

EUFROSINA Y. TAN, COMPLAINANT, VS. NICOLAS EL. SABANDAL, RESPONDENT.

Bar Matter No. 44. February 24, 1992

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c0597993e956/>

MELENCIO-HERRERA, J.:

On 29 November 1983, * this Court sustained the charge of unauthorized practice of law filed against respondent Sabandal and accordingly denied the latter's petition to be allowed to take the oath as member of the Philippine Bar and to sign the Roll of Attorneys.

From 1984-1988, Sabandal filed Motions for Reconsideration of the aforesaid Resolution, all of which were either denied or "Noted without action." The Court, however, on 10 February 1989, after considering his plea for mercy and forgiveness, his willingness to reform and the several testimonials attesting to his good moral character and civic consciousness, reconsidered its earlier Resolution and finally allowed him 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" (Yap Tan v. Sabandal, 10 February 1989, 170 SCRA 211).

However, before a date could be set for Sabandal's oath-taking, complainants Tan, Dagpin and Boquia each filed separate motions for reconsideration of the Resolution of 10 February 1989. These were acted upon in the Resolution of 4 July 1989 hereunder quoted, in part, for ready reference:

"On 7 April 1989, Complainant Herve Dagpin in SBC No. 616, and complainant Moises Boquia in SBC No. 609 also filed a Motion for Reconsideration of our Resolution allowing respondent to take his oath. They alleged that respondent had deliberately and maliciously excluded them in his Petition of 28 June 1988. That, of course, is without merit considering that in his Petition of 28 June 1988, respondent had discussed said cases quite lengthily.

"On 27 April 1989, Complainant Tan also manifested that Complainant Benjamin Cabigon in BM No. 59 and Complainant Cornelio Agnis in SBC No. 624, had passed away so that they are in no position to submit their respective Comments.

"One of the considerations we had taken into account in allowing respondent to take his oath, was a testimonial from the IBP Zamboanga del Norte Chapter, dated 29 December 1986, certifying that respondent was "acting with morality and has been careful in his actuations in the community."

"Complainant Tan maintains that said IBP testimonial was signed only by the then President of the IBP, Zamboanga del Norte Chapter, Atty. Senen O. Angeles, without authorization from the Board of Officers of said Chapter; and that Atty. Angeles was respondent's own counsel as well as the lawyer of respondent's parents-in-law in CAR Case No. 347, Ozamiz City. Attached to Complainant's Motion for Reconsideration was a Certification, dated 24 February 1989, signed by the IBP Zamboanga del Norte Chapter President, Atty. Norberto L. Nuevas, stating that "the present Board of Officers with the undersigned as President had not issued any testimonial attesting to the good moral character and civic consciousness of Mr. Nicolas Sabandal.

"In his Comment, received by the Court on 27 March 1989, respondent states that the IBP testimonial referred to by Complainant Tan must have been that signed by the former IBP Zamboanga del Norte Chapter President, Atty. Senen O. Angeles, addressed to the Chief Justice, dated 29 December 1986, and that he himself had not submitted to the Court any certification from the IBP Zamboanga del Norte Chapter Board of Officers of 1988-1989.

"Under the circumstances, the Court has deemed it best to require the present Board of Officers of the IBP, Zamboanga del Norte Chapter, to MANIFEST whether or not it is willing to give a testimonial certifying to respondent's good moral character as to entitle him to take the lawyer's oath, and if not, the reason therefor. The Executive Judge of the Regional Trial Court of Zamboanga del Norte is likewise required to submit a COMMENT on respondent's moral fitness to be a member of the Bar.

"Compliance herewith is required within ten (10) days from notice."

Pursuant to the aforesaid Resolution, Judge Pelagio R. Lachica, Executive Judge of the Regional Trial Court of Zamboanga del Norte, filed his Comment, dated 4 August 1989, and received on 25 August 1989, pertinently reading:

"The undersigned, who is not well acquainted personally with the respondent, is not aware of any acts committed by him as would disqualify him from admission to the Bar. It might be relevant to mention, however, that there is Civil Case No. 3747 entitled Republic of the Philippines, Represented by the Director of Lands, Plaintiff, versus Nicolas Sabandal, Register of Deeds of Zamboanga del Norte and Rural Bank of Pinan, (Zamboanga del Norte), Inc., for Cancellation of Title and/or Reversion pending in this Court in which said respondent, per complaint filed by the Office of the Solicitor General, is alleged to have secured a free patent and later a certificate of title to a parcel of land which, upon investigation, turned out to be a swampland and not susceptible of acquisition under a free patent, and which he later mortgaged to the Rural Bank of Pinan (ZN) Inc. The mortgage was later foreclosed and the land sold at public auction and respondent has not redeemed the land until the present." (Emphasis Supplied)

The IBP Zamboanga del Norte Chapter also submitted a Certification, dated 2 February 1990, signed by its Secretary Peter Y. Co and attested to by its President Gil L. Batula, to wit:

"This is to certify that based on the certifications issued by the Office of the Clerk of Court--Municipal Trial Court in the City of Dipolog; Regional Trial Court of Zamboanga del Norte and the Office of the Provincial and City Prosecutors, Mr. Nicolas E. Sabandal has not been convicted of any crime, nor is there any pending derogatory criminal case against him. Based on the above findings, the Board does not find any acts committed by the petitioner to disqualify him from admission to the Philippine Bar."

We required the complainants to comment on the aforesaid IBP Certification and to reply to Executive Judge Pelagio Lachica's comment in our Resolution of 15 February 1990.

On 17 April 1990, after taking note of the unrelenting vehement objections of complainants Tan (in BM 44) and Boquia (in SBC 616) and the Certification by Executive Judge Lachica, dated 4 August 1989, that there is a pending case before his Court involving respondent Sabandal, this Court resolved to DEFER the setting of a date for the oath-taking of respondent Sabandal and required Judge Lachica to inform this Court of the outcome of the case entitled Republic v. Sabandal (Civil Case 3747), pending before his "Sala" as soon as resolved.

In the meantime, on 18 April 1990, the Court received another Comment, dated 13 March 1990, by complainant Herve Dagpin in SBC 609, vehemently objecting to the oath-taking of respondent Sabandal and describing his actuations in Civil Case 3747 as manipulative and surreptitious. This comment was Noted in the Resolution of 22 May 1990.

In a letter, addressed to the Chief Justice, dated 15 August 1990, complainant Tan in Bar Matter 44, informed the Court that her relationship with Sabandal has "already been restored," as he had asked forgiveness for what has been done to her and that she finds no necessity in pursuing her case against him. Complainant Tan further stated that she sees no further reason to oppose his admission to the Bar as he had shown sincere repentance and reformation which she believes make him morally fit to become a member of the Philippine Bar. "In view of this development," the letter stated, "we highly recommend him for admission to the legal profession and request this Honorable Court to schedule his oath-taking at a time most convenient." This letter was Noted in the Resolution of 2 October 1990, which also required a comment on Tan's letter from complainants Boquia and Dagpin.

Moises Boquia, for himself, and complainant Dagpin, in their comment, dated 5 November 1990, stated thus:

"Eufrosina Yap Tan's letter dated 15 August 1990 is a private personal disposition which raises the question whether personal forgiveness is enough basis to exculpate and obliterate these cases. On our part, we believe and maintain the importance and finality of the Honorable Supreme Court's resolutions in these cases.
XXXXXXXXXX

"It is not within the personal competence, jurisdiction and discretion of any party to change or amend said final resolutions which are already res judicata. Viewed in the light of the foregoing final and executory resolutions, these cases therefore should not in the least be considered as anything which is subject and subservient to the changing moods and dispositions of the parties, devoid of any permanency or finality. Respondent's scheming change in tactics and strategy could not improve his case."

The above was "Noted" in the Resolution of 29 November 1990.

In compliance with the Resolution of 2 October 1990, Judge Pacifico M. Garcia, Regional Trial Court Judge of Branch 8, Dipolog City (who apparently succeeded Judge Pelagio Lachica, the latter having availed of optional retirement on 30 June 1990) submitted to this Court, on 17 December 1990, a copy of the "Judgment," dated 12 December 1990, in Civil Case 3747, entitled "Republic of the Philippines v. Nicolas Sabandal et al" for Cancellation of Title and/or Reversion, which, according to him, was already considered closed and terminated.

Said judgment reveals that an amicable settlement, dated 24 October 1990, had been reached between the principal parties, approved by the Trial Court, and conformed to by the counsel for defendant Rural Bank of Pinan.

Briefly, the said amicable settlement cancelled the Original Certificate of Title under Free Patent in Sabandal's name and the latter's mortgage thereof in favor of the Rural Bank of Pinan; provided for the surrender of the certificate of title to the Register of Deeds for proper annotation; reverted to the mass of public domain the land covered by the aforesaid Certificate of Title with defendant Sabandal refraining from exercising acts of possession or ownership over said land; caused the defendant Sabandal to pay defendant Rural Bank of Pinan the sum of P35,000 for the loan and interest; and the Rural Bank of Pinan to waive its cross-claims against defendant Nicolas Sabandal.

Judge Pacifico Garcia's letter and the afore-mentioned Judgment were NOTED in our Resolution of 29 January 1991. In the same Resolution, complainants Tan, Boquia and Dagpin were required to comment on the same.

Upon request of Sabandal, a certification, dated 20 December 1990, was sent by Executive Judge Jesus Angeles of the RTC of Zamboanga del Norte, certifying that Sabandal has no pending case with his Court and that he has no cause to object to his admission to the Philippine Bar. This was "Noted" in the Resolution of 26 February 1991.

Meanwhile, Sabandal reiterated his prayer to be allowed to take the lawyer's oath in a Motion dated 8 June 1991.

In our Resolution of 1 August 1991, we deferred action on the aforesaid Motion pending compliance by the complainants with the Resolution of 29 January 1991 requiring them to comment on the letter of Judge Pacifico M. Garcia.

To date, only complainant Tan has complied with the said Resolution by submitting a Comment, dated 29 August 1991, stating that the termination of Civil Case No. 3747 is "proof of Sabandal's sincere reformation, of his repentance with restitution of the rights of complainants he violated," and that "there is no more reason to oppose his admission to the Bar." This was "Noted" in the Resolution of 24 September 1991.

In a Manifestation, dated 6 December 1991, Sabandal reiterates his plea to be allowed to take the Lawyer's Oath.

His plea must be DENIED.

In our Resolution of 10 February 1989, Sabandal was allowed to take the oath, ten (10) years having elapsed from the time he took and passed the 1978 Bar examinations, after careful consideration of his show of contrition and willingness to reform. Also taken cognizance of were the several testimonials attesting to his good moral character and civic consciousness. At that time, we had not received the objections from complainant Tan to Sabandal's taking the oath nor were we aware of the gravity of the civil case against him.

It turns out that Civil Case No. 3747 entitled "Republic of the Philippines v. Nicolas Sabandal" was instituted by the Government in 1985 and was brought about because of respondent's procurement of a certificate of free patent over a parcel of land belonging to the public domain and its use as security for a mortgage in order to obtain a loan. At that time, Sabandal was an employee of the Bureau of Lands. He did not submit any defense and was declared in default by order of the RTC dated 26 November 1986. The controversy was eventually settled by mere compromise with respondent surrendering the bogus certificate of title to the government and paying-off the mortgagor, "to buy peace and forestall further expenses of litigation incurred by defendants" (Rollo, Judgment in Civil Case No. 3747). The Office of the Solicitor General interposed no objection to the approval of the said amicable settlement and prayed that judgment be rendered in accordance therewith, "as the amicable settlement may amount to a confession by the defendant" (Rollo, supra). It must also be stressed that in 1985, at the time said case was instituted, Sabandal's petition to take the lawyer's oath had already been denied on 29 November 1983 and he was then submitting to this Court motions for reconsideration alleging his good moral character without, however, mentioning the pendency of that civil case against him.

In view of the nature of that case and the circumstances attending its termination, the Court now entertains second thoughts about respondent's fitness to become a member of the Bar.

It should be recalled that Sabandal worked as Land Investigator at the Bureau of Lands. Said employment facilitated his procurement of the free patent title over property which he could not but have known was public land. This was manipulative on his part and does not speak well of his moral character. It is a manifestation of gross dishonesty while in the public service, which can not be erased by the termination of the case filed by the Republic against him where no determination of his guilt or innocence was made because the suit had been compromised. Although as the Solicitor General had pointed out, the amicable settlement was tantamount to a confession on his part. What is more, he could not but have known of the intrinsic invalidity of his title and yet he took advantage of it by securing a bank loan, mortgaging it as collateral, and notwithstanding the foreclosure of the mortgage and the sale of the land at public auction, he did not lift a finger to redeem the same until the civil case filed against him was eventually compromised. This is a sad reflection on his sense of honor and fair dealing. His failure to reveal to this Court the pendency of the civil case for Reversion filed against him during the period that he was submitting several Motions for Reconsideration before us also reveal his lack of candor and truthfulness.

There are testimonials attesting to his good moral character, yes. But these were confined to lack of knowledge of the pendency of any criminal case against him and were obviously made without awareness of the facts and circumstances surrounding the case instituted by the Government against him. Those testimonials can not, therefore, outweigh nor smother his acts of dishonesty and lack of good moral character.

That the other complainants, namely, Moises Boquia (in SBC 606) and Herve Dagpin (In SBC 619) have not submitted any opposition to his motion to take the oath, is of no moment. They have already expressed their objections in their earlier comments. That complainant Tan has withdrawn her objection to his taking the oath can neither tilt the balance in his favor, the basis of her complaint treating as it does of another subject matter.

Time and again, it has been held that the practice of law is not a matter of right. It is a privilege bestowed upon individuals who are not only learned in the law but who are also known to possess good moral character:

"The Supreme Court and the Philippine Bar have always tried to maintain a high standard for the legal profession, both in academic preparation and legal training as well as in honesty and fair dealing. The Court and the licensed lawyers themselves are vitally interested in keeping this high standard; and one of the ways of achieving this end is to admit to the practice of this noble profession only those persons who are known to be honest and to possess good moral character. x x x (In re Parazo, 82 Phil 230)."

Although the term "good moral character" admits of broad dimensions, it has been defined as "including at least common honesty (Royong v. Oblena, Adm. Case No. 376, April 30, 1963, 7 SCRA 859; In re Del Rosario, 52 Phil. 399 [1928]). It has also been held that no moral qualification for bar membership is more important than truthfulness or candor (Fellner v. Bar Association of Baltimore City, 131 A. 2d 729).

WHEREFORE, finding respondent Sabandal to be unfit to become a member of the BAR, this Court's Resolution, dated 10 February 1989 is RECALLED and his prayer to be allowed to take the lawyer's oath is hereby DENIED.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.

* In Bar Matter No. 44 (Eufrosina Yap Tan and Nicolas El. Sabandal) Bar Matter No. 59 (Benjamin Cabigon v. Nicolas El Sabandal)& SBC 624 (Cornelio Agnis and Diomedes Agnis v. Nicolas El. Sabandal) [126 SCRA 60].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.