

FLORENCE MACARUBBO, TEVES COMPLAINANT, VS. ATTY. EDMUNDO L. MACARUBBO, RESPONDENT.

Adm. Case No. 6148. January 22, 2013

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

For resolution is the Petition (For Extraordinary Mercy) filed by respondent Edmundo L. Aacarubbo (respondent) who seeks to be reinstated in the Roll of Attorneys.

Records show that in the Decision[1] dated February 27, 2004, the Court disbarred respondent from the practice of law for having contracted a bigamous marriage with complainant Florence Teves and a third marriage with one Josephine Constantino while his first marriage to Helen Esparza was still subsisting, which acts constituted gross immoral conduct in violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility. The dispositive portion of the subject Decision reads:

WHEREFORE, respondent Edmundo L. Macarubbo is found guilty of gross immorality and is hereby DISBARRED from the practice of law. He is likewise ORDERED to show satisfactory evidence to the IBP Commission on Bar Discipline and to this Court that he is supporting or has made provisions for the regular support of his two children by complainant.

Let respondent's name be stricken off the Roll of Attorneys.

SO ORDERED.[2]

Aggrieved, respondent filed a Motion for Reconsideration/Appeal for Compassion and Mercy[3] which the Court denied with finality in the Resolution[4] dated June 1, 2004. Eight years after or on June 4, 2012, respondent filed the instant Petition (For Extraordinary Mercy)[5] seeking judicial clemency and reinstatement in the Roll of Attorneys. The Court initially treated the present suit as a second motion for reconsideration and accordingly, denied it for lack of merit in the Resolution dated September 4, 2012.[6] On December 18, 2012, the same petition was endorsed to this Court by the Office of the Vice President[7] for re-evaluation, prompting the Court to look into the substantive merits of the case.

In Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Clemency,[8] 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.[9] (Citations omitted)

Moreover, to be reinstated to the practice of law, the applicant must, like any other candidate for admission to the bar, satisfy the Court that he is a person of good moral character.[10]

Applying the foregoing standards to this case, the Court finds the instant petition meritorious.

Respondent has sufficiently shown his remorse and acknowledged his indiscretion in the legal profession and in his personal life. He has asked forgiveness from his children by complainant Teves and maintained a cordial relationship with them as shown by the herein attached pictures.[11] Records also show that after his disbarment, respondent returned to his hometown in Enrile, Cagayan and devoted his time tending an orchard and taking care of his ailing mother until her death in 2008.[12] In 2009, he was appointed as Private Secretary to the Mayor of Enrile, Cagayan and thereafter, assumed the position of Local Assessment Operations Officer II/ Office-In-Charge in the Assessor's Office, which office he continues to serve to date.[13]

Moreover, he is a part-time instructor at the University of Cagayan Valley and F.L. Vargas College during the School Year 2011-2012.[14] Respondent likewise took an active part in socio-civic activities by helping his neighbors and friends who are in dire need.

The following documents attest to respondent's reformed ways: (1) Affidavit of Candida P. Maborang;[15] (2) Affidavit of Reyman P. Ramirez;[16] (3) Affidavit of Roberto D. Tallud;[17] (4) Certification from the Municipal Local Government Office;[18] (5) Certification by the Office of the Municipal Agriculturist/Health Officer, Social Welfare Development Officer;[19] (6) Certification from the Election Officer of Enrile, Cagayan;[20] (7) Affidavit of Police Senior Inspector Jacinto T. Tuddao;[21] (8) Certifications from nine (9) Barangay Chairpersons;[22] (9) Certification from the Office of the Provincial Assessor;[23] (10) Certification from the Office of the Manager, Magsaka ca Multi-Purpose Cooperative;[24] and (11) Certification of the Office of the Federation of Senior Citizens, Enrile Chapter.[25] The Office of the Municipal Treasurer also certified that respondent has no monetary accountabilities in relation to his office[26] while the Office of the Human Resource Management Officer attested that he has no pending administrative case.[27] He is not known to be involved in any irregularity and/or accused of a crime. Even the National Bureau of Investigation (NBI) attested that he has no record on file as of May 31, 2011.[28]

Furthermore, respondent's plea for reinstatement is duly supported by the Integrated Bar of the Philippines, Cagayan Chapter[29] and by his former and present colleagues.[30] His parish priest, Rev. Fr. Camilo Castillejos, Jr., certified that he is faithful to and puts to actual practice the doctrines of the Catholic Church.[31] He is also observed to be a regular churchgoer.[32] Records further reveal that respondent has already settled his previous marital squabbles,[33] as in fact, no opposition to the instant suit was tendered by complainant Teves. He sends regular support[34] to his children in compliance with the Court's directive in the Decision dated February 27, 2004.

The Court notes the eight (8) long years that had elapsed from the time respondent was disbarred and recognizes his achievement as the first lawyer product of Lemu National High School,[35] and his fourteen (14) years of dedicated government service from 1986 to July 2000 as Legal Officer of the Department of Education, Culture and Sports; Supervising Civil Service Attorney of the Civil Service Commission; Ombudsman Graft Investigation

Officer; and State Prosecutor of the Department of Justice.[36] From the attestations and certifications presented, the Court finds that respondent has sufficiently atoned for his transgressions. At 58[37] years of age, he still has productive years ahead of him that could significantly contribute to the upliftment of the law profession and the betterment of society. While the Court is ever mindful of its duty to discipline and even remove its errant officers, concomitant to it is its duty to show compassion to those who have reformed their ways[38] as in this case.

Accordingly, respondent is hereby ordered reinstated to the practice of law. He is, however, reminded that such privilege is burdened with conditions whereby adherence. to the rigid standards of intellect, moral uprightness, and strict compliance with the rules and the law are continuing requirements.[39]

WHEREFORE, premises considered, the instant petition is GRANTED. Respondent Edmundo L. Macarubbo is hereby ordered REINSTATED in the Roll of Attorneys.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Reyes, and Leonen, JJ., concur.

Brion, J., on leave.

[1] Rollo, pp. 272-287.

[2] Id. at 286-287.

[3] Id. at 289-295.

[4] Id. at 302.

[5] Id. at 309-313.

[6] Id. at 374.

[7] Id. at 376.

[8] A.M. No. 07-7-17-SC, September 19, 2007, 533 SCRA 539.

[9] Id. at 539.

[10] In Re: Atty. Tranquilino Rovero, Adm. Case No. 126, December 29, 1980, 101 SCRA 799, 801.

[11] Rollo, p. 412.

[12] Id. at 310.

[13] Id. at 316-318.

[14] Id. at 347-348.

[15] Id. at 324.

[16] Id. at 325.

[18] Id. at 328.

[19] Id. at 329.

[20] Id. at 330.

[21] Id. at 331.

[22] Id. at 332-336; and 364-367.

[23] Id. at 337.

[24] Id. at 338.

[25] Id. at 339.

[26] Id. at 340.

[27] Id. at 341.

[28] Id. at 342.

[29] Id. at 360-361.

[30] Id. at 362, 363, and 368.

[31] Id. at 369.

[32] Id. at 410.

[33] Id. at 168-171 and 176-180.

[34] Id. at 413-414.

[36] Id. at 278.

[35] Id. at 370.

[37] Id. at 31 I.

[38] *Bernardo v. Mejia*. Adm. Case No. 2984, August 31, 2007, 531 SCRA 639, 643.

[39] Id. at 644.

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