

IN THE MATTER OF; REINSTATEMENT IN THE PHILIPPINE BAR, JESUS B. TOLEDO, PETITIONER.

Adm. Case No. 266. December 11, 1985

Ponente: ALAMPAY, J.

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ALAMPAY, J.:

In Administrative Case No. 266 of this Court, a decision was rendered on April 27, 1963 finding that Atty. Jesus B. Toledo, the petitioner herein, had abandoned his lawful wife, Mrs. Paz Arellano Toledo and having cohabited with another woman who had borne him a child, had not maintained the degree of morality expected and required of a member of the Bar. He was disbarred from the practice of law.

On December 10, 1981, or after a lapse of more than eighteen (18) years since he was disbarred, Jesus B. Toledo filed a petition before this Court in the same Administrative Case No. 266, praying that he be reinstated as member of the Philippine Bar, submitting that he had already repented and sufficiently atoned for the mistake he had committed; that he had since then reformed his life; that there are no pending charges against him, whether criminal, civil, administrative, involving moral turpitude as can be attested to by the Certificates of Clearance he had attached to and made a part of his petition, among which are the Certification of the Personnel Officer of the Bureau of Lands, and a Clearance from the National Bureau of Investigation.

Petitioner further included various attestations as to his good moral character, among which are; the Affidavit of Jose S. Batongbakal, President of the Association of Barangay Captains of the Province of Bulacan; the affidavit of Atty. Apolinario B. Santos, 1[st] President, IBP Bulacan Chapter; the affidavit of Barangay Captain Celestino Guansing; the affidavit of Atty. Paquito Ochoa, 2[nd] President, IBP Bulacan Chapter; and affidavit of Atty. Manuel P. Punzalan, 5[th] and incumbent President, IBP Bulacan Chapter; in his petition, he also mentioned the various awards and commendations given to him by the Director of the Bureau of Lands for being the outstanding District Land Officer of Region III for the years 1973 to 1976.

Furthermore, petitioner has submitted to establish the good moral character and reputation he now enjoys so as to support his petition for reinstatement the affidavit of his office superior in the government service, Director Ramon Casanova of the Bureau of Lands; the affidavit of Monsignor Cirilo Almario, Jr., D.D., Bishop of the Diocese of Malolos, Bulacan; the affidavit of Rev. Fr. Cesar Dayrit, the Parish Priest of San Clemente, Tarlac, the hometown of movant-petitioner; and Monsignor Manuel del Rosario, Parish Priest of San Roque Church, Blumentrit, Manila, to which parish the city residence of movant belongs to.

In the said petition, Atty. Jesus B. Toledo manifested that almost twenty (20) years have already elapsed since his disbarment and he has been punished for his mistake and suffered so much. He assures the Court that he will continue leading an upright life and prays for compassion from the Court so that he may be given a new lease in his professional life as he is about to retire as a District Land Officer of the Bureau of Lands, and upon his retirement he would like to practice law to continue being of service to the Republic of the Philippines along his line of specialization on law on public lands and land registration.

In our resolution of January 12, 1982, petitioner's wife, Paz Arellano Toledo, the complainant in Administrative Case No. 266, was required to comment on the aforesaid petition for reinstatement to the Philippine Bar. However, no Comment appears to have been submitted by Mrs. Paz Arellano Toledo to whom the resolution (with copy of the petition) was sent.

On September 5, 1984, petitioner was prompted to submit an Ex-Parte Motion for Early Resolution of his petition for reinstatement to the Philippine Bar, inviting attention particularly to the fact that in the letter of the Philippine Consul General Alejandro F. Holigores, dated May 28, 1963, addressed to Petitioner's counsel, it is indicated therein that complainant Paz Arellano Toledo had remarried and is now Mrs. Paz Labrador. (Annex B of Motion for Reconsideration, filed on June 4, 1963 (Rollo, Adm. Case No. 266). The case records indeed reflect that on December 11, 1962, complainant Paz Arellano Toledo obtained a divorce from Atty. Jesus B. Toledo at Las Vegas, Nevada and on the same day married a naturalized American citizen. A photostat copy of the decree of divorce granted to Paz Guting Arellano (also known as Paz Guting Toledo) is with the case records and from the information given by the complainant herself to Consul General Alejandro F. Holigores, she has now established her permanent residence in the United States after divorcing respondent Jesus Toledo and contracting a second marriage.

In a subsequent motion dated September 4, 1984, for early resolution of his said petition for reinstatement, Mr. Jesus B. Toledo manifested therein "that on June 6, 1985 he will attain the age of 65 and will be compulsorily retired from the Bureau of Lands as District Land Officer. He would like to spend the remaining years of his life in the private practice of law to continue being of service to the Republic of the Philippines along his time of specialization — law on public lands and land registration." On June 19, 1985, another motion for early resolution of his petition for reinstatement to the Philippine Bar was submitted by said movant-petitioner stating therein that "he is now retired from the government service but he does not yet receive his retirement fees; neither does he receive salary. It is, therefore, very urgently necessary that he has to practice law along his line of specialization — law on public lands and land registration — in order to have a decent living." On October 17, 1985, another ex-parte petition for early resolution (the Fourth) of his petition for reinstatement, was submitted for consideration of the Court.

Considering that movant Jesus B. Toledo has already undergone the penalty of disbarment imposed on him by the Court for over twenty (20) years and has sufficiently established that since then he has been conducting himself beyond reproach and that he had served the government for a considerable number of years until his retirement last June, 1985, as a District Land Officer; that understandably he would now have need of engaging himself in a gainful occupation; and finding that the complainant-wife in Administrative Case No. 266 had obtained a divorce from the herein movant since December 11, 1962, and had in fact already remarried an American naturalized citizen and keeps her permanent residence in the United States; and in accord with the resolutions taken by the Court in similar instances (Adm. Case No. 389, Quingwa vs. Puno, promulgated on January 31, 1972; and Adm. Case No. 2237, Juan T. Publico, Petitioner, promulgated on February 20, 1981) the Court therefore RESOLVED to GRANT the Petition for reinstatement to the Philippine Bar filed by Mr. Jesus B. Toledo.

WHEREFORE, respondent Jesus B. Toledo is hereby ordered reinstated in the practice of law as a member of the Philippine Bar and included anew in the Roll of Attorneys.

SO ORDERED.

Teehankee, Concepcion, Jr., Abad Santos, Plana, Escolin, Relova, Gutierrez, Jr., De La Fuente, Cuevas, and Patajo, JJ., concur.

Aquino, C.J., no part.

Melencio-Herrera, J., absent.

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