

IN THE MATTER OF THE ADMISSION TO THE BAR AND OATH-TAKING OF SUCCESSFUL BAR APPLICANT AL C. ARGOSINO AL C. ARGOSINO, PETITIONER.

B.M. No. 712. July 13, 1995

Ponente: FELICIANO, J.

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FELICIANO, J.:

A criminal information was filed on 4 February 1992 with the Regional Trial Court of Quezon City, Branch 101, charging Mr. A.C. Argosino along with thirteen (13) other individuals, with the crime of homicide in connection with the death of one Raul Camaligan on 8 September 1991. The death of Raul Camaligan stemmed from the infliction of severe physical injuries upon him in the course of "hazing" conducted as part of university fraternity initiation rites. Mr. Argosino and his co-accused then entered into plea bargaining with the prosecution and as a result of such bargaining, pleaded guilty to the lesser offense of homicide through reckless imprudence. This plea was accepted by the trial court. In a judgment dated 11 February 1993, each of the fourteen (14) accused individuals was sentenced to suffer imprisonment for a period ranging from two (2) years, four (4) months and one (1) day to four (4) years.

Eleven (11) days later, Mr. Argosino and his colleagues filed an application for probation with the lower court. The application for probation was granted in an Order dated 18 June 1993 issued by Regional Trial court Judge Pedro T. Santiago. The period of probation was set at two (2) years, counted from the probationer's initial report to the probation officer assigned to supervise him.

Less than a month later, on 13 July 1993, Mr. Argosino filed a Petition for Admission to Take the 1993 Bar Examinations. In this Petition, he disclosed the fact of his criminal conviction and his then probation status. He was allowed to take the 1993 Bar Examinations in this Court's En Banc Resolution dated 14 August 1993.[1] He passed the Bar Examination. He was not, however, allowed to take the lawyer's oath of office.

On 15 April 1994, Mr. Argosino filed a Petition with this Court to allow him to take the attorney's oath of office and to admit him to the practice of law, averring that Judge Pedro T. Santiago had terminated his probation period by virtue of an Order dated 11 April 1994. We note that his probation period did not last for more than ten (10) months from the time of the Order of Judge Santiago granting him probation dated 18 June 1993. Since then, Mr. Argosino has filed three (3) Motions for Early Resolution of his Petition for Admission to the Bar.

The practice of law is not a natural, absolute or constitutional right to be granted to everyone who demands it. Rather, it is a high personal privilege limited to citizens of good moral character, with special educational qualifications, duly ascertained and certified.[2] The essentiality of good moral character in those who would be lawyers is stressed in the following excerpts which we quote with approval and which we regard as having persuasive effect:

In *Re Farmer*: [3]

"x x x x x x x x

This 'upright character' prescribed by the statute, as a condition precedent to the applicant's right to receive a license to practice law in North Carolina, and of which he must, in addition to other requisites, satisfy the court, includes all the elements necessary to make up such a character. It is something more than an absence of bad character. It is the good name which the applicant has acquired, or should have acquired, through association with his fellows. It means that he must have conducted himself as a man of upright character ordinarily would, or should, or does. Such character expresses itself, not in negatives nor in following the line of least resistance, but quite often, in the will to do the unpleasant thing if it is right, and the resolve not to do the pleasant thing if it is wrong. x x x

x x x x x x x x

And we may pause to say that this requirement of the statute is eminently proper. Consider for a moment the duties of a lawyer. He is sought as counsellor, and his advice comes home, in its ultimate effect, to every man's fireside. Vast interests are committed to his care; he is the recipient of unbounded trust and confidence; he deals with his client's property, reputation, his life, his all. An attorney at law is a sworn officer of the Court, whose chief concern, as such, is to aid the administration of justice. x x x

x x x x x x x x"[4]

In *Re Application of Kaufman*,^[5] citing *Re Law Examination of 1926* (1926) 191 Wis 359, 210 NW 710:

"It can also be truthfully said that there exists nowhere greater temptations to deviate from the straight and narrow path than in the multiplicity of circumstances that arise in the practice of profession. For these reasons the wisdom of requiring an applicant for admission to the bar to possess a high moral standard therefore becomes clearly apparent, and the board of bar examiners, as an arm of the court, is required to cause a minute examination to be made of the moral standard of each candidate for admission to practice. x x x It needs no further argument, therefore, to arrive at the conclusion that the highest degree of scrutiny must be exercised as to the moral character of a candidate who presents himself for admission to the bar. The evil must, if possible, be successfully met at its very source, and prevented, for, after a lawyer has once been admitted, and has pursued his profession, and has established himself therein, a far more difficult situation is presented to the court when proceedings are instituted for disbarment and for the recalling and annulment of his license."

In *Re Keenan*:^[6]

"The right to practice law is not one of the inherent rights of every citizen, as in the right to carry on an ordinary trade or business. It is a peculiar privilege granted and continued only to those who demonstrate special fitness in intellectual attainment and in moral character. All may aspire to it on an absolutely equal basis, but not all will attain it. Elaborate machinery has been set up to test applicants by standards fair to all and to separate the fit from the unfit. Only those who pass the test are allowed to enter the profession, and only those who maintain the standards are allowed to remain in it."

Re Rouss:^[7]

"Membership in the bar is a privilege burdened with conditions, and a fair private and professional character is one of them; to refuse admission to an unworthy applicant is not to punish him for past offense: an examination into character, like the examination into learning, is merely a test of fitness."

Cobb vs. Judge of Superior Court:^[8]

"Attorney's are licensed because of their learning and ability, so that they may not only protect the rights and interests of their clients, but be able to assist court in the trial of the cause. Yet what protection to clients or assistance to courts could such agents give? They are required to be of good moral character, so that the agents

and officers of the court, which they are, may not bring discredit upon the due administration of the law, and it is of the highest possible consequence that both those who have not such qualifications in the first instance, or who, having had them, have fallen therefrom, shall not be permitted to appear in courts to aid in the administration of justice."

It has also been stressed that the requirement of good moral character is, in fact, of greater importance so far as the general public and the proper administration of justice are concerned, than the possession of legal learning:

"x x x (In re Applicants for License, 55 S.E. 635, 143 N.C. 1, 10 L.R.A. [N.S.] 288, 10 Ann./Cas. 187):

"The public policy of our state has always been to admit no person to the practice of the law unless he covered an upright moral character. The possession of this by the attorney is more important, if anything, to the public and to the proper administration of justice than legal learning. Legal learning may be acquired in after years, but if the applicant passes the threshold of the bar with a bad moral character the chances are that his character will remain bad, and that he will become a disgrace instead of an ornament to his great calling - a curse instead of a benefit to his community - a Quirk, a Gammon or a Snap, instead of a Davis, a Smith or a Ruffin.'"[9]

All aspects of moral character and behavior may be inquired into in respect of those seeking admission to the Bar. The scope of such inquiry is, indeed, said to be properly broader than inquiry into the moral character of a lawyer in proceedings for disbarment:

Re Stepsay:[10]

"The inquiry as to the moral character of an attorney in a proceeding for his admission to practice is broader in scope than in a disbarment proceeding."

Re Wells:[11]

"x x x that an applicant's contention that upon application for admission to the California Bar the court cannot reject him for want of good moral character unless it appears that he has been guilty of acts which would be cause for his disbarment or suspension, could not be sustained; that the inquiry is broader in its scope than that in a disbarment proceeding, and the court may receive any evidence which tends to show the applicant's character as respects honesty, integrity, and general morality, and may no doubt refuse admission upon proofs that might not establish his guilt of any of the acts declared to be causes for disbarment."

The requirement of good moral character to be satisfied by those who would seek admission to the bar must of necessity be more stringent than the norm of conduct expected from members of the general public. There is a very real need to prevent a general perception that entry into the legal profession is open to individuals with inadequate moral qualifications. The growth of such a perception would signal the progressive destruction of our people's confidence in their courts of law and in our legal system as we know it.[12]

Mr. Argosino's participation in the deplorable "hazing" activities certainly fell far short of the required standard of good moral character. The deliberate (rather than merely accidental or inadvertent) infliction of severe physical injuries which proximately led to the death of the unfortunate Raul Camaligan, certainly indicated serious character flaws on the part of those who inflicted such injuries. Mr. Argosino and his co-accused had failed to discharge their moral duty to protect the life and well-being of a "neophyte" who had, by seeking admission to the fraternity involved, reposed trust and confidence in all of them that, at the very least, he would not be beaten and kicked to death like a useless stray dog. Thus, participation in the prolonged and mindless physical beatings inflicted upon Raul Camaligan constituted evident rejection of that moral duty and was totally irresponsible behavior, which makes impossible a finding that the participant was then possessed of good moral character.

Now that the original period of probation granted by the trial court has expired, the Court is prepared to consider

de novo the question of whether applicant A.C. Argosino has purged himself of the obvious deficiency in moral character referred to above. We stress that good moral character is a requirement possession of which must be demonstrated not only at the time of application for permission to take the bar examinations but also, and more importantly, at the time of application for admission to the bar and to take the attorney's oath of office.

Mr. Argosino must, therefore, submit to this Court, for its examination and consideration, evidence that he may be now regarded as complying with the requirement of good moral character imposed upon those seeking admission to the bar. His evidence may consist, inter alia, of sworn certifications from responsible members of the community who have a good reputation for truth and who have actually known Mr. Argosino for a significant period of time, particularly since the judgment of conviction was rendered by Judge Santiago. He should show to the Court how he has tried to make up for the senseless killing of a helpless student to the family of the deceased student and to the community at large. Mr. Argosino must, in other words, submit relevant evidence to show that he is a different person now, that he has become morally fit for admission to the ancient and learned profession of the law.

Finally, Mr. Argosino is hereby DIRECTED to inform this Court, by appropriate written manifestation, of the names and addresses of the father and mother (in default thereof, brothers and sisters, if any, of Raul Camaligan), within ten (10) days from notice hereof. Let a copy of this Resolution be furnished to the parents or brothers and sisters, if any, of Raul Camaligan.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, and Melo, JJ., concur.
Bellosillo, J., on leave.

[1] There is some indication that clerical error attended the grant of permission to take the 1993 Bar Examinations. The En Banc Resolution of this Court dated 24 August 1993 entitled "Re: Applications to Take the 1993 Bar Examinations," stated on page 2 thereof:

"The Court further Resolved to ALLOW the following candidates with dismissed charges or complaints, to take the 1993 Bar Examinations:

x x x x x x x x

3349. Al C. Argosino

x x x x x x x x" (*Italics supplied*)

In fact, applicant Argosino had been convicted and sentenced and then paroled.

[2] G.A. Malcolm, *Legal and Judicial Ethics* (1949), at p. 13; *In Re Parazo*, 82 Phil. 230, 242 (1948), reiterated in *Tan v. Sabandal*, 206 SCRA 473, 481 (1992).

[3] 131 S.E. 661 (1926).

[4] 131 S.E. at 663.

[5] 69 Idaho 297, 206 P2d 528 (1949).

[6] 314 Mass 544, 50 NE 2d 785 (1943).

[7] 221 NY 81, 116 NE 782 (1917).

[8] 43 Mich 289, 5 NW 309 (1880).

[9] In Re Farmer, *supra* at 663.

[10] 15 Cal 2d 71, 98 P2d 489 (1940).

[11] 174 Cal 467, 163 P 657 (1917).

[12] See generally, *Ulep v. Legal Clinic, Inc. (En Banc)*, 223 SCRA 378, 409 (1993).

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