



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

RE: IN THE MATTER OF  
THE PETITION FOR  
REINSTATEMENT OF  
ROLANDO S. TORRES AS A  
MEMBER OF THE  
PHILIPPINE BAR.

A.C. No. 5161

Present:

SERENO, *C.J.*,  
CARPIO,  
VELASCO, JR.,  
LEONARDO-DE CASTRO,  
BRION,\*  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
VILLARAMA, JR.,\*\*  
PEREZ,  
MENDOZA,\*\*\*  
REYES,\*\*\*\*  
PERLAS-BERNABE,  
LEONEN, and  
JARDELEZA, *JJ.*

Promulgated:

August 25, 2015

*J. K. Ligan - Name*

X-----X

RESOLUTION

***PER CURIAM:***

For resolution is the Petition<sup>1</sup> filed by respondent Rolando S. Torres (respondent) who seeks judicial clemency in order to be reinstated in the Roll of Attorneys.

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- \* On leave.
  - \*\* On official leave.
  - \*\*\* No part.
  - \*\*\*\* On leave.

Records show that respondent was administratively charged by his sister-in-law, complainant Isidra Ting-Dumali (complainant), for “presentation of false testimony; participation in, consent to, and failure to advise against, the forgery of complainant’s signature in a purported Deed of Extrajudicial Settlement; and gross misrepresentation in court for the purpose of profiting from such forgery.”<sup>2</sup> The particular charges are:

According to the complainant, the respondent took advantage of his relationship with her and her brothers and used his profession to deprive them of what was lawfully due them even if it involved the commission of an illegal, unlawful, or immoral act. She attributes to the respondent the following acts or omissions:

1. The respondent participated in, consented to, and failed to advise against, the perjury committed by his wife Felicisima and his sister-in-law Miriam when they executed a Deed of Extrajudicial Settlement of Estate dated 11 November 1986, wherein the two made it appear that they were the sole heirs of the late spouses Julita Reynante and Vicente Ting, knowing fully well that the same was false. He presented that document to the Register of Deeds of Cavite for the transfer of the title over Lot No. 1586 in the names of his wife and Miriam. The lot was later sold to Antel Holdings[,] Inc. for ₱1,195,400. Payment was already made to, and received by, Felicisima and Miriam.

2. The respondent participated in, consented to, and failed to advise against, the forgery of complainant’s signature in a purported Deed of Extrajudicial Settlement dated 17 March 1995 involving Lot 1603 when he knew that she was in Italy at that time working as an overseas contract worker. He even presented the falsified document to the Register of Deeds of Cavite to transfer the title over the property in favor of his wife Felicisima and sister-in-law Marcelina. The forgery or falsification was made to enable them to sell Lot 1603 to Antel Holdings, Inc. Payment was received and misappropriated by Felicisima and Marcelina.

3. In LRC Rec. No. 5964 entitled *In Re: Petition for Judicial Reconstitution of the Original Copy and Owner’s Duplicate Copy of TCT No. T-1869 Covering Lot No. 1605 of the Registry of Deeds for the Province of Cavite*, filed by complainant’s sisters Marcelina and Felicisima on 24 October 1995, the respondent made gross misrepresentation and offered false testimony to the effect that Marcelina and Felicisima are the only children and legal heirs of the late spouses Vicente Ting and Julita Reynante for the purpose

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<sup>1</sup> Dated June 11, 2015. *Rollo*, pp. 437-442.

<sup>2</sup> *Id.* at 241-242.

of obtaining a new title in their names. With the reconstituted title, and with the express conformity of the respondent, Felicisima and Marcelina were able to sell Lot 1605 to Antel Holdings, Inc., for ₱2,213,100 and profited from the sale to the exclusion of their other siblings. Partial payment was even received pending the reconstitution proceedings.

4. On 20 November 1996, the respondent made gross and false misrepresentations for the purpose of profiting therefrom when he requested the buyer through a certain Mrs. Ong to release the full payment for Lot 1605 under the pretense that the order of reconstitution would be released within a month when he knew that it would be impossible because he presented evidence in the reconstitution case only on 12 August 1997. To facilitate the release of the money, he even used the stationery of the Philippine National Bank, of which he was an employee.<sup>3</sup>

In a Resolution<sup>4</sup> dated **April 14, 2004**, the Court found merit in the complaint and, thus, held respondent guilty of gross misconduct and of violating the lawyer's oath, as well as Canons 1 and 10 of the Code of Professional Responsibility, resulting in his disbarment from the practice of law:

**IN VIEW OF ALL THE FOREGOING**, we find respondent Atty. Rolando S. Torres guilty of gross misconduct and violation of the lawyer's oath, as well as Canons 1 and 10 of the Code of Professional Responsibility, thereby rendering him unworthy of continuing membership in the legal profession. He is thus ordered **DISBARRED** from the practice of law, and his name is ordered stricken off the Roll of Attorneys, effective immediately.

x x x x<sup>5</sup>

Aggrieved, respondent filed on **May 20, 2004** a Motion for Reconsideration<sup>6</sup> of the aforesaid Resolution, which the Court denied with finality in the Resolution<sup>7</sup> dated June 29, 2004.

Unperturbed, he filed on September 15, 2004 a Motion for Leave to File and Admit Second Motion for Reconsideration,<sup>8</sup> which the Court denied for lack of merit in the Resolution<sup>9</sup> dated November 9, 2004, stating that “[n]o further pleadings will be entertained.”

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<sup>3</sup> Id. at 242-244.

<sup>4</sup> Id. at 241-252. See also *Ting-Dumali v. Torres*, 471 Phil. 1 (2004).

<sup>5</sup> *Rollo*, p. 251; emphases in the original. See also *Ting-Dumali v. Torres*, id. at 15.

<sup>6</sup> Dated May 17, 2004. *Rollo*, pp. 254-281.

<sup>7</sup> Id. at 296.

<sup>8</sup> Dated September 13, 2004. Id. at 303-344.

<sup>9</sup> Id. at 345.

On January 26, 2006, respondent filed an Ex-Parte Motion to Lift Disbarment<sup>10</sup> begging that compassion, mercy, and understanding be bestowed upon him by the Court in that his disbarment be lifted. The same was, however, expunged from the records in a Resolution<sup>11</sup> dated June 13, 2006.

Still insistent, respondent wrote letters addressed to former Associate Justice Dante O. Tinga<sup>12</sup> and former Chief Justice Artemio V. Panganiban,<sup>13</sup> reiterating his pleas for compassion and mercy. However, these letters were similarly expunged from the records in a Resolution<sup>14</sup> dated September 5, 2006, considering the previous directive that no further pleadings will be further entertained in this case. These were followed by numerous submissions either seeking his reinstatement to the bar<sup>15</sup> or the reduction of his penalty of disbarment to suspension,<sup>16</sup> all of which were either expunged from the records<sup>17</sup> or denied<sup>18</sup> by the Court.

More than ten (10) years from his disbarment, or on **June 23, 2015**, respondent filed the instant Petition once more seeking judicial clemency from the Court to reinstate him in the Roll of Attorneys.

### **The Court's Ruling**

“Membership in the Bar is a privilege burdened with conditions. It is not a natural, absolute or constitutional right granted to everyone who demands it, but rather, a special privilege granted and continued only to those who demonstrate special fitness in intellectual attainment and in moral character. The same reasoning applies to reinstatement of a disbarred lawyer. When exercising its inherent power to grant reinstatement, the Court should see to it that only those who establish their present moral fitness and knowledge of the law will be readmitted to the Bar. Thus, though the doors to the practice of law are never permanently closed on a disbarred attorney, the Court owes a duty to the legal profession as well as to the general public to ensure that if the doors are opened, it is done so only as a matter of justice.”<sup>19</sup>

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<sup>10</sup> Dated January 26, 2006. Id. at 346-349.

<sup>11</sup> Id. at 355.

<sup>12</sup> Dated August 1, 2006. Id. at 356-357.

<sup>13</sup> Dated August 1, 2006. Id. at 366-367.

<sup>14</sup> Id. at 362.

<sup>15</sup> See letter dated April 28, 2007 addressed to former Chief Justice Reynato S. Puno (id. at 376); Petition for Reinstatement dated October 30, 2009 (see envelope, id. at 386).

<sup>16</sup> See Petition for Reduction of Penalty from Disbarment to Suspension filed on January 14, 2011; id. at 389-393.

<sup>17</sup> Id. at 383 and 388.

<sup>18</sup> Id. at 417.

<sup>19</sup> See *Que v. Revilla, Jr.*, A.C. No.7054, November 11, 2014; citations omitted.

“The basic inquiry in a petition for reinstatement to the practice of law is **whether the lawyer has sufficiently rehabilitated himself or herself in conduct and character**. Whether the applicant shall be reinstated in the Roll of Attorneys rests to a great extent on the sound discretion of the Court. The lawyer has to demonstrate and prove by clear and convincing evidence that he or she is again worthy of membership in the Bar. The Court will take into consideration his or her character and standing prior to the disbarment, the nature and character of the charge/s for which he or she was disbarred, his or her conduct subsequent to the disbarment, and the time that has elapsed in between the disbarment and the application for reinstatement.”<sup>20</sup>

In *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*,<sup>21</sup> the Court laid down the following guidelines in resolving requests for judicial clemency, to wit:

1. **There must be proof of remorse and reformation**. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform.
3. **The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself**.
4. **There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service**.
5. There must be other relevant factors and circumstances that may justify clemency.<sup>22</sup> (emphases and underscoring supplied)

Applying the foregoing standards to this case, the Court finds that the instant petition is **not meritorious**.

While more than ten (10) years had already passed since his disbarment on April 14, 2004, respondent’s present petition has failed to show substantial proof of his reformation as required in the first guideline above.

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<sup>20</sup> Id.; emphasis and underscoring supplied; citations omitted.

<sup>21</sup> 560 Phil. 1 (2007).

<sup>22</sup> Id. at 5-6.

The principle which should hold true not only for judges but also for lawyers, being officers of the court, is that judicial “[c]lemency, as an act of mercy removing any disqualification, should be balanced with the preservation of public confidence in the courts. Thus, the Court will grant it only if there is a showing that it is merited. **Proof of reformation and a showing of potential and promise are indispensable.**”<sup>23</sup>

In this case, the only ostensible proof of reformation that respondent has presented is a Certification<sup>24</sup> dated June 5, 2015 signed by Reverend Nelson D. Feranil, Administrative Pastor of the Buenavista Evangelical Church in General Trias, Cavite, which generally states that respondent, “before and after his disbarment,” has been “assisting the poor and indigent litigants in our community,” and that “he has been very active in spreading the [w]ords and gospel of the Almighty God[,] being an active member of the Couples of Christ FFL.” Aside from these bare statements, no other proof was presented to specify the actual engagements or activities by which respondent had rendered free legal services to indigents or had ministered to the members of his community or church, hence, insufficient to demonstrate any form of consistency in his supposed desire to reform.

The other testimonials which respondent submits, particularly that of Atty. Teofilo Pugeda Jr., who stated that “[a]s a former law practitioner, [respondent] is humble, simple, and respectful to fellow lawyers, Court Personnel, and the Presiding Judge,” and that “[h]e **used to give** free legal advice and assisted indigent litigants in their court cases,”<sup>25</sup> and that of Atty. Manuel Medina, retired City Prosecutor of Cavite, who stated that “[d]uring my years as Prosecutor x x x I always met him in the Regional Trial Court of Cavite City where I can say in all honesty and candor that he **was** an exemplary officer of the court, punctual[,] and always prepared in handling his court cases,”<sup>26</sup> all relate to conduct or attributions prior to respondent’s disbarment; hence, these are incompetent evidence to prove his reformation which connotes consistent improvement subsequent to his disbarment.

In similar vein, the testimonials attached to his previous Motion for Reconsideration<sup>27</sup> filed on May 20, 2004 which **he now incorporates in support of his present petition,**<sup>28</sup> is equally insufficient to conclude that he has already reformed. This is because all these testimonials were executed in May 2004.<sup>29</sup> Thus, they can only attest to respondent’s conduct or attributions a mere month removed from his disbarment on April 14, 2004.

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<sup>23</sup> *Re: Diaz*, supra note 21, at 5.

<sup>24</sup> *Rollo*, p. 465.

<sup>25</sup> See certification dated May 29, 2015; *Id.* at 463.

<sup>26</sup> See certification dated June 5, 2015; *Id.* at 464.

<sup>27</sup> *Id.* at 254-281.

<sup>28</sup> See *id.* at 440.

<sup>29</sup> See various certifications dated May 17, 18, and 19, 2004; *id.* at 283-295.

More significantly, it should be discerned that the root cause of respondent's disbarment was his fraudulent acts against his sister-in-law, the complainant herein. However, no proof was presented to show that he had reconciled or even attempted to reconcile with her so as to show remorse for his previous faults. The dismissal of the criminal complaint against him for *Estafa* Through Falsification of Public Documents, filed by complainant is no proof of remorse since the same was based on lack of probable cause.<sup>30</sup> Likewise, its dismissal, could not prove that he was actually innocent of the administrative charges against him, since the parameters and considerations of an administrative case are evidently different from that in a criminal case. As in this case, the lack of probable cause against respondent as found by the prosecutor does not negate his administrative liability already adjudged by this Court. That the prosecutor found that respondent "merely rendered legal services to the Ting siblings"<sup>31</sup> does not mean that he rendered the same in accordance with the lawyer's oath and ethical canons.

To add, no other evidence was presented in his Petition to demonstrate his potential for public service, or that he – now being 68 years of age<sup>32</sup> – still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself. Thus, the third and fourth guidelines were neither complied with.

While the Court sympathizes with the predicaments of disbarred lawyers – may it be financial or reputational in cause – it stands firm in its commitment to the public to preserve the integrity and esteem of the Bar. As held in a previous case, "in considering [a lawyer's] application for reinstatement to the practice of law, the duty of the Court is to determine whether he has established moral reformation and rehabilitation, disregarding its feeling of sympathy or pity."<sup>33</sup> Ultimately, with the above-discussed guidelines not complied with, the Court has to be objective and, therefore, denies the petition.

**WHEREFORE**, the petition is **DENIED**.

**SO ORDERED**.



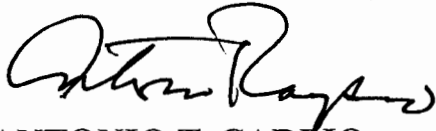
**MARIA LOURDES P. A. SERENO**  
Chief Justice

<sup>30</sup> See *id.* at 440-441. See also Resolution dated June 27, 2007 of the Department of Justice in I.S. Nos. 99-1995 to 99-1997, penned by then Secretary Raul M. Gonzalez; *id.* at 444-447.


<sup>31</sup> *Id.* at 446.

<sup>32</sup> *Id.* at 419.

<sup>33</sup> See *Que v. Revilla, Jr.*, *supra* note 19.



**ANTONIO T. CARPIO**  
Associate Justice




**PRESBITERO J. VELASCO, JR.**  
Associate Justice

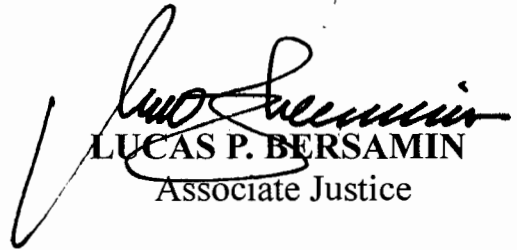


**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice


On Leave  
**ARTURO D. BRION**  
Associate Justice



**DIOSDADO M. PERALTA**  
Associate Justice



**LUCAS P. BERSAMIN**  
Associate Justice

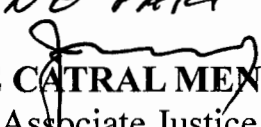


**MARIANO C. DEL CASTILLO**  
Associate Justice


On Official Leave  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice



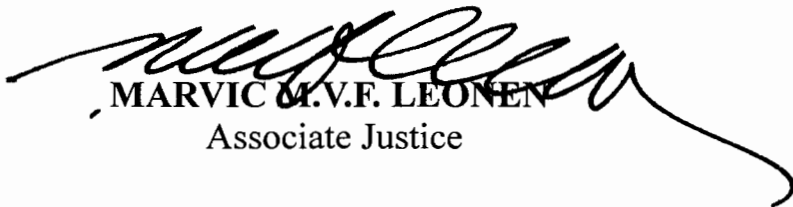
**JOSE PORTUGAL PEREZ**  
Associate Justice

NO PART  
  
**JOSE CATRAL MENDOZA**  
Associate Justice


On Leave  
**BIENVENIDO L. REYES**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice



**FRANCIS H. JARDELEZA**  
Associate Justice