

IN THE MATTER OF THE PETITION FOR DISBARMENT OF TELESPORO A. DIAO. SEVERINO MARTINEZ, PETITIONER.

Adm. Case No. 244. March 27, 1963

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

After successfully passing the corresponding examinations held in 1953, Telesforo A. Diao was admitted to the Bar.

About two years later, Severino Martinez charged him with having falsely represented in his application for such Bar examination, that he had the requisite academic qualifications. The matter was in due course referred to the Solicitor-General who caused the charge to be investigated; and later he submitted a report recommending that Diao's name be erased from the roll of attorneys, because contrary to the allegations in his petition for examination in this Court, he (Diao) had not completed, before taking up law subjects, the required pre-legal education prescribed by the Department of Private Education, specially in the following particulars:

- (a) Diao did not complete his high school training; and
- (b) Diao never attended Quisumbing College, and never obtained his A.A. diploma therefrom—which contradicts the credentials he had submitted in support of his application for examination and of his allegation therein of successful completion of the "required pre-legal education".

Answering this official report and complaint, Telesforo A. Diao, practically admits the first charge; but he claims that although he had left high school in his third year, he entered the service of the U.S. Army passed the General Classification Test given therein, which (according to him) is equivalent to a high school diploma, and upon his return to civilian life, the educational authorities considered his army service as the equivalent of 3rd and 4th year high school.

We have serious doubts about the validity of this claim, what with respondent's failure to exhibit any certification to that effect (the equivalence) by the proper school officiate. However, it is unnecessary to dwell on this since the second charge is clearly meritorious. Diao never obtained his A.A. from Quisumbing College; and yet his application for examination represented him as an A.A. graduate (1940-1941) of such college. Now, asserting he had obtained his A.A. title from the Arellano University in April 1949, he says he was duly certified, due to confusion, as a (graduate of Quisumbing College, in his school records.

This explanation is not acceptable, for the reason that the "error" or "confusion" was obviously of his own making. Had his application disclosed his having obtained A.A. from Arellano University, it would also have disclosed that he got it in April 1949, thereby showing that he began his law studies (2nd semester of 1948-1949) 9 months before obtaining his Associate in Arts degree. And then he would not have been permitted to take the bar tests, because our Rules provide, and the applicant for the Bar examination must affirm under oath, "That previous to the study of law, he had successfully and satisfactorily completed the required pre-legal education

(A.A.) as prescribed by the Department of Private Education." (italics on "previous")

Plainly, therefore, Telesforo A. Diao was not qualified to take the bar examinations; but due to his false representations, he was allowed to take it, luckily passed it, and was thereafter admitted to the Bar. Such admission having been obtained under false pretenses must be, and is hereby revoked. The fact that he hurdled the Bar, examinations is immaterial. Passing such examination is not the only qualification to become an attorney-at-law; taking the prescribed courses of legal study in the regular manner is eqstaMy essential.

The Clerk is, therefore, ordered to strike from the roll of attorneys, the name of Telesforo A. Diao. And the latter is required to return his lawyer's diploma within thirty days. So ordered,

Padilla, Bautista Angela, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintali, JJ, concur.

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