

IN RE FELIPE DEL ROSARIO

G.R.. December 07, 1928

Ponente: MALCOLM, J.

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MALCOLM, J.:

The supplementary report on bar examination irregularities of the fiscal of the City of Manila, dealing with the case of Felipe del Rosario, has been laid before the court for consideration and action. It is recommended by the city fiscal that Felipe del Rosario be ordered to surrender his certificate of attorney and that he be forever prohibited from taking the bar examination. An answer to the report has been permitted to be made, in which the court is asked to disapprove the report and to direct the setting aside of the suspension to practise law by the respondent, heretofore ordered by the court.

Felipe del Rosario was a candidate in the bar examination who failed for the second time in 1925. He presented himself for the succeeding bar examination in 1926 and again Was unable to obtain the required rating. Then on March 29, 1927, he authorized the filing of a motion for the revision of his papers for 1925 based on an alleged mistake in the computation of his grades. The court, acting in good faith, granted this motion, and admitted Felipe del Rosario to the bar, but with two Justices dissenting. Subsequently, during the general investigation of bar examination matters being conducted by the city fiscal, this case was taken up, with the result that a criminal charge was lodged in the Court of First Instance of Manila against Juan Villaflor, a former employee of the court and Felipe del Rosario. Villaflor pleaded guilty to the information and was sentenced accordingly. Del Rosario pleaded not guilty, and at the conclusion of the trial was acquitted for lack of evidence.

The acquittal of Felipe del Rosario upon the criminal charge is not a b&r to these proceedings. The court is now acting in an entirely different capacity from that which courts assume in trying criminal cases. It is asking a great deal of the members of the court to have them believe that Felipe del Rosario was totally unaware of the illegal machinations culminating in the falsification of public documents, of which he was the sole beneficiary. Indeed, the conviction of Juan Villaflor in itself demonstrates that Felipe del Rosario has no legal right to his attorney's certificate. While to admit Felipe del Rosario again to the bar examination would be tantamount to a declaration of professional purity which we are totally unable to pronounce.

The practice of the law is not an absolute right to be granted every one who demands it, but is a privilege to be extended or withheld in the exercise of a sound discretion. The standards of the legal profession are not satisfied by conduct which merely enables one to escape the penalties of the criminal law. It would be a disgrace to the Judiciary to receive one whose integrity is questionable as an officer of the court, to clothe him with all the prestige of its confidence, and then to permit him to hold himself out as a duly authorized member of the bar. (In re Terrell [1903], 2 Phil., 266; People ex rel. Colorado Bar Association vs. Thomas [1906], 36 Colo., 126; 10 Ann. Cas., 886 and note; People vs. Macauley [1907], 230 Ill., 208; Ex parte Wall [1882], 107 U. S., 265.)

The recommendation contained in the special report pertaining to Felipe del Rosario is approved, and within a period of ten days from receipt of notice, the respondent shall surrender his attorney's certificate to the clerk of this court.

Avancena, C. J., Johnson, Street, Villamor, Ostrand, Romualdez, and Villa-Real, JJ., concur.

Respondent disbarred.

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