

EUFROSINA YAP TAN, COMPLAINANT, VS. NICOLAS EL. SABANDAL, RESPONDENT,*Bar Matter No. 44. February 10, 1989*

Ponente: MELENCIO-HERRERA, J.

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Respondent Nicolas El. Sabandal passed the 1978 Bar Examinations but because of pending administrative complaints filed against him, he was not allowed to take the lawyer's oath. He then filed a Petition to be admitted to the Philippine Bar and to be allowed to sign the Roll of Attorneys. The complainants, namely, Eufrosina Y. Tan, Benjamin Cabigon, Cornelio Agnis and Diomedes D. Agnis, opposed the Petition on several grounds.

In a Resolution of this Court en banc promulgated on 29 November 1983, respondent's petition was denied, the Court finding, *inter alia*, that:

"x x x the evidence supports the charge of unauthorized practice of law. While respondent's infraction may be mitigated in that he appeared for his in-laws in CAR Cases Nos. 347 and 326 where they were parties, it is clear from the proceedings in CAR Case No. 347 that he clarified his position only after the opposing counsel had objected to his appearance. Besides, he specifically manifested 'Atty. Nicolas Sabandal, appearing for the defendants, your Honor' (Exhibit 'A-1'). He called himself 'attorney' knowing full well that he was not yet admitted to the Bar. Oppositors' evidence sufficiently shows that respondent had held himself out as an 'attorney' in the agrarian, civil and criminal cases mentioned by said oppositors. Respondent cannot shift the blame on the stenographer, for he could have easily asked for rectification. x x x Oppositors had also presented evidence of proceedings wherein witnesses testified as to respondent's being their lawyer and their compensating him for his services (Exhibits 'D-8' and 'D-9'). It may be that in the Court of a municipality, even non-lawyers may appear (Sec. 34, Rule 138, Rules of Court). If respondent had so manifested, no one could have challenged him. What he did, however, was to hold himself out as a lawyer, and even to write the Station Commander of Roxas, complaining of harassment to 'our clients', when he could not but have known that he could not yet engage in the practice of law. His argument that the term 'client' is a 'dependent or person under the protection of another and not a person who engages in the profession' is puerile." (126 SCRA 60, at 67 & 68)

A Motion for Reconsideration of the aforesaid Resolution was filed by respondent on 23 January 1984, which was opposed by Complainants, who stated that the "span of time was so short to determine with sufficient definiteness whether or not respondent has reformed;" that "the testimonials are self-serving obviously prepared by respondent himself and had them signed by the signatories who could not refuse him." In its Resolution of 8 May 1984 the Court denied reconsideration.

On 23 May 1985 respondent filed an Ex-parte Motion for Reconsideration reiterating his prayer to be allowed to take the lawyer's oath, which was again opposed by Complainants, and which was denied by the Court on 16 July 1985, with the Court stating that no other Motions of this kind would be entertained.

Undaunted, on 2 December 1985, respondent filed another Motion for Reconsideration and Appeal for Mercy and

Forgiveness, which the Court simply NOTED in its Resolution of 7 January 1986.

In a letter dated 4 December 1986 respondent's children echoed his appeal to the Court to allow him to take the lawyer's oath, which the Court noted without action on 7 July 1987.

On 28 June 1988, respondent filed a second Petition to be allowed to take the lawyer's oath. Complainants were required to comment but they have not done so to date.

In a letter dated 23 November 1988 addressed to the Chief Justice and Associate Justices of this Court, respondent asks for forgiveness, understanding and benevolence and promises that, if given a chance to be a member of the Philippine Bar, he would always be faithful to the lawyer's oath and conduct himself in an upright manner.

Whether or not respondent shall be admitted to the Philippine Bar rests to a great extent in the sound discretion of the Court. An applicant must satisfy the Court that he is a person of good moral character, fit and proper to practice law.

In several cases wherein reinstatements to the legal profession were allowed, the following criteria were considered: the person appreciates the significance of his dereliction and he has assured the Court that he now possesses the requisite probity and integrity necessary to guarantee that he is worthy to be restored to the practice of law (*Magat vs. Santiago*, L-43301-45665, April 1, 1980, 97 SCRA 1); the time that has elapsed between disbarment and the application for reinstatement, his good conduct and honorable dealing subsequent to his disbarment, his active involvement in civic, educational, and religious organizations (*In Re: Juan T. Publico*, 102 SCRA 721 [1981]); the favorable indorsement of the Integrated Bar of the Philippines, as well as the local government officials and citizens of his community (*In Re: Quinciano D. Vailoces*, Adm. Case No. 439, September 30, 1982; 117 SCRA 1); the pleas of his mother and wife for the sake and the future of his family (*Andres vs. Cabrera*, SBC-585, February 29, 1984, 127 SCRA 802).

The foregoing criteria may be made applicable to respondent's case. After the lapse of ten (10) years from the time respondent took and passed the 1978 Bar Examination, he has shown contrition and willingness to reform. He has also submitted several testimonials, including one from the IBP Zamboanga del Norte, attesting to his good moral character and civic consciousness.

ACCORDINGLY, respondent Nicolas El. Sabandal is hereby allowed to take the lawyer's oath, with the Court binding him to his assurance that he shall strictly abide by and adhere to the language, meaning and spirit of the Lawyer's Oath and the highest standards of the legal profession.

SO ORDERED.

Fernan, C.J., Narvasa, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

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