

**RE: IN THE MATTER OF THE PETITION FOR REINSTATEMENT OF
ROLANDO S. TORRES AS A MEMBER OF THE PHILIPPINE BAR.***A.C. No. 5161. July 11, 2017*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-5161/>**PER CURIAM:**

For resolution is the Petition[1] dated March 10, 2017 filed by Rolando S. Torres (Torres) who seeks judicial clemency in order to be reinstated in the Roll of Attorneys.

Records show that in a Resolution[2] dated April 14, 2004 in *Ting-Dumali v. Torres*,[3] the Court meted the supreme penalty of disbarment on Torres for "presentation of false testimony; participation in, consent to, and failure to advise against, the forgery of complainant's signature in a purported Deed of Extrajudicial Settlement; and gross misrepresentation in court for the purpose of profiting from such forgery,"[4] thereby committing gross misconduct and violating Canons 1 and 10 the Code of Professional Responsibility. The dispositive portion of the said Resolution reads:

IN VIEW OF ALL THE FOREGOING, we find respondent Atty. Rolando S. Torres guilty of gross misconduct and violation of the lawyer's oath, as well as Canons 1 and 10 of the Code of Professional Responsibility, thereby rendering him unworthy of continuing membership in the legal profession. He is thus ordered DISBARRED from the practice of law, and his name is ordered stricken off the Roll of Attorneys, effective immediately.

x x x x[5]

Aggrieved, Torres twice moved for reconsideration,[6] both of which were denied with finality by the Court,[7] which then stated that "[n]o further pleadings will be entertained." [8] This notwithstanding, Torres: (a) filed an Ex-Parte Motion to Lift Disbarment[9] dated January 26, 2006 begging for compassion, mercy, and understanding;[10] and (b) wrote letters to former Chief Justice Artemio V. Panganiban[11] and former Associate Justice Dante O. Tinga[12] reiterating his pleas for compassion and mercy. However, these were ordered expunged through the Court's Resolutions dated June 13, 2006[13] and September 5, 2006,[14] considering the previous directive that no further pleadings will be further entertained in this case. Still undaunted, Torres continued to file numerous submissions either seeking his reinstatement to the bar[15] or the reduction of his penalty of disbarment to suspension,[16] all of which were either expunged from the records[17] or denied[18] by the Court.

More than ten (10) years from his disbarment, Torres filed a Petition[19] dated June 11, 2015 seeking judicial clemency from the Court to reinstate him in the Roll of Attorneys.[20] In a Resolution[21] dated August 25, 2015 (August 25, 2015 Resolution), the Court denied the petition, holding that Torres had failed to provide substantial proof that he had reformed himself, especially considering the absence of showing that he had reconciled or attempted to reconcile with his sister-in-law, the original complainant in the disbarment case against him; nor was it demonstrated that he was remorseful over the fraudulent acts he had committed against her.[22]

Despite the foregoing, Torres filed the instant petition, again seeking judicial clemency from the Court to reinstate

him in the Roll of Attorneys.

The Court's Ruling

The petition is not meritorious.

The principle which should hold true for lawyers, being officers of the court, is that judicial clemency, as an act of mercy removing any disqualification, should be balanced with the preservation of public confidence in the courts. Thus, the Court will grant it only if there is a showing that it is merited. Proof of reformation and a showing of potential and promise are indispensable.[23] In *Re: The Matter of the Petition for Reinstatement of Rolando S. Torres as a member of the Philippine Bar*,[24] the Court laid down the following guidelines in resolving requests for judicial clemency, to wit:

1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform.
3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.
5. There must be other relevant factors and circumstances that may justify clemency.[25]

In support of the instant petition for reinstatement, Torres merely rehashed all the several testimonials and endorsements which he had already attached to his previous petitions, in addition to another endorsement, this time coming from the incumbent Secretary of Justice, stating that Torres "is a person of good moral character and a law abiding citizen." [26] However, these testimonials and endorsements do not prove whatsoever that Torres had already successfully reformed himself subsequent to his disbarment. Neither do they exhibit remorse towards the actions which caused his delisting from the Roll of Attorneys, i.e., the fraudulent acts he committed against his sister-in-law. In this regard, it is noteworthy to point out that since the promulgation of the Court's August 25, 2015 Resolution, there was still no showing that Torres had reconciled or even attempted to reconcile with his sister-in-law so as to show remorse for his previous faults.

Moreover, Torres also failed to present any evidence to demonstrate his potential for public service or that he – now being 70 years of age [27] – still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.

In sum, Torres failed to comply with the guidelines for the grant of judicial clemency; hence, the instant petition must necessarily be denied.

WHEREFORE, the petition is DENIED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Perlas-Bernabe, Leonen, Caguioa, Martires, and Tijam, JJ., concur.

Del Castillo, and Jardeleza, JJ., on official leave.

Mendoza, J., no part.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on July 11, 2017 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on August 8, 2017 at 10:13 a.m.

Very truly yours,

(SGD.) FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] Rollo, pp. 492-500.

[2] Id. at 241-252.

[3] 471 Phil. 1 (2004).

[4] Id. at 4; see also rollo, pp. 241-242.

[5] Id. at 15; see also rollo, p. 251.

[6] See Motion for Reconsideration (Court's En Banc Resolution Dated April 14, 2004) dated May 17, 2004 and Motion for Leave to File and to Admit Second Motion for Reconsideration dated September 14, 2004 with attached Second Motion for Reconsideration dated September 13, 2004; rollo, pp. 254-281 and 303-326, respectively.

[7] See Resolutions dated June 29, 2004 and November 9, 2004; id. at 296 and 345, respectively.

[8] Id. at 345.

[9] Id. at 346-349.

[10] Id. at 348.

[11] Dated August 1, 2006. Id. at 366-367.

[12] Dated August 1, 2006. Id. at 356-357.

[13] Id. at 355.

[14] Id. at 362.

[15] See letter dated April 28, 2007 addressed to former Chief Justice Reynato S. Puno (id. at 376); and Petition for Reinstatement filed on October 30, 2009 (see envelope, id. at 386).

[16] See Petition for Reduction of Penalty from Disbarment to Suspension filed on January 14, 2011; id. at 389-394.

[17] See Resolutions dated June 12, 2007 and December 8, 2009; id. at 383 and 388, respectively.

[18] See Resolution dated February 8, 2011; id. at 417.

[19] Id. at 437-442.

[20] See *id.* at 441.

[21] Re: In the Matter of the Petition for Reinstatement of Rolando S. Torres as a Member of the Philippine Bar, A.C. No. 5161, August 25, 2015, 768 SCRA 149. See also *rollo*, pp. 469-476.

[22] See *id.* at 158-160. See also *rollo*, pp. 473-475.

[23] *Id.* at 158, citing Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, 560 Phil. 1, 5. (2007)

[24] *Id.*

[25] *Id.* at 157, citing Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, *id.* at 5-6.

[26] See Letter dated March 3, 2017 signed by Secretary of Justice Vitaliano N. Aguirre II; *rollo*, p. 562.

[27] See *id.* at 492.

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