

ADEZ REALTY, INCORPORATED, PETITIONER, VS. HONORABLE COURT OF APPEALS, THE PRESIDING JUDGE, REGIONAL TRIAL COURT, BR. 79, MORONG RIZAL, THE REGISTER OF DEEDS FOR QUEZON CITY, AN...

G.R. No. 100643. December 12, 1995

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

On 30 October 1992 the Court found movant, Atty. Benjamin M. Dacanay, guilty of intercalating a material fact in a decision of the Court of Appeals, which he appealed to this Court on certiorari, thereby altering the factual findings of the Court of Appeals with the apparent purpose of misleading this Court in order to obtain a favorable judgment. Consequently, Atty. Dacanay was disbarred from the practice of law.[1]

On 20 November 1992 movant filed a Motion for Reconsideration and Leave to Offer Evidence Re Charge of Unauthorized Intercalation in a Judicial Record dated 18 November 1992. He claimed that the inserted words were written by his client, the President of Adez Realty, Inc., in the draft of the petition to be filed before the Supreme Court and unwittingly adopted by movant's secretary when the latter formalized the petition. He manifested that he would not risk committing the act for which he was found guilty considering that he was a nominee of the Judicial and Bar Council to the President for appointment as regional trial judge.[2] But the Court on 3 December 1992 denied the motion for want of a compelling reason to justify a reversal of the questioned resolution.[3]

On 23 February 1994 movant Dacanay filed a Motion to Lift (Disbarment) stating that he was already 62 years old, has learned his lesson from his mistake, was terribly sorry for what he had done, and in all candor promised that if given another chance he would live up to the exacting demands of the legal profession. He appended to his motion certifications of good moral character from: Fr. Celso Fernando, Parochial Vicar, Parish of St. Michael Archangel, Marilao, Bulacan; Fr. Lauro V. Larlar, OAR, Rector, San Sebastian College-Recoletos; Sis. Aniceta B. Abion, EMM, Chairperson, Center for Housing and Ecology Development Foundation, Inc.; Dean Rufus B. Rodriguez, College of Law, San Sebastian College-Recoletos; Judge Pedro T. Santiago, Executive Judge, RTC, Quezon City; Judge Teodoro P. Regino, RTC-Br. 84, Quezon City; Judge Antonio P. Solano, RTC-Br. 86, Quezon City; and Judge Gregorio D. Dayrit, MTC-Br. 35, Quezon City.[4] However, on 11 August 1994 the Court denied the motion.[5]

On 1 December 1994 movant again filed an Ex-Parte Motion to Lift Disbarment alleging among others that he had been deprived of his means to life; he had pursued civic, religious and community work, especially for the poor and the underprivileged short of extending legal assistance because of his incapacity; he had admitted "with profound regret and with utmost humility his commission of an unpardonable mistake and ask(ed) that he be given another chance;" and, he was "remorseful for what he has done and comes to this Honorable Court with a contrite heart." [6]

His wife Norma M. Dacanay likewise wrote the Court on 1 December 1994 saying that while she did not condone what her husband had done, it had been her fervent wish that the Court took a second look into its decision disbarring her husband as her entire family had been traumatized by his disbarment.[7]

On 6 March 1995 movant sent a letter addressed to the Chief Justice and the Associate Justices of the Court reiterating his Ex-Parte Motion to Lift Disbarment of 1 December 1994. Thus -

I am truly penitent for the serious offense I committed and admit full responsibility for it. I realize it was dishonest and unfair to pass the blame to my secretary who was merely following my instructions. The intercalation was my own act and I am justly punished for it.

Your Honors, I do not question your decision but I only beg for your mercy. I have a wife and children to support but my only means of livelihood has been withdrawn from me. I am destitute and desperate and can only turn to you for relief x x x x

Looking back, I cannot imagine how I could have even thought of blackening the law profession, to which I owe so much. Please let me redeem myself by admitting me back to its precincts, where I swear to live strictly according to its canons x x x x[8]

On 21 March 1995 the Court noted the letter of 6 March 1995 of movant Dacanay.

On 4 August 1995 movant again prayed for his reinstatement -

It has been 33 long months since my disbarment, during which time I have been struggling to make both ends meet to provide for my wife and three children. Please give me the chance to prove that I am a reformed offender who will henceforth do nothing whatsoever to dishonor the legal profession.[9]

On 12 September 1995 the Court noted respondent's 4 August 1995 letter.[10]

On 17 November 1995 movant once more wrote the Court -

I humbly acknowledge again that I committed a grievous offense for which I was justly punished at the time with the extreme sanction of disbarment.

I have been suffering much since my disbarment more than 36 months ago, but it is my wife and children who have suffered more for my transgression. Although innocent, they bear with me the stigma and burden of my punishment.[11]

The disbarment of movant Benjamin M. Dacanay for three (3) years has, quite apparently, given him sufficient time and occasion to soul-search and reflect on his professional conduct, redeem himself and prove once more that he is worthy to practice law and be capable of upholding the dignity of the legal profession. His admission of guilt and repeated pleas for compassion and reinstatement show that he is ready once more to meet the exacting standards the legal profession demands from its practitioners. Accordingly, the Court lifts the disbarment of Benjamin M. Dacanay. However he should be sternly warned that

[T]he 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 conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law. The Supreme Court, as guardian of the legal profession, has ultimate disciplinary power over attorneys. This authority to discipline its members is not only a right, but a bounden duty as well x x x x That is why respect and fidelity to the Court is demanded of its members x x x x[12]

WHEREFORE, the disbarment of BENJAMIN M. DACANAY from the practice of law is LIFTED and he is

therefore allowed to resume the practice of law upon payment of the required legal fees. This resolution is effective immediately.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr., and Panganiban, JJ., concur.
Feliciano, J., on leave.

[1] Rollo, pp. 101-111.

[2] Id., pp. 135-144.

[3] Id., pp. 171-172.

[4] Id., pp. 173-185.

[5] Id., pp. 186-187.

[6] Id., pp. 189-192.

[7] Id., p. 193.

[8] Id., p. 196.

[9] Id., p. 198.

[10] Id., p. 199.

[11] Id., p. 200.

[12] Zaldivar v. Sandiganbayan, G.R. Nos. 79690-707 and 80578, 7 April 1993, 221 SCRA 132.

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