

PRUDENTIAL BANK, PETITIONER, VS. BENJAMIN M. GRECIA, RESPONDENT.

A.C. No. 2756. December 18, 1990

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PER CURIAM:

In a Decision, dated 12 November 1987, this Court, upon finding that respondent Benjamin Grecia had "proven himself unfit to continue in the pursuit of his profession," ordered his disbarment.

Respondent Grecia thereafter sought a reconsideration of the said Resolution on 14 December 1987. This was denied in the Resolution of 12 January 1988 for lack of merit, the issues raised having previously been duly considered and passed upon.

Undaunted, respondent filed, on 10 February 1988 a "Petition for Redress and Exoneration and for Voluntary Inhibition," praying that the decision of 12 November 1987, and the resolution of the denial of the Motion for Reconsideration of the said decision be set aside and a new one entered dismissing the administrative complaint and exonerating him.

We denied his plea in a Resolution, dated 15 March 1988, it being in the nature of a second Motion for Reconsideration filed without leave of court, besides the fact that the first Motion for Reconsideration filed by him had already been denied with finality on January 12, 1988.

This notwithstanding, respondent filed another Motion requesting an extension of time to file a Motion for Reconsideration, this time, of the Resolution of 15 March 1988 simultaneously praying that the Bar Confidant furnish him with a certified true copy of the Solicitor General's Report and Recommendation. These requests were denied in the Resolution of 5 May 1988.

Seven months later, or on 29 December 1988, respondent, through counsel, filed a "Petition for Reinstatement as a Member of the Bar," this time praying for "justice, leniency, understanding and mercy from the Members of this Honorable Court," citing several cases of lawyers previously disbarred but who were eventually reinstated. Respondent averred that he comes to court "on bended knees asking for the same kindness, understanding, liberality and leniency."

This was once again denied in the Resolution of 15 June 1989 the same being substantially a repetition of the Motion for Reconsideration of the Decision of 12 November 1987, which was already denied with finality in the Resolution dated 12 January 1988.

A "Motion for Leave to File Testimonials to Support Petition for Reinstatement" was filed on 11 May 1989 which Motion was accompanied by various testimonials from prominent members of the Bar urging the Court to grant his plea for reinstatement, which the Court Noted in its Resolution of 30 May 1989.

Unrelenting in his efforts, respondent Grecia, on 13 July 1989, filed a "Motion for Reconsideration of Resolution Denying Petition for Reinstatement." Varying the tenor of his previous submissions, respondent in this instance:

“x x x begs to apologize to this Honorable Supreme Court for repeating in his petition for reinstatement what he already alleged in his Motion for reconsideration of the decision of this Honorable Court dated 12 November 1987. The repetition was due to his confused state of mind caused by the tremendous impact of the denial of his motion for reconsideration of the aforesaid decision.

To rectify the error committed, and with the kind permission and leave of this Honorable Court, respondent is hereby openly and unequivocally retracting, withdrawing and abandoning all the statements and arguments of and allusions and references to, the previously denied motion for reconsideration which have been alleged or used in his petition for reinstatement.

In consequence, respondent respectfully prays that this Honorable Court ignore them and treat the petition for reinstatement of respondent as one limited to, and mainly and exclusively predicated on his plea for leniency, understanding, liberality, mercy and judicial clemency.”

Unmoved, we denied the motion with finality in our Resolution of 19 October 1989 there being no compelling reason raised to warrant reconsideration of the questioned Resolution.

On 24 November 1989, respondent filed a "Motion for Permission to Reiterate his Petition for Reinstatement" stating that he humbly begs permission to plead again for its forgiveness and clemency; that he has suffered the harsh and supreme sanction of disbarment for two long years now; that this is his first offense; that he solemnly declares that he has fully realized his mistake and the gravity of his offense for which he is fully repentant and learned the most bitter lesson of his life to such an extent that he solemnly vows never to commit any offense again; that his sufferance of the extreme sanction of disbarment has changed him for the better; that he had fully purged himself in the proper and irreproachable manner and that he prays that he be forgiven and pardoned by this Court. The Motion was denied with finality in the Resolution of 21 December 1989.

On 21 May 1990, Mrs. Maria Luisa B. Grecia, wife of respondent wrote a letter addressed to the Chief Justice and Associate Justices of this Court stating that she has long wanted to write and if it need be, on bended knees, to ask the Court sincerely to forgive her husband and permit him to practice his profession; that it is not only he who is suffering the anguish and shame caused by his disbarment but also his children and herself; that it is now two and a half (2 1/2) years since her husband has been disbarred and completely without any means to support his family; that their youngest daughter may altogether have to stop studying; that during these years, her husband has deeply repented and is now very humble and prayerful and has reformed for the better and that she pleads that her husband be forgiven and reinstated as a lawyer. The letter was Noted for the time being in the Resolution of 28 June 1990.

On 17 October 1990, the Quezon City Chapter of the Integrated Bar, submitted to the Bar Confidant for the Court's consideration, Resolution No. 90-057, adopted on 9 October 1990, praying that the Court extend its judicial clemency to respondent Grecia and reinstate him as a member of the Philippine Bar, reasoning among others, that he has been “sufficiently punished,” has reformed and rehabilitated himself, and can again be entrusted with the exercise of the noble profession of law.

In a letter, dated 21 November 1990, addressed to the Chief Justice and Associate Justices of the Court respondent Grecia pleaded anew that once the Court restores him to the practice of law, he "unreservedly bind(s)" himself "henceforth to act and behave carefully as a worthy member of the Philippine Bar."

Without overlooking the charge which caused respondent's disbarment, reinstatement may now be warranted, predicated on the following objective and criterion:

"The sole object of the Court upon an application for reinstatement to practice, by one previously disbarred, is to determine whether or not the applicant has satisfied and convinced the Court by positive evidence that the

effort he has made toward the rehabilitation of his character has been successful, and, therefore, he is entitled to be re-admitted to a profession which is intrinsically an office of trust. (In Re: Rusiana, Adm. Case No. 270, 29 March 1974, 56 SCRA 240).

"The criterion for reinstatement has been stated as follows: Whether or not the applicant shall be reinstated rests to a great extent in the sound discretion of the court. The court action will depend, generally speaking, on whether or not it decides that the public interest in the orderly and impartial administration of justice will be conserved by the applicant's participation therein in the capacity of an attorney and counselor at law. The applicant must, like a candidate for admission to the Bar, satisfy the Court that he is a person of good moral character---a fit and proper person to practice law. The Court will take into consideration the applicant's character and standing prior to the disbarment, the nature and character of the charge for which he was disbarred, his conduct subsequent to the disbarment, and the time that has elapsed between the disbarment and the application for reinstatement." (5 Am. Jur., Sec. 301, p. 443, cited in In Re: Juan T. Publico, February 20, 1981, 102 SCRA 721).

The testimonials submitted in respondent's favor are from well-respected and prominent members of the legal community namely: Former Chief Justice of the Supreme Court Querube Makalintal, Senate President Jovito R. Salonga, Former Senator Ambrosio Padilla, former Presiding Justice of the Court of Appeals, Lourdes Paredes San Diego, former Supreme Court Justice Ruperto Martin, Senator Neptali Gonzales, Attys. Dakila F. Castro, Camilo Quiason, Gregorio Purugganan, Teofilo F. Manalo (Past Governor, Integrated Bar of the Philippines, 1975-1977), Manuel T. Molina and Diosdado P. Peralta, President of the Capitol Bar Association. All their testimonials attest to respondent's good moral character and to the fact that he has mended his ways towards the rehabilitation of his character such that his reinstatement "will not only be an act of compassion but also of justice" (Records, Vol. II, Testimonial of former Supreme Court Justice Querube Makalintal).

Cognizant, therefore, "that the power to discipline, especially if amounting to disbarment, should be exercised on the preservative and not on the vindictive principle," (In re Juan T. Publico, *supra*), we heed respondent's plea for reinstatement. His expiation subsequent to his disbarment; his realization of his mistake and the gravity of his offense; the testimonials from exemplary members of the Bar as to his fitness to resume the practice of law; and his solemn pledge to the Court that if his disbarment is lifted, he will always closely and faithfully abide by the ideals, canons and ethics of the legal profession, call for this affirmative response.

ACCORDINGLY, respondent Benjamin M. Grecia is hereby ordered READMITTED to membership in the Bar.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Gancayco, Bidin, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Feliciano, J., on leave.

Padilla, JJ., no part; related to former Senator A. Padilla who among others submitted testimonials favorable to respondent.

Sarmiento, J., no part.

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