

IN THE MATTER OF THE DISQUALIFICATION OF BAR EXAMINEE HARON S. MELING IN THE 2002 BAR EXAMINATIONS AND FOR DISCIPLINARY ACTION AS MEMBER OF THE PHILIPPINE SHARI'A BAR, ATTY. FRO...

B.M. No. 1154. June 08, 2004

Ponente: TINGA, J.

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TINGA, J.:

The Court is here confronted with a Petition that seeks twin reliefs, one of which is ripe while the other has been rendered moot by a supervening event.

The antecedents follow.

On October 14, 2002, Atty. Froilan R. Melendrez (Melendrez) filed with the Office of the Bar Confidant (OBC) a Petition^[1] to disqualify Haron S. Meling (Meling) from taking the 2002 Bar Examinations and to impose on him the appropriate disciplinary penalty as a member of the Philippine Shari'a Bar.

In the Petition, Melendrez alleges that Meling did not disclose in his Petition to take the 2002 Bar Examinations that he has three (3) pending criminal cases before the Municipal Trial Court in Cities (MTCC), Cotabato City, namely: Criminal Cases No. 15685 and 15686, both for Grave Oral Defamation, and Criminal Case No. 15687 for Less Serious Physical Injuries.

The above-mentioned cases arose from an incident which occurred on May 21, 2001, when Meling allegedly uttered defamatory words against Melendrez and his wife in front of media practitioners and other people. Meling also purportedly attacked and hit the face of Melendrez' wife causing the injuries to the latter.

Furthermore, Melendrez alleges that Meling has been using the title "Attorney" in his communications, as Secretary to the Mayor of Cotabato City, despite the fact that he is not a member of the Bar. Attached to the Petition is an indorsement letter which shows that Meling used the appellation and appears on its face to have been received by the Sangguniang Panglungsod of Cotabato City on November 27, 2001.

Pursuant to this Court's Resolution^[2] dated December 3, 2002, Meling filed his Answer with the OBC.

In his Answer,^[3] Meling explains that he did not disclose the criminal cases filed against him by Melendrez because retired Judge Corocoy Moson, their former professor, advised him to settle his misunderstanding with Melendrez. Believing in good faith that the case would be settled because the said Judge has moral ascendancy over them, he being their former professor in the College of Law, Meling considered the three cases that actually arose from a single incident and involving the same parties as "closed and terminated." Moreover, Meling denies the charges and adds that the acts complained of do not involve moral turpitude.

As regards the use of the title "Attorney," Meling admits that some of his communications really contained the word "Attorney" as they were, according to him, typed by the office clerk.

In its Report and Recommendation[4] dated December 8, 2003, the OBC disposed of the charge of non-disclosure against Meling in this wise:

The reasons of Meling in not disclosing the criminal cases filed against him in his petition to take the Bar Examinations are ludicrous. He should have known that only the court of competent jurisdiction can dismiss cases, not a retired judge nor a law professor. In fact, the cases filed against Meling are still pending. Furthermore, granting *arguendo* that these cases were already dismissed, he is still required to disclose the same for the Court to ascertain his good moral character. Petitions to take the Bar Examinations are made under oath, and should not be taken lightly by an applicant.

The merit of the cases against Meling is not material in this case. What matters is his act of concealing them which constitutes dishonesty.

In Bar Matter 1209, the Court stated, thus:

It has been held that good moral character is what a person really is, as distinguished from good reputation or from the opinion generally entertained of him, the estimate in which he is held by the public in the place where he is known. Moral character is not a subjective term but one which corresponds to objective reality. The standard of personal and professional integrity is not satisfied by such conduct as it merely enables a person to escape the penalty of criminal law. Good moral character includes at least common honesty.

The non-disclosure of Meling of the criminal cases filed against him makes him also answerable under Rule 7.01 of the Code of Professional Responsibility which states that “a lawyer shall be answerable for knowingly making a false statement or suppressing a material fact in connection with his application for admission to the bar.”[5]

As regards Meling’s use of the title “Attorney”, the OBC had this to say:

Anent the issue of the use of the appellation “Attorney” in his letters, the explanation of Meling is not acceptable. Aware that he is not a member of the Bar, there was no valid reason why he signed as “attorney” whoever may have typed the letters.

Although there is no showing that Meling is engaged in the practice of law, the fact is, he is signing his communications as “Atty. Haron S. Meling” knowing fully well that he is not entitled thereto. As held by the Court in Bar Matter 1209, the unauthorized use of the appellation “attorney” may render a person liable for indirect contempt of court.[6]

Consequently, the OBC recommended that Meling not be allowed to take the Lawyer’s Oath and sign the Roll of Attorneys in the event that he passes the Bar Examinations. Further, it recommended that Meling’s membership in the Shari’a Bar be suspended until further orders from the Court.[7]

We fully concur with the findings and recommendation of the OBC. Meling, however, did not pass the 2003 Bar Examinations. This renders the Petition, insofar as it seeks to prevent Meling from taking the Lawyer’s Oath and signing the Roll of Attorneys, moot and academic.

On the other hand, the prayer in the same Petition for the Court to impose the appropriate sanctions upon him as a member of the Shari’a Bar is ripe for resolution and has to be acted upon.

Practice of law, whether under the regular or the Shari’a Court, is not a matter of right but merely a privilege bestowed upon individuals who are not only learned in the law but who are also known to possess good moral character.[8] The requirement of good moral character is not only a condition precedent to admission to the practice of law, its continued possession is also essential for remaining in the practice of law.[9]

The standard form issued in connection with the application to take the 2002 Bar Examinations requires the applicant to aver that he or she “has not been charged with any act or omission punishable by law, rule or

regulation before a fiscal, judge, officer or administrative body, or indicted for, or accused or convicted by any court or tribunal of, any offense or crime involving moral turpitude; nor is there any pending case or charge against him/her.” Despite the declaration required by the form, Meling did not reveal that he has three pending criminal cases. His deliberate silence constitutes concealment, done under oath at that.

The disclosure requirement is imposed by the Court to determine whether there is satisfactory evidence of good moral character of the applicant.[10] The nature of whatever cases are pending against the applicant would aid the Court in determining whether he is endowed with the moral fitness demanded of a lawyer. By concealing the existence of such cases, the applicant then flunks the test of fitness even if the cases are ultimately proven to be unwarranted or insufficient to impugn or affect the good moral character of the applicant.

Meling’s concealment of the fact that there are three (3) pending criminal cases against him speaks of his lack of the requisite good moral character and results in the forfeiture of the privilege bestowed upon him as a member of the Shari’a Bar.

Moreover, his use of the appellation “Attorney”, knowing fully well that he is not entitled to its use, cannot go unchecked. In *Alawi v. Alauya*,[11] the Court had the occasion to discuss the impropriety of the use of the title “Attorney” by members of the Shari’a Bar who are not likewise members of the Philippine Bar. The respondent therein, an executive clerk of court of the 4th Judicial Shari’a District in Marawi City, used the title “Attorney” in several correspondence in connection with the rescission of a contract entered into by him in his private capacity. The Court declared that:

...persons who pass the Shari’a Bar are not full-fledged members of the Philippine Bar, hence, may only practice law before Shari’a courts. While one who has been admitted to the Shari’a Bar, and one who has been admitted to the Philippine Bar, may both be considered “counselors,” in the sense that they give counsel or advice in a professional capacity, only the latter is an “attorney.” The title “attorney” is reserved to those who, having obtained the necessary degree in the study of law and successfully taken the Bar Examinations, have been admitted to the Integrated Bar of the Philippines and remain members thereof in good standing; and it is they only who are authorized to practice law in this jurisdiction.[12]

The judiciary has no place for dishonest officers of the court, such as Meling in this case. The solemn task of administering justice demands that those who are privileged to be part of service therein, from the highest official to the lowliest employee, must not only be competent and dedicated, but likewise live and practice the virtues of honesty and integrity. Anything short of this standard would diminish the public’s faith in the Judiciary and constitutes infidelity to the constitutional tenet that a public office is a public trust.

In *Leda v. Tabang*, *supra*, the respondent concealed the fact of his marriage in his application to take the Bar examinations and made conflicting submissions before the Court. As a result, we found the respondent grossly unfit and unworthy to continue in the practice of law and suspended him therefrom until further orders from the Court.

WHEREFORE, the Petition is granted insofar as it seeks the imposition of appropriate sanctions upon Haron S. Meling as a member of the Philippine Shari’a Bar. Accordingly, the membership of Haron S. Meling in the Philippine Shari’a Bar is hereby **SUSPENDED** until further orders from the Court, the suspension to take effect immediately. Insofar as the Petition seeks to prevent Haron S. Meling from taking the Lawyer’s Oath and signing the Roll of Attorneys as a member of the Philippine Bar, the same is **DISMISSED** for having become moot and academic.

Copies of this Decision shall be circulated to all the Shari’a Courts in the country for their information and guidance.

SO ORDERED.

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

[1] Rollo, pp. 2-25, with Annexes.

[2] Id. at 27.

[3] Id. at 28-32.

[4] Supra, note 1 at 34-38.

[5] Id. at 35-36, citing Bar Matter 1209, Petition to take the Lawyer's Oath of Caesar Distrito and Royong v. Oblena, 7 SCRA 859.

[6] Id. at 36-37, citing Section 3, Rule 71 of the Revised Rules of Court and Bar Matter 1209, supra.

[7] Id. at 38.

[8] Tan v. Sabandal, Bar Matter No. 44, February 24, 1992, 206 SCRA 473.

[9] Leda v. Tabang, Adm. Case No. 2505, February 21, 1992, 206 SCRA 395.

[10] See In Re: Victorio D. Lanuevo, Adm. Cases No. 1162-1164, 29 August 1975, 66 SCRA 245, 281.

[11] A.M. No. SDC-97-2-P, February 24, 1997, 268 SCRA 628.

[12] Id. at 638-639.

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