

IN RE: QUINCIANO D. VAILOCES

Adm. Case No. 439. September 30, 1982

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

This is a petition filed by Quinciano D. Vailoces for readmission to the practice of law and the inclusion of his name in the roll of attorneys.

The records disclose that the Court of First Instance of Negros Oriental in a decision promulgated on September 30, 1955 found petitioner guilty of falsification of public document, penalized under Article 171 of the Revised Penal Code, and imposed on him an indeterminate sentence ranging from 2 years, 4 months and 1 day of prison mayor, as minimum, to 8 years and 1 day of prison mayor, as maximum, with the accessory penalties of the law, plus fine and costs. In its decision the court found that petitioner, as a member of the bar and in his capacity as a notary public, acknowledged the execution of a document purporting to be the last will and testament of one Tarcila Visitacion de Jesus. Presented for probate before the Court of First Instance of Negros Oriental, the genuineness of the document was impugned by the forced heirs of the alleged testatrix, and the court, finding that the document was a forgery, denied probate to the will.

On appeal, the Court of Appeals affirmed the verdict of conviction; and upon finality thereof, petitioner commenced service of the sentence.

Thereafter, Ledesma de Jesus-Paras, complainant in the criminal case, instituted before this Court disbarment proceedings against petitioner. The same culminated in his disbarment on April 12, 1961.[1]

On December 27, 1967, the President of the Philippines granted petitioner "absolute and unconditional pardon" and restored him "to full civil and political rights." [2]

Since August 23, 1968, petitioner, had repeatedly sought readmission to the practice of law, the first of which was denied by this Court in a minute resolution dated August 30, 1968.

On February 27, 1970, petitioner reiterated his plea, but consideration thereof was deferred "until after the integration of the bar has been effected." [3]

On December 12, 1977, he filed another petition, attaching thereto copies, among others, of the following documents, to wit: the resolution of the Negros Oriental Bar Association signed by 78 members thereof, indorsing his plea for reinstatement [4]; the certificate of the mayor of the municipality of Bindoy, Negros Oriental, where petitioner has been residing, to the effect that the latter "is a person of exemplary moral character, a peace-loving and law-abiding citizen" [5]; a certification of Governor William B. Villegas of Negros Oriental, attesting to the fact that since the grant of absolute pardon to petitioner, "he has comported himself as a morally straight and respectable citizen and that he has been active and has cooperated in civic and social undertakings, sincere and honest in his desire to lead a decent and dignified life" [6]; the certification of Dean Eduardo G. Flores of the College of Law, Siliman University, vouching to petitioner's "honest, upright and moral life x x x and because of

his conduct he has earned the sympathy of the people of the community and regained the confidence of the people and of his other associates"[7]; the statement of Atty. Alexander G. Amor, former president of the Negros Oriental Chapter of the Integrated Bar of the Philippines, certifying "that Mr. Quinciano D. Vailoces x x x is a person of good moral character, whose integrity is beyond question"[8]; and the clearance certificates issued by Judge Romeo R. Solis of the City Court of Dumaguete Provincial Fiscal Andrew S. Namukatkat of Negros Oriental, and City Fiscal Pablo E. Cabahug of Dumaguete City, to the effect that petitioner "is a person of good moral character" and that since his release from the national penitentiary he "has never been accused or convicted of any crime involving moral turpitude." [9]

When asked to comment, the Integrated Bar of the Philippines, through its then president, Atty. Marcelo B. Fernan, favorably indorsed petitioner's request for reinstatement.

On February 13, 1978, Ledesma de Jesus-Paras, complainant in the original disbarment proceedings, filed an opposition to the petitions for reinstatement; and this was followed by a telegram of Nicanor Vailoces, barangay captain of Domolog, Bindoy, Negros, Oriental, addressed to his Excellency, President Ferdinand E. Marcos, and referred to this Court, opposing petitioner's readmission to the bar "on grounds of his non-reformation, immoral conduct and pretensions of being a licensed lawyer."

Anent these oppositions, the Integrated Bar of the Philippines, through Atty. Fernan, made the following observations:

"By resolution of the Court En Banc dated August 24, 1978, the following matters have been referred to the Integrated Bar for comment:

- (1) The opposition of complainant Ledesma de Jesus-Paras to respondent's petition and supplementary petition for reinstatement in the roll of attorneys; and
- (2) The telegram dated February 16, 1978 of Nicanor Vailoces, Barangay Captain of Domolog, Bindoy, Negros Oriental, addressed to his Excellency Ferdinand E. Marcos, requesting the Office of the President to oppose the petition of Quinciano Vailoces for reinstatement in the Roll of Attorneys on grounds stated therein.

"It may be recalled that on January 17, 1978, the Board of Governors of the Integrated Bar transmitted to the Honorable Supreme Court for its favorable consideration the above stated petition for reinstatement.

"Subsequent to its being served with a copy of the resolution of the Supreme Court, the Integrated Bar received a petition dated February 14, 1978 signed by 'the people of the Municipality of Bindoy, Province of Negros Oriental' vehemently opposing the reinstatement of Mr. Vailoces in the Roll of Attorneys. On October 5, 1978 the President of the Integrated Bar wrote to Mr. Vailoces asking him to comment on the above mentioned petitions and telegram.

"This Office is now in receipt of Mr. Vailoces' comment dated November 3, 1978, which is being forwarded herewith to the Honorable Supreme Court together with other pertinent papers.

"It is believed that Mr. Vailoces' comment is a satisfactory answer to the adverse allegations and charges which have been referred to him. The charges of immorality (publicly maintaining a querida) and gambling are general statements devoid of particular allegations of fact and may well be disregarded. Then, too, the Municipal Mayor of Bindoy, Negros Oriental - namely, Mr. Jesus A. Mana-ay - who tops the list of persons who have signed the February 14, 1978 petition vehemently opposing the reinstatement of Mr. Vailoces, appears to be the very same official who on October 25, 1977 issued a Certification to the effect that Mr. Vailoces 'is personally known to me as a person of exemplary character, a peace loving and law abiding citizen' and that 'he is cooperative in all our civic and social activities and that he is one of our respectable citizens in our community.' That this official should now sign a petition containing statements exactly opposite

in thrust and tenor is very intriguing, to say the least, and it is not altogether difficult to believe Mr. Vailoces' imputations of politics in the conduct of Mayor Mana-ay.

"As for the opposition of Mrs. Ledesma de Jesus-Paras, the alleged absence of remorse on the part of Mr. Vailoces, and his alleged belligerence and display of open defiance and hostility, etc. are matters so subjective in character that her general allegations and charges in this regard cannot be properly considered. It is significant that Mr. Vailoces in his comment states: 'If she is indeed that much desperately so in need of cash assistance, considering really that she is an old woman being recently widowed the second time, for her satisfaction and as a gesture of goodwill, I am willing to assist her but only with a modest amount because I am only a small farmer with still three college students to support.'

"Regarding the telegram dated February 16, 1978 of one Nicanor Vailoces stating as grounds for denial of Mr. Quinciano D. Vailoces' petition for reinstatement the alleged 'grounds of non-reformation, immoral conduct and pretensions of being a licensed lawyer by soliciting cases,' there is such a lack of specificity and particularity in such statement of grounds that one is at a loss as to how a person in the place of Mr. Quinciano D. Vailoces could properly defend himself against such charges."

Thus, the Integrated Bar of the Philippines reaffirmed its indorsement of petitioner's "reinstatement in the rolls of attorneys."

This Court likewise referred the oppositions interposed by Mrs. Ledesma de Jesus-Paras and Nicanor Vailoces to the Solicitor General for investigation and recommendation; and on August 4, 1982, the latter, after conducting an investigation, submitted his report, recommending that "Quinciano D. Vailoces be reinstated in the roll of attorneys upon taking his oath anew of the corresponding oath of office."

The Court sustains the conclusion of the Solicitor General that petitioner has sufficiently proven himself fit to be readmitted to the practice of law. True it is that the plenary pardon extended to him by the President does not of itself warrant his reinstatement.

"Evidence of reformation is required before applicant is entitled to reinstatement, notwithstanding the attorney has received a pardon following his conviction, and the requirements of reinstatement had been held to be the same as for original admission to the bar, except that the court may require a greater degree of proof than in an original evidence" [7 C.J.S. Attorney & Client, Sept. 41, p. 815]

"The decisive question on an application for reinstatement is whether applicant is 'of good moral character' in the sense in which that phrase is used when applied to attorneys-at-law and is a fit and proper person to be entrusted with the privileges of the office of an attorney x x x" [7 C.J.S. Attorney & Client, Sept. 41, p. 816].

Petitioner's conduct after disbarment can stand searching scrutiny. He has regained the respect and confidence of his fellow attorneys as well as of the citizens of his community. The favorable indorsements of both the Integrated Bar of the Philippines and its Negros Oriental Chapter, the testimonials expressed in his behalf by the provincial governor of Negros Oriental as well as the municipal and barrio officials of Bindoy, Negros Oriental, his active participation in civic and social undertakings in the community attest to his moral reform and rehabilitation and justify his reinstatement. Petitioner, now 69 years of age, has reached the twilight of his life. He has been barred from the practice of his profession for a period of 21 years. Adequate punishment has been exacted.

Chastened by his painful and humiliating experience, he further "pledges with all his honor x x x that if reinstated in the roll of attorneys he will surely and consistently conduct himself honestly, uprightly and worthily." Indeed, there is reasonable expectation that he will endeavor to lead an irreproachable life and maintain steadfast fidelity to the lawyer's oath.

WHEREFORE, petitioner Quinciano D. Vailoces is hereby ordered reinstated in the roll of attorneys.

SO ORDERED.

Barredo, Makasiar, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur. Fernando, C.J., Teehankee, Aquino, and Melencio-Herrera, JJ., no part.

[1] Paras vs. Vailoces, 1 SCRA 954.

[2] Annex A, Petition.

[3] Resolution dated April 5, 1972.

[4] Annex E, Petition.

[5] Annex C, Petition.

[6] Annex B, Petition.

[7] Annex F, Petition.

[8] Annex G, Petition.

[9] Annexes I, L and K, Petition.

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