

SC CIRCULAR NO. 55-2001, August 31, 2001

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TO

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THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT

:

DISBARMENT OF ATTY. DOROTHEO CALIS

For the information and guidance of all concerned, quoted hereunder is the decision of the Court En Bane in Administrative Case No. 5118 (formerly A.C. No. CBD 97-485) entitled "Marilou Sebastian vs. Atty. Dorotheo Calis" dated 9 September 1999, to wit:

"For unlawful, dishonest, immoral or deceitful conduct as well as violation of his oath as lawyer, respondent Atty. Dorotheo Calis faces disbarment.

xxx

Deception and other fraudulent acts by a lawyer are disgraceful and dishonorable. They reveal moral flaws in a lawyer. They are unacceptable practices. A lawyer's relationship with others should be characterized by the highest degree of good faith, fairness and candor. This is the essence of the lawyer's oath. The lawyer's oath is not mere facile words, drift and hollow, but a sacred trust that must be upheld and kept inviolable. The nature of the office of an attorney requires that he should be a person of good moral character.[7] This requisite 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.[8] We have sternly warned that any gross misconduct of a lawyer, whether in his professional or private capacity, puts his moral character in serious doubt as a member of the Bar, and renders him unfit to continue in the practice of law.[9]

The practice of law is not a right but a privilege bestowed by the State on those who show that they possess, and continue to possess, the qualifications required by the law for the conferment of such privilege.[10] We must

stress that membership in the bar is a privilege burdened with conditions. A lawyer has the privilege to practice law only during good behavior. He can be deprived of his license for misconduct ascertained and declared by judgement of the court after giving him the opportunity to be heard.[11]

Here, it is worth noting that the adamant refusal of respondent to comply with the orders of the EBP and his total disregard of the summons issued by the IBP are contemptuous acts reflective of unprofessional conduct. Thus, we find no hesitation in removing respondent Dorotheo Calis from the Roll of Attorneys for his unethical, unscrupulous and unconscionable conduct toward complainant.

XXX

WHEREFORE, respondent Dorotheo Calis is hereby disbarred and his name is ordered stricken from the Roll of Attorneys, xxx"

The Court in its resolution dated 19 June 2001 considered as served the copy of the said decision to the respondent's given addresses but returned for the reason that the respondent is no longer residing at said addresses with no forwarding address given to the tenant.

31 August 2001

(Sgd.)ZENAIDA N. ELEPAÑO

Acting Court Administrator

[7]Rule 138, Sec. 2 of the Revised Rules of Court.

[8]People vs. Tuanda, Adm. Case No. 3360, Jan. 30,1990 p. 29

[10]Arrieta vs. Llosa, 282 SCRA248,249 (1997)

[11]Marcelo vs. Javier, 214 SCRA13 (1992)

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