

ENRIQUE A. ZALDIVAR, PETITIONER, VS. THE HONORABLE SANDIGANBAYAN AND HONORABLE RAUL M. GONZALES, CLAIMING TO BE AND ACTING AS TANODBAYAN- OMBUDSMAN UNDER THE 1987 CONSTITUTION, ...

G.R. Nos. 79690-707. April 07, 1993

Ponente: CAMPOS, JR., J.

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CAMPOS, JR., J.:

In October, 1988, We suspended respondent Raul M. Gonzales from the practice of law for an indefinite period. In denying his Motion for Reconsideration, We said that "the indefiniteness of the respondent's suspension, far from being 'cruel' or 'degrading' or 'inhuman,' has the effect of placing, as it were, the key to the restoration of his rights and privileges as a lawyer in his own hands. That sanction has the effect of giving respondent the chance to purge himself in his own good time of his contempt and misconduct by acknowledging such misconduct, exhibiting appropriate repentance and demonstrating his willingness and capacity to live up to the exacting standards of conduct rightly demanded from every member of the bar and the officer of the courts." [1]

After more than four (4) years from his suspension, on January 11, 1993, to be exact, respondent Raul M. Gonzales filed ex-parte Motion[2] to lift his suspension from the practice of law, alleging the following:

1. that respondent gave free legal aid services to the poor and needy of Zambales and Iloilo, by paying lawyers to do the same as he could not personally represent said clients by reason of his suspension;
2. that during his years of suspension, he has pursued civic work, especially for the poor and displaced people in Zambales, during the height of Mt. Pinatubo eruption;
3. that he had participated in the Third International Dialog on the Transition to Global Society, at Landegg Academy in Wienacht, Switzerland and brought honor to the country by delivering a paper entitled, "The Meaning of Justice" cited by Mr. Justice Anthony Kennedy of the US Supreme Court as "one of the better papers presented and discussed at the conference;"
4. that respondent has a long record in the service of human rights and the Rule of Law, especially during the Martial Law years;
5. respondent pleads for his reinstatement to the practice of law because his suspension on for 51 months has been the longest in Philippine legal annals;
6. respondent states his profound regrets for the inconvenience which he has caused to the Court and to some of its members but he wishes to assure that he did not act with malice after thought, much less with a desire to inflict harm on the Tribunal;
7. respondent reiterates very sincerely his respect to the institution which is the Supreme Court as he reiterates his oath to conduct himself as a lawyer according to the best of his knowledge and discretion, with all good fidelity as

well as to the Courts as to the clients and finally restating his fealty to the institution which is the Supreme Court which he has always respected as the ultimate bulwark of freedom, of the Rule of Law, of human rights and of equity and justice.

In a Resolution of the Court En Banc dated February 9, 1993, We ordered petitioner Zaldivar to file his Comment. Up to the present time, however, or after the lapse of the ten (10) day period within which to file the same, We have not yet received the Comment of petitioner.

The Chief Justice, who was one of the Members of the Court contemned by the respondent, suggests that We look benignly on the motion. We agree that this is not a court of vengeance but of justice. The respondent's contrition, so noticeably absent in his earlier pleadings, has washed clean the offense of his disrespect. His remorse has softened his arrogance and made up for his misconduct.

We believe that respondent Raul M. Gonzales' suspension from the practice of law for more than four (4) years has given him ample time and opportunity to amend his erring ways, rehabilitate himself, and thus, prove himself worthy once again to enjoy the privileges of membership of the Bar.

Accordingly, the motion is granted.

For the proper guidance of respondent Raul M. Gonzales, We reiterate a time-honored rule 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 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. The Court cannot, and will not, tolerate any outbursts from its members without running the risk of disorder, chaos and anarchy in the administration of justice. That is why respect and fidelity to the Court is demanded of its members "not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance."^[3]

Like the prodigal son in the Biblical story, respondent Raul M. Gonzales comes before Us repentant. The passage of years has indeed the effect of making people wiser and humbler, as it has to respondent Raul M. Gonzales. We are convinced of his sincerity to "reiterate his oath to conduct himself as a lawyer according to the best of his knowledge and discretion, x x x and (to) restate (e) his fealty to the institution which is the Supreme Court x x x."^[4]

WHEREFORE, the motion for reconsideration is GRANTED in that the suspension of respondent Raul M. Gonzales from the practice of law is hereby LIFTED. This resolution is immediately executory.

SO ORDERED.

Narvasa, C.J., (Chairman), Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Quiason, JJ., concur.

[1] Enrique A. Zaldivar vs. The Honorable Sandiganbayan and Hon. Raul M. Gonzales, etc.; Enrique A. Zaldivar vs. Hon. Raul M. Gonzales, etc.; G.R. Nos. 79690-707, G.R. No. 80578, February 1, 1989, Rollo, p. 424.

[2] Rollo, p. 436.

[3] 1, Canons of Professional Ethics.

[4] Rollo, p. 796.

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