

## **RODOLFO M. BERNARDO, COMPLAINANT, VS. ATTY. ISMAEL F. MEJIA, RESPONDENT.**

*ADM. CASE NO. 2984. August 31, 2007*

Ponente: NACHURA, J.

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### **NACHURA, J.:**

Before the Court is a petition for review of Administrative Case No. 2984 with plea for reinstatement in the practice of law filed by Ismael F. Mejia (Mejia) who is already seventy-one years old and barred from the practice of law for fifteen years.

The antecedent facts that led to Mejia's disbarment are as follows.

On January 23, 1987, Rodolfo M. Bernardo, Jr. accused his retained attorney, Ismael F. Mejia, of the following administrative offenses:

- 1) misappropriating and converting to his personal use:
  - a) part of the sum of P27,710.00 entrusted to him for payment of real estate taxes on property belonging to Bernardo, situated in a subdivision known as Valle Verde I; and
  - b) part of another sum of P40,000.00 entrusted to him for payment of taxes and expenses in connection with the registration of title of Bernardo to another property in a subdivision known as Valle Verde V;

2) falsification of certain documents, to wit:

- a) a special power of attorney dated March 16, 1985, purportedly executed in his favor by Bernardo (Annex P, par. 51, complainant's affidavit dated October 4, 1989);
- b) a deed of sale dated October 22, 1982 (Annex O, par. 48, id.); and
- c) a deed of assignment purportedly executed by the spouses Tomas and Remedios Pastor, in Bernardo's favor (Annex Q, par. 52, id.);

3) issuing a check, knowing that he was without funds in the bank, in payment of a loan obtained from Bernardo in the amount of P50,000.00, and thereafter, replacing said check with others known also to be insufficiently funded.[1]

On July 29, 1992, the Supreme Court En Banc rendered a Decision Per Curiam, the dispositive portion of which reads:

WHEREFORE, the Court DECLARES the [sic] respondent, Atty. Ismael F. Mejia, guilty of all the charges against him and hereby imposes on him the penalty of DISBARMENT. Pending finality of this judgment, and effective immediately, Atty. Ismael F. Mejia is hereby SUSPENDED from the practice of law. Let a copy of this Decision be spread in his record in the Bar Confidant's Office, and notice thereof furnished the Integrated Bar of the Philippines, as well as the Court Administrator who is DIRECTED to inform all the Courts concerned of this Decision.

SO ORDERED.

On June 1, 1999, Mejia filed a Petition praying that he be allowed to reengage in the practice of law. On July 6, 1999, the Supreme Court En Banc issued a Resolution denying the petition for reinstatement.

On January 23, 2007, Mejia filed the present petition for review of Administrative Case No. 2984 with a plea for reinstatement in the practice of law. No comment or opposition was filed against the petition.[2]

Whether the applicant shall be reinstated in the Roll of Attorneys rests to a great extent on the sound discretion of the Court. The action will depend on whether or not the Court decides that the public interest in the orderly and impartial administration of justice will continue to be preserved even with the applicant's reentry as a counselor at law. The applicant must, like a candidate for admission to the bar, satisfy the Court that he is a person of good moral character, a fit and proper person to practice law. The Court will take into consideration the applicant's character and standing prior to the disbarment, the nature and character of the charge/s for which he was disbarred, his conduct subsequent to the disbarment, and the time that has elapsed between the disbarment and the application for reinstatement.[3]

In the petition, Mejia acknowledged his indiscretions in the law profession. Fifteen years had already elapsed since Mejia's name was dropped from the Roll of Attorneys. At the age of seventy-one, he is begging for forgiveness and pleading for reinstatement. According to him, he has long repented and he has suffered enough. Through his reinstatement, he wants to leave a legacy to his children and redeem the indignity that they have suffered due to his disbarment.

After his disbarment, he put up the Mejia Law Journal, a publication containing his religious and social writings. He also organized a religious organization and named it "El Cristo Movement and Crusade on Miracle of Heart and Mind."

The Court is inclined to grant the present petition. Fifteen years has passed since Mejia was punished with the severe penalty of disbarment. Although the Court does not lightly take the bases for Mejia's disbarment, it also cannot close its eyes to the fact that Mejia is already of advanced years. While the age of the petitioner and the length of time during which he has endured the ignominy of disbarment are not the sole measure in allowing a petition for reinstatement, the Court takes cognizance of the rehabilitation of Mejia. Since his disbarment in 1992, no other transgression has been attributed to him, and he has shown remorse. Obviously, he has learned his lesson from this experience, and his punishment has lasted long enough. Thus, while the Court is ever mindful of its duty to discipline its erring officers, it also knows how to show compassion when the penalty imposed has already served its purpose. After all, penalties, such as disbarment, are imposed not to punish but to correct offenders.

We reiterate, however, and remind petitioner that the practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession are the continuing requirements for enjoying the privilege to practice law.[4]

WHEREFORE, in view of the foregoing, the petition for reinstatement in the Roll of Attorneys by Ismael F. Mejia is hereby GRANTED.

**SO ORDERED.**

Puno, C.J., Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Reyes, JJ., concur.  
Quisumbing, J., on leave.

[1] Contained in the Decision of this Court dated July 29, 1992 in Administrative Case No. 2984, entitled "Rodolfo M. Bernardo, Jr. v. Atty. Ismael F. Mejia."

[2] In a Resolution dated February 13, 2007, the Court En Banc required complainant Rodolfo M. Bernardo (Bernardo) to file comment on the petition. However, it was returned unserved with the notation "RTS-Unknown" appearing on the envelope.

Resolutions dated February 20, 2007 and February 27, 2007, were sent to Bernardo reiterating the requirement to file comment. Both Resolutions, however, were returned unserved with the notation "RTS-Refused to Receive; Unknown" appearing on the envelope. Thus, the Court dispensed with the filing of the comment and, thereafter, gave due course to the petition.

[3]Cui v. Cui, 120 Phil. 725, 731 (1964).

[4]Tolentino v. Mendoza, Adm. Case No. 5151, October 19, 2004, 440 SCRA 519, 532-533; Barrientos v. Libiran-Meteoro, Adm. Case No. 6408, August 31, 2004, 437 SCRA 209, 219; Zaldivar v. Sandiganbayan, G.R. Nos. 79690-707, April 7, 1993, 221 SCRA 132, 135.

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