to recommend to the Supreme Court the removal of a delinquent member's name from the Roll of attorneys as found in Rule of Court: "Effect of non-payment of dues.— Subject to the provisions of Section 12 of this Rule, default in the payment of annual dues for six months shall warrant suspension of membership in the Integrated Bar, and default in such payment for one year shall be a ground for the removal of the name of the delinquent member from the Roll of Attorneys." [4]

The submission of respondent Edillon as summarized in the aforesaid resolution "is that the above provisions constitute an invasion of his constitutional rights in the sense that he is being compelled, as a pre-condition to maintaining his status as a lawyer in good standing, to be a member of the IBP and to pay the corresponding dues, and that as a consequence of this compelled financial support of the said organization to which he is admittedly personally antagonistic, he is being deprived of the rights to liberty and property guaranteed to him by the Constitution. Hence, the respondent concludes, the above pro-visions of the Court Rule and of the IBP By-Laws are void and of no legal force and effect." [5] It was pointed out in the resolution that such issues were "raised on a previous case before the Court, entitled 'Administrative Case No. 526, In the Matter of the Petition for the Integration of the Bar of the Philippines, Roman Ozaeta, et al., Petitioners.' The Court exhaustively considered all these matters in that case in its Resolution ordaining the integration of the Bar of the Philippines, promulgated on January 9, 1973." [6] The unanimous conclusion reached by the Court was that the integration of the Philippine Bar raises no constitutional question and is therefore legally unobjectionable, "and, within the context of contemporary conditions in the Philippines, has become an imperative means to raise the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility fully and effectively." [7]

As mentioned at the outset, the vote was unanimous. From the time the decision was rendered, there were various pleadings filed by respondent for reinstatement starting with a motion for reconsideration dated August 19, 1978. Characterized as it was by persistence in his adamant refusal to admit the full competence of the Court on the matter, it was not unexpected that it would be denied. So it turned out. [8] It was the consensus that he continued to be oblivious to certain basic juridical concepts, the appreciation of which does not even require great depth of intellect. Since respondent could not be said to be that deficient in legal knowledge and since his pleadings in other cases coming before this Tribunal were quite literate, even if rather generously sprinkled with invective for which he had been duly taken to task, there was the impression that his recalcitrance arose from plain and sheer obstinacy. Necessarily, the extreme penalty of disbarment visited on him was more than justified.

Since then, however, there were other communications to this Court where a different attitude on his part was discernible. [9] The tone of defiance was gone and circumstances of a mitigating character invoked— the state of his health and his advanced age. He likewise spoke of the welfare of former clients who still rely on him for counsel, their confidence apparently undiminished. For he had in his career been a valiant, if at times unreasonable, defender of the causes entrusted to him.

This Court, in the light of the above, felt that reinstatement could be ordered and so it did in the resolution of October 23, 1980. It made certain that there was full acceptance on his part of the competence of this Tribunal in the exercise of its plenary power to regulate the legal profession and can integrate the bar and that the dues were duly paid. Moreover, the fact that more than two years had elapsed during which he was barred from exercising his profession was likewise taken into account. It may likewise be said that as in the case of the inherent power to punish for contempt and paraphrasing the dictum of Justice Malcolm in *Villavicencio v. Lukban*, [10] the power to discipline, especially if amounting to disbarment, should be exercised on the preservative and not on the vindictive principle. [11]

One last word. It has been pertinently observed that there is no irretrievable finality as far as admission to the bar is concerned. So it is likewise as to loss of membership. What must ever be borne in mind is that membership in the bar, to follow Cardozo, is a privilege burdened with conditions. Failure to abide by any of them entails the loss of such privilege if the gravity thereof warrants such drastic move. Thereafter a sufficient time having elapsed and after actuations evidencing that there was due contrition on the part of the transgressor, he may once again be considered for the restoration of such a privilege. Hence, our resolution of October 23, 1980.

The Court restores to membership to the bar Marcial A. Edillon.

Teehankee, Barredo, Makasiar, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

Aquino, J., in the result.

[1] In re Atty. Marcial A. Edillon, AC-1928, August 3, 1978, 84 SCRA 554.

[2] The minute resolution reads in full: "Acting on the petition of Mr. Marcial Edillon for reinstatement to the Roll of Attorneys and it appearing that he had fully paid his delinquent membership fees due the Integrated Bar of the Philippines and submitted to the IBP Board of Governors a verified application for reinstatement together with an undertaking to abide by all By-laws and resolutions passed by said Board in the event of reinstatement, the Court Resolved to GRANT the petition of Mr. Marcial A. Edillon for reinstatement as member of the Philippine Bar. He is hereby allowed to take anew the lawyer's oath and sign the Roll of Attorneys after payment of the required fees. This resolution is without prejudice to issuing an extended opinion."

[3] 84 SCRA 559.

[4] Section 10, Rule of Court 139-A.

[5] 84 SCRA 561.

[6] Ibid., 561. The reference is to Administrative Case No. 526, In the Matter of the Petition for the Integration of the Bar of the Philippines, January 9, 1973, 49 SCRA 22.

[7] In re Integration of the Bar of the Philippines, January 9, 1973, 49 SCRA 22, 33.

[8] The resolution denying the motion was issued on November 23, 1978.

[9] Letters dated June 5, 1979, August 7, 1979, November 13, 1979, April 12, 1980.

[10] 39 Phil. 778 (1919).

[11] People v. Estenzo, L-24522, May 29, 1975, 64 SCRA 211; Fontelera v. Amores, L-41361, March 8, 1976, 70 SCRA 37; Royeca v. Animas, L-39584, May 3, 1976, 71 SCRA 1; Blancaflor v. Laya, L-31399, March 17, 1978, 82 SCRA 148; Calo v. Tapucar, L-47244, January 16, 1979, 88 SCRA 78.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.