

SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

ENBANC

JOCELYN G. BARTOLOME,
Complainant,

A.C. No. 13226

Present:
GISMUNDO, *CJ.*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,*
DIMAAMPAO,
MARQUEZ,
KHO, JR.,* and
SINGH,* *JJ.*

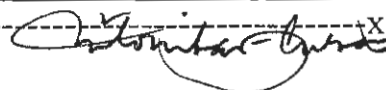
- versus -

ATTY. REMIGIO P. ROJAS,
Respondent.

Promulgated:

October 4, 2022

X-----

 X

DECISION

PER CURIAM:

Before this Court is the disbarment complaint¹ filed by Jocelyn Guingab Bartolome (Bartolome) against Atty. Remegio P. Rojas (Atty. Rojas) for alleged violation of the Lawyer's Oath and Rules 1.01, 7.03, and 10.01, and Canon 15 of the Code of Professional Responsibility (Code).

* On official business.

¹ *Rollo*, Folder 1, pp. 1-6.

Version of the Complainant

Bartolome asserted in her complaint that she had known Atty. Rojas since their college days. In 2010, she chanced upon his social media account and initiated their reconnection. Eventually, they met at a coffee shop in Quezon City to catch up. During their talks, Bartolome mentioned that her brother, Jonas B. Guingab (Guingab), who was then based in Singapore, intends to file an annulment case to dissolve his marriage.²

Sometime in October 2010, Bartolome and Atty. Rojas again met up. It was during this meeting that she narrated in detail the annulment case that her brother intends to file. She mentioned to Atty. Rojas that when she asked around from other lawyers, she was told that it would require spending around ₱300,000.00 for the case.³

At this point, Atty. Rojas mentioned that he has a relative in Cotabato who is a presiding judge. Atty. Rojas represented that he arrange to expedite the case for a fee of ₱150,000.00 for the judge. Atty. Rojas also boasted that he was able to file several successful annulment cases. In return, Atty. Rojas would only be asking from Guingab some camera lens for his photography hobby.⁴

Grateful and convinced with Atty. Rojas' offer, Bartolome immediately contacted her brother in Singapore. Atty. Rojas and Guingab talked with each other and the two closed their conversation with the agreement that Atty. Rojas will handle the annulment case of Guingab. Thus, on October 21, 2010, Bartolome sent through courier to Atty. Rojas' address in Koronadal, Cotabato City, the necessary documents for the filing of the annulment case, *i.e.*, Birth Certificate and Marriage Certificate of her brother.⁵

In another meeting, Bartolome, upon the insistence of Atty. Rojas, handed him a check payable to the order of "cash" in the amount of ₱90,000.00 as "*paunang bayad*" for the judge.⁶

On January 30, 2011, Bartolome received a call from her bank requesting confirmation of an encashment of the check she issued. To her surprise, she noted that it was Atty. Rojas who was attempting to encash the check.⁷

² Id at. 47.

³ Id.

⁴ Id.

⁵ Id. at 48.

⁶ Id. at 2.

⁷ Id. at 48.

From their subsequent communications through SMS and private messaging in social media applications, Atty. Rojas guaranteed that the nullity case would be completed in just eight months. By September 2011, Bartolome constantly requested for an update of the case and Atty. Rojas promised that the decision would be available in December 2011.⁸

It was in February 2012 in Tomas Morato, Quezon City where Atty. Rojas handed to Bartolome a photocopy of the “final decision” of the annulment case. She asked for the original but was informed that the same would be mailed to her and in Iloilo City where Guingab was married.⁹

In January 2013, Atty. Rojas updated Bartolome that the National Statistics Office (NSO) was about to receive the “Annotation of Marriage.” By April 2013, Bartolome requested from NSO an “Advisory on Marriage Document” pertaining to the dissolved marriage of her brother. Much to her surprise, the NSO had no records of the annulment and was informed that Guingab was still validly married to his wife.¹⁰

Bartolome attempted to confront Atty. Rojas, but the latter was no longer communicating with her. She thus had no choice but to inform her brother of the situation. Guingab was distressed and because he cannot get his annulment papers, his career plans and application for permanent residency in Singapore got derailed. She then sought legal assistance from her lawyer cousin who found out that the “decision” handed to her by Atty. Rojas was a fake.¹¹

Hence, in May 2014, a demand letter was sent to Atty. Rojas calling out the spurious “decision” and the return of the ₱90,000.00 she paid, plus legal interests.¹²

On July 18, 2014, Bartolome was notified by a money transfer company that Atty. Rojas sent ₱90,000.00 to her, in compliance with the demand letter.¹³

The whole ordeal allegedly caused Bartolome and Guingab undue stress and anxiety.¹⁴

Version of the Respondent

Atty. Rojas for his part averred that the factual narrations of Bartolome were inaccurate.

⁸ Id.

⁹ Id.

¹⁰ Id. at 49.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

He insisted that he and Bartolome were romantically involved in their college days and were in a relationship for five years. When they got reconnected in a social media application, they rekindled their friendship whereby Bartolome shared to him her personal woes, troubles in her marriage, and the strained relations she had with her mother and siblings.¹⁵

Bartolome also shared to him that her brother Guingab was mad at her for botching his annulment case since she contracted a bogus lawyer who had given them a fake annulment “decision.” She then asked him to handle the case instead since she learned from court employees and lawyer friends that there is a certain judge in Cotabato City, who grants for a fee, annulment cases without the physical presence of the parties. Atty. Rojas refused the request out of ethical considerations and suggested to Bartolome to just refer the case to her lawyer cousin.¹⁶

They continued their communications through social media messaging and SMS. Every now and then, Bartolome would bring up the annulment case of her brother and would urge him to take on the case. He repeatedly refused her and even cited that Cotabato City is not a safe place for their law office considering that they are handling the controversial Maguindanao massacre cases.¹⁷

In October 2010, they met again in Manila. Bartolome once more begged for Atty. Rojas’ help as Guingab was said to be in danger of losing his employment since he has been living-in with another Filipina without being married. Bartolome mentioned that her brother cannot afford losing his job since he is supporting the medications of his son who was suffering from a rare disease. She fervently begged him to handle the annulment case, and this time, he took pity on her and agreed. He promised her that he would attempt to connect with a certain Juris C. Solilapsi (Solilapsi) whose marriage got annulled in a court in Cotabato City.¹⁸

Atty. Rojas got in touch with Solilapsi and learned that it was a certain Muktar Santo¹⁹ (Santo) who processed and lodged the annulment case before Judge Cader P. Indar (Judge Indar) at the Regional Trial Court (RTC) of Cotabato City, Branch 14. Atty. Rojas contacted Santo and was advised that he needed to take a look at the documents and that the case would cost a discounted fee of ₱180,000.00. He then relayed the information to Bartolome who instructed him to close the deal. Bartolome eventually informed Atty. Rojas

¹⁵ Id. at 21-22.

¹⁶ Id. at 22-23.

¹⁷ Id. at 23.

¹⁸ Id.

¹⁹ Also referred to as “Santo” in the records.

that the money was already available, but the latter advised Bartolome that only a down payment of 50% is required and the rest will be due once the “decision” is out.²⁰

Meanwhile, he and Bartolome continued their friendship. On January 11, 2011, she even invited him to the baptism of her “adopted daughter” – whose birth certificate she simulated. He admonished her about it but was ignored. In the same event, she handed him a check in the amount of ₱90,000.00 and dropped him off the bank for him to encash it. At the bank, the teller informed him that there is a problem with the check. Bartolome was notified and she came to the bank and sorted it out and he was able to receive the amount.²¹

In February 2011, Atty. Rojas was finally introduced by Solilapsi to Santo. The latter explained that the fee requested covers everything including the drafting of the petition for annulment and all they have to do is to sign it. Atty. Rojas in turn informed Santo that he was only able to get half of the requested fee as Guingab was low on funds because he spent most of his money in the botched annulment process. Santo responded that he would first consult with Judge Indar if the arrangements were acceptable to him.²²

After three months, Atty. Rojas received word from Santo that Judge Indar accepted the case despite not having received the full payment yet. Hence, on July 11, 2011, Atty. Rojas sent the copy of the petition for annulment he received to Guingab and instructed the latter to sign the verification page.²³

By the last week of July 2011, Atty. Rojas, together with Solilapsi and other companions, met with Santo at the RTC of Cotabato City to file the petition for annulment and give to Santo the down payment. However, Santo instructed his staff to file the petition, specifically at Branch 15 of the RTC and he was merely handed the receiving copy of the petition.²⁴

In January 2012, Santo called Atty. Rojas demanding the balance of ₱90,000.00 since the court already rendered a “decision.” Atty. Rojas responded that he needs to get a copy the judgment first so he can present it to Bartolome. A few days later, he received the copy of the “decision” and was surprised that it was issued by Judge Laureano Alzate (Judge Alzate) and not Judge Indar as he thought. He knew Judge Alzate personally and was aware that he is a straight and honest magistrate.²⁵

²⁰ *Rollo*, Folder 1, pp. 23-24.

²¹ *Id.* at 24-25.

²² *Id.* at 25.

²³ *Id.*

²⁴ *Id.* at 25-26.

²⁵ *Id.* at 26.

Atty. Rojas then realized that they got scammed and did not know what to do. He also avoided Bartolome. Meanwhile, Santo kept pressuring him to complete the payment.²⁶

To buy time, Atty. Rojas then asked Santo's party to secure a "Certificate of Finality" and to facilitate the registration of the judgment with all the Local Civil Registry concerned while the balance was being raised. He gave Santo ₱10,000.00 from his own money and informed Bartolome the advance he made.²⁷

Atty. Rojas finally met with Bartolome in Manila and handed her the "decision" without yet disclosing that the judgment was fabricated. As he was still finding the right time, he covered up and told her that it would take time before the "decision" gets to the NSO since it was still being registered before the concerned Local Civil Registries. He advised Bartolome to just check with the NSO hoping that she herself would uncover the scam.²⁸

On July 31, 2012, Solilapsi died. Santo sent his men to collect the balance from Atty. Rojas but instead the latter informed them that he already knew their scam. Atty. Rojas then asked for the return of the ₱100,000.00 they collectively paid. He informed Bartolome of this and after that he stopped communicating with her.²⁹

On June 26, 2014, Atty. Rojas received a Demand Letter from Bartolome's lawyer cousin, Atty. Melanio Elvis Balayan (Atty. Balayan). Atty. Rojas tried to locate Santo in Maguindanao and Sultan Kudarat to no avail. Hence, he sent Bartolome ₱90,000.00 from his own funds through a money remittance center; and notified Atty. Balayan of the same.³⁰

On July 31, 2014, Atty. Rojas was told by his friend that Atty. Balayan inquired of him, and that the latter was preparing a disbarment case against him. Atty. Rojas then took his friend's advice to meet up with Atty. Balayan so they can discuss and possibly halt the disbarment complaint.³¹

On August 19, 2014, Atty. Rojas, Bartolome, and Atty. Balayan met up at Mandaluyong City. Atty. Rojas explained to them what really happened. When Bartolome went to the restroom, Atty. Balayan informed him that they are filing

²⁶ Id.

²⁷ Id. at 27.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ Id. at 28.

a disbarment complaint against him unless he pays them ₱1,000,000.00. Atty. Rojas then asked for time to decide whether they pay them or not.³²

Eventually, Atty. Rojas decided not to accede to the demands of paying ₱1,000,000.00. Hence, the disbarment complaint against him.³³

Atty. Rojas admitted having transgressed the sanctity of the legal profession and apologized for it but maintained that he only did so out of his good intention of helping Bartolome. If he were doing it with malice, then he would have conducted his actions clandestinely and would not have returned Bartolome's monies under his own name as sender. Finally, his returning the money was not an admission of authorship of the spurious decision.³⁴

Report and Recommendation of the Integrated Bar of the Philippines

The Investigating Commissioner recommended that Atty. Rojas be meted with the ultimate penalty of disbarment. Respondent was primarily responsible for the procurement of the fake decision³⁵ that was presented to the complainant.³⁶

The concluding recommendation of the Investigating Commissioner reads:

B. RECOMMENDATION

In view of the foregoing premises, it is respectfully recommended that the respondent be disbarred for being the author/forgery of a fake court decision. All other penalties for violations of the other provisions of the CPR are absorbed by this maximum penalty that can be meted to a recalcitrant member of the Bar.³⁷

In a Resolution³⁸ dated March 22, 2018, the IBP Board of Governors resolved to adopt the findings of the Investigating Commissioner, with modification as to penalty to suspension from the practice of law for five years instead of disbarment. The CBD was also tasked to investigate with the cooperation of Atty. Rojas on the claim that he was asked for ₱1,000,000.00 in exchange of not filing a disbarment case; and to provide a more detailed

³² Id.

³³ Id.

³⁴ Id. at 29.

³⁵ Id. at 7-10

³⁶ *Rollo*, Folder 2, p. 11.

³⁷ Id.

³⁸ Id. at 1.

information on the illegal activities of producing fake decisions to be submitted to the Court Administrator. The relevant portion of the Resolution states:

*RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner, with modification, by reducing the recommended penalty of Disbarment to **SUSPENSION from the practice of law for five (5) years** considering, that there was remorse and admission of guilt with a Stern Warning that a repetition of the same act will merit a more severe penalty.*

RESOLVED FURTHER, that the CBD investigate with the cooperation of the respondent on the claim that he was asked for ₱1Million in exchange for not filing the disbarment case as well as provide more detailed information on illegal activities of producing fake decisions to be submitted to the Court Administrator.³⁹

Atty. Rojas moved for reconsideration maintaining that he was only moved by his good intentions and disowning authorship of the spurious “decision.” He banked on his alleged proven character and reputation as an officer of the IBP, Philippine Red Cross, and civic organizations; as a University Professor; and defender of the marginalized. He supplicated for leniency and that he be absolved of any liability since his private practice is his means of supporting his family.⁴⁰

Issue

The core issue is whether Atty. Rojas should be disbarred for violating the Lawyer’s Oath and the CPR.

Our Ruling

It is settled in jurisprudence that disciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but is rather an investigation by the Court into the conduct of one of its officers. Its primary objective is **public interest**, “and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon members of the Bar to account for [their] actuations as [officers] of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney.”⁴¹

³⁹ Id.

⁴⁰ Id. at 12-17.

⁴¹ *Reyes v. Atty. Nieva*, 794 Phil. 360, 379-380 (2016).

Timely for resolution is the present complaint involving a lawyer allegedly perpetuating an illegal act of promoting instant annulment of marriage through fabricated judicial decisions.

The power of the Court to remove or suspend an attorney finds support in Section 27, Rule 138 of the Rules of Court, *viz.*:

Section 27- Attorneys removed or suspended by Supreme Court on what grounds. — A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any **deceit, malpractice**, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or **for any violation of the oath** which he is required to take before the admission to practice, or for a wilfull disobedience of any lawful order of a superior court, or for corruptly or wilfull appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

Stripped of non-essentials, Atty. Rojas admitted his involvement in the reprehensible practice of perpetuating “annulment packages,” albeit disavowing authorship and with the caveat that he only did so to help the complainant, and in the process, was also scammed by Santo.⁴² All these, regardless of his intention of presenting supposedly mitigating circumstances, besmirched the legal profession to the highest degree, by making a mockery of the judicial system. He simply violated his sworn oath to be honest, and to obey the law and the Constitution. It also created an impression to the public that the judicial process can be trifled with, and undermined the judicial processes of the courts.

The very wordings and the spirit of the Lawyer’s Oath is a **continuing undertaking** every lawyer in the legal profession ought to live out, *viz.*:

Lawyer’s Oath

I do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; **I will do no falsehood, nor consent to the doing of any in court**; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and **will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients**; and **I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.** (Emphasis supplied)

⁴² Rollo, Folder 1, pp. 26-29.

Sec. 20 of Rule 138 reinforces the Lawyer's Oath and is crystal clear in its enumeration of the duties of every lawyer:

Section 20. Duties of attorneys. — It is the duty of an attorney:

(a) To maintain allegiance to the Republic of the Philippines and to support the Constitution and obey the laws of the Philippines.

(b) To observe and maintain the respect due to the courts of justice and judicial officers;

(c) To counsel or maintain such actions or proceedings only as appear to him to be just, and such defenses only as he believes to be honestly debatable under the law.

(d) To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth and honor, and never seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law;

(e) To maintain inviolate the confidence, and at every peril to himself, to preserve the secrets of his client, and to accept no compensation in connection with his client's business except from him or with his knowledge and approval;

(f) To abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;

(g) Not to encourage either the commencement or the continuance of an action or proceeding, or delay any man's cause, from any corrupt motive or interest;

(h) Never to reject, for any consideration personal to himself, the cause of the defenseless or oppressed;

(i) In the defense of a person accused of crime, by all fair and honorable means, regardless of his personal opinion as to the guilt of the accused, to present every defense that the law permits, to the end that no person may be deprived of life or liberty, but by due process of law. (Emphasis supplied)

Atty. Rojas failed his Oath, especially considering his qualifications as a former officer of the IBP South Cotabato and General Santos Chapter, former law professor, and officer of various civic organizations.⁴³ Atty. Rojas deliberately defiled the legal profession and was utterly remiss in his duties to the profession, to the society, and to the courts.

The Code, particularly Canon 1, requires the lawyer to uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes. Rule 1.01 sets the path in doing so, *viz.*:

⁴³ *Rollo*, Folder 2, pp.15-16.

A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Concomitantly, Atty. Rojas' actions likewise defied Canon 10 of the CPR which mandates that a lawyer owes candor, fairness, and good faith to the Court. This is magnified by Rule 10.01 stating:

A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall mislead, or allow the Court to be misled by any artifice.

The rules need not be further elaborated especially for a seasoned lawyer. What is unlawful, dishonest, immoral or deceitful conduct, doing any falsehood or consenting to its commission - are terms capable of estimation by a layperson but even more by a law practitioner.

Jurisprudence is replete with instances elaborating the rule. For emphasis, any act or omission that is contrary to, prohibited or unauthorized by, in defiance of, disobedient to, or disregards the law is "unlawful." "Unlawful" conduct does not necessarily imply the element of criminality although the concept is broad enough to include such element. To be "dishonest" means the disposition to lie, cheat, deceive, defraud or betray; be untrustworthy; lacking in integrity, honesty, probity, integrity in principle, fairness and straightforwardness. On the other hand, a conduct that is "deceitful" means as follows: Having the proclivity for fraudulent and deceptive misrepresentation, artifice, or device that is used upon another who is ignorant of the true facts, to the prejudice and damage of the party imposed upon. In order to be deceitful, the person must either have knowledge of the falsity or acted in reckless and conscious ignorance thereof, especially if the parties are not on equal terms, and was done with the intent that the aggrieved party act thereon, and the latter indeed acted in reliance of the false statement or deed in the manner contemplated to his or her injury.⁴⁴

Fabricating a judicial decision or perpetuation of acts leading to such, undeniably comes within the prohibitive acts set by the CPR. Atty. Rojas, in actively and knowingly participating in the procurement of a fake decision in an annulment case undoubtedly violated the provisions of the CPR. He committed an unlawful act and disrespected the law and the legal processes. He deprived the judiciary to a rightful resolution of the case for annulment and have done so in defiance of truth, honor, and of the law.

⁴⁴ See *Manalang v. Atty. Buendia*, A.C. No. 12079, November 10, 2020, citing: *Saladag v. Atty. Astorga*, 748 Phil. 1, 13 (2014).

In *Manalang v. Atty. Buendia*⁴⁵ (*Manalang*), this Court disbarred a lawyer for fabricating a judicial decision granting annulment to the client. In the said case, the lawyer denied any participation and claimed to have only acted as an intermediary between the client and the lawyer who handled the annulment case. Such defenses were rejected by this Court and found the respondent lawyer to have violated the sworn duties under the Lawyer's Oath and the CPR by deliberately misleading and deceiving the client by fabricating a court decision. For such failure to uphold the standards required in the legal profession, and failure to perform the duties of competence and diligence required of lawyers, the Court held that the lawyer no longer deserves to be a member of the bar.⁴⁶

Also in *Manalang*, this Court discussed analogous cases touching on the fabrication of judicial issuances, to wit:

Madria v. Rivera has analogous circumstances to this case. In *Madria*, petitioner obtained the legal services of respondent to help her with the annulment of her marriage. **Respondent guaranteed he can obtain the decree of annulment without petitioner appearing in court. Months later, respondent informed petitioner that her petition had been granted and provided her a copy of the decision and a certificate of finality.**

Petitioner's husband in that case, however, filed a complaint against her for allegedly fabricating the decision for the annulment of her marriage. **It was then that petitioner learned that the decision and the certificate of finality were fabricated. Upon inquiring with the court, she found that her petition for annulment was actually dismissed and the signature in the alleged decision presented by respondent was forged.**

In *Madria*, this Court disbarred respondent and explained that his act "not only violates the court and its processes, but also betrays the trust and confidence reposed in him by his client[.]" Therefore, disbarment was meted out for his failure to maintain and uphold the integrity of the Law Profession. In that case this Court held:

The respondent directly contravened the letter and spirit of Rules 1.01 and 1.02, Canon 1, and Rule 15.07, Canon 15 of the Code of Professional Responsibility[.]

[x x x x]

The respondent would shift the blame to his client. That a lay person like the complainant could have swayed a lawyer like the respondent into committing the simulations was patently improbable. Yet, even if he had committed the simulations upon the client's prodding, he would be no less responsible. Being a lawyer, he was aware of and was bound by the ethical canons of the Code of Professional Responsibility, particularly those

⁴⁵ Id.

⁴⁶ Id.

quoted earlier, which would have been enough to deter him from committing the falsification, as well as to make him unhesitatingly frustrate her prodding in deference to his sworn obligation as a lawyer to always act with honesty and to obey the laws of the land. Surely, too, he could not have soon forgotten his express undertaking under his Lawyer's Oath to "do no falsehood, nor consent to its commission." Indeed, the ethics of the Legal Profession rightly enjoined every lawyer like him to act with the highest standards of truthfulness, fair play and nobility in the course of his practice of law. As we have observed in one case:

Public confidence in law and lawyers may be eroded by the irresponsible and improper conduct of a member of the bar. Thus, a lawyer should determine his conduct by acting in a manner that would promote public confidence in the integrity of the legal profession. Members of the Bar are expected to always live up to the standards embodied in the Code of Professional Responsibility as the relationship between an attorney and his client is highly fiduciary in nature and demands utmost fidelity and good faith.

[x x x]

Falsifying or simulating the court papers amounted to deceit, malpractice or misconduct in office, any of which was already a ground sufficient for disbarment under Section 27, Rule 38 of the Rules of Court. The moral standards of the Legal Profession expected the respondent to act with the highest degree of professionalism, decency, and nobility in the course of their practice of law. That he turned his back on such standards exhibited his baseness, lack of moral character, dishonesty, lack of probity and general unworthiness to continue as an officer of the Court. (Citations omitted)

Similarly, in *Billanes v. Latido*, this Court disbarred a lawyer for similar misrepresentation and deceitful acts.

In *Billanes*, petitioner engaged the services of respondent for the annulment of his marriage with his estranged Filipino wife. About a month later, respondent informed petitioner that the annulment case had been filed and that the judge had rendered a decision in his favor. Respondent even showed a copy of the decision to the petitioner.

Believing his marriage was annulled, petitioner married an Australian national and applied for an Australian visa, attaching the purported decision supporting the annulment of his first marriage. The Australian Embassy, however, informed petitioner that the decision was fraudulent and its submission will result in the denial of his visa application. Petitioner then inquired with the court which supposedly rendered the decision. However, that court issued a certification stating that his annulment case was never filed and the documents furnished to him were fake. With these circumstances, respondent was disbarred. This Court explained:

Rule 1.01, Canon 1 of the CPR instructs that "as officers of the court, lawyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity, and fair dealing." Indubitably, respondent fell short of such standard when he committed the afore-described acts of misrepresentation and deception against complainant. Such acts are not only unacceptable, disgraceful, and dishonorable to the legal profession; they further reveal basic moral flaws that make respondent unfit to practice law.

In *Tan v. Diamante*, the Court found the lawyer therein administratively liable for violating Rule 1.01, Canon 1 of the CPR as it was established that he, among others, falsified a court order. In that case, the Court deemed the lawyer's acts to be "so reprehensible, and his violations of the CPR are so flagrant, exhibiting his moral unfitness and inability to discharge his duties as a member of the bar." Thus, the Court disbarred the lawyer.

Similarly, in *Taday v. Apoya, Jr.*, promulgated just last July 3, 2018, the Court disbarred the erring lawyer for authoring a fake court decision regarding his client's annulment case, which was considered as a violation also of Rule 1.01, Canon 1 of the CPR. In justifying the imposition of the penalty of disbarment, the Court held that the lawyer "committed unlawful, dishonest, immoral[,] and deceitful conduct, and lessened the confidence of the public in the legal system. Instead of being an advocate of justice, he became a perpetrator of injustice. His reprehensible acts do not merit him to remain in the rolls of the legal profession. Thus, the ultimate penalty of disbarment must be imposed upon him."⁴⁷ (Citations omitted)

Guided by the above discussion, the conclusion is thus all too clear. Atty. Rojas should be held administratively liable and must be considered unfit for the practice of law. To highlight, "the right to practice law is not a natural or constitutional right but is in the nature of a privilege or franchise. It is limited to persons of good moral character with special qualifications duly ascertained and certified. The right does not only presuppose in its possessor integrity, legal standing and attainment, but also exercise a special privilege, highly personal and partaking of the nature of public trust."⁴⁸

Atty. Rojas, while admitting his infractions, invokes leniency and supplicates that he be unqualifiedly absolved of his liability out of humanitarian reasons. He admits that his acceptance of the case transgressed the ethical yardstick but pleads to not be judged on that aspect alone and cited his accolades.⁴⁹

Unfortunately for Atty. Rojas, We deny his supplication.

⁴⁷ Id.

⁴⁸ *Petelo v. Rivera*, A.C. No. 10408, October 16, 2019, citing *People v. Santocildes, Jr.*, 378 Phil. 943, 949-950 (1999).

⁴⁹ *Rollo*, Folder 2, pp. 15-16.

The practice of law is a privilege burdened with conditions and is reserved only for those who meet the twin standards of legal proficiency and morality. It is so delicately imbued with public interest that it is both a power and a duty of this Court to control and regulate in order to protect and promote public welfare.⁵⁰

We cannot give Atty. Rojas a free pass. To give in to his plea is to make a travesty of the judicial system and the legal profession and to go against this Court's bounden duty to safeguard the public against erring lawyers. Lawyers who have been found to have violated their oath must be accountable for their actions and must face the consequences of their ill choices that affect the legal profession.

Moreover, this Court has already set the parameters for judicial clemency for both disrobed judges and disbarred lawyers in *Re: Anonymous Letter Complaint Against Judge Ofelia T. Pinto (In Re: Pinto)*.⁵¹ The following guidelines are laid, thus:

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 reformation;

3. The age of the person asking for clemency must show that he [or she] still has productive years ahead of him [or her] that can be put to good use by giving him [or her] a chance to redeem himself [or herself];

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.⁵²

This Court further elucidated that except for the most compelling reasons based on extraordinary circumstances, there must be a five-year minimum period before "dismissal or disbarment [can] be the subject of any kind

⁵⁰ See *Petelo v. Rivera*, supra note 45, citing *Pantanosas, Jr. v. Pamatong*, 787 Phil. 86, 88 (2016).

⁵¹ A.M. No. RTJ-11-2289, February 15, 2022, citing *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency (Re: Diaz)*, 560 Phil. 1, 5-6 (2007); *Nuñez v. Ricafort*, A.C. Nos. 5054 and 6484, March 2, 2021.

⁵² *Id.*

of clemency.” Further, “[t]o be sure, the underlying impetus of establishing a default uniform period is to curtail the broadly subjective process of determining the appropriate period within which genuine remorse and reformation are perceived to have been attained. Conceptually, the [five-year] requirement is a reasonable estimation by the Court of the minimum period necessary for the [petitioning lawyer’s] reflection of his or her past transgressions for which he or she was meted the ultimate penalty of disbarment. For clarity, the period is reckoned from the time the Court’s resolution is promulgated since it is only by then that the lawyer becomes duly informed of his[/her] administrative liability and hence, would be able to begin atoning for his or her malpractice.”⁵³

Once this minimum requirement is complied with, however, it must be emphasized that the petition must show convincing proof of the petitioner’s remorse and rehabilitation. For it is entirely possible that despite the minimum period of reflection set by the Court, which hence, renders him or her eligible to file a clemency petition, petitioner, throughout all these years, has not yet fully accepted the decision against him or her, or has failed to change his or her ways so as to warrant the mercy of the Court.

To expound, “[r]emorse and reformation must reflect how the claimant has redeemed [his or her] moral aptitude by clearly understanding the gravity and consequences of [his or her] conduct.” Concomitantly, “there must be an acknowledgment of the wrongful actions and subsequent showing of sincere repentance and correction. This Court must see to it that the long period of dismissal moved the erring officers to reform themselves, exhibit remorse and repentance, and develop a capacity to live up again to the standards demanded from court officers.”⁵⁴ (Citations and emphasis omitted)

Considering the above requirements, We find that Atty. Rojas has not met the guidelines for this Court to consider clemency. He must first be held accountable, acknowledge his transgressions, and suffer the penalty therefor.

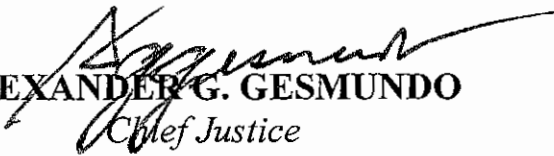
WHEREFORE, for violating the Lawyer’s Oath and the Code of Professional Responsibility, Atty. Remegio P. Rojas is **DISBARRED** from the practice of law effective immediately upon his receipt of this Decision, and his name stricken off from the Roll of Attorneys.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be spread on the records of the respondent as an attorney-at-law; the Integrated Bar of the Philippines for distribution to all its chapters; and the Office of the Court Administrator for dissemination to all courts throughout the country.

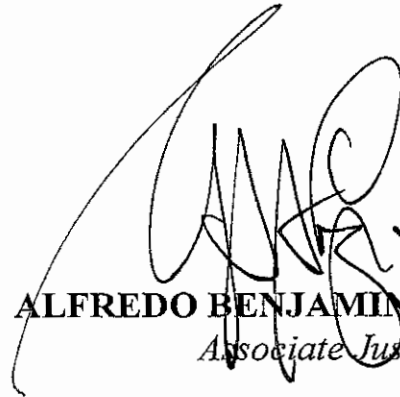
⁵³ Id., citing: *Re: Allegations Made under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan (Re: Ong)*, A.M. No. SB-14-21-J, January 19, 2021.

⁵⁴ Id.


SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M. V. F. LEONEN
Associate Justice

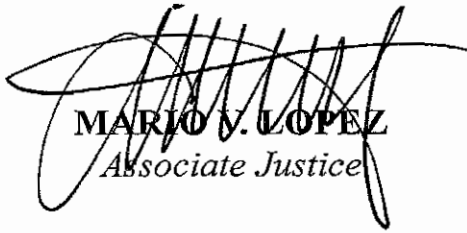

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

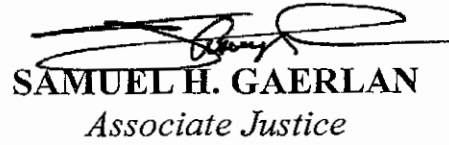

AMY C. LAZARO-JAVIER
Associate Justice

On official business
HENRI JEAN PAUL B. INTING
Associate Justice

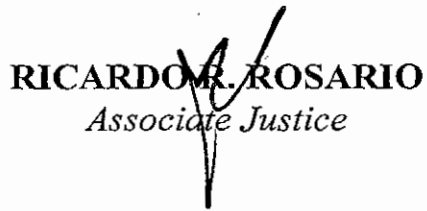

RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice

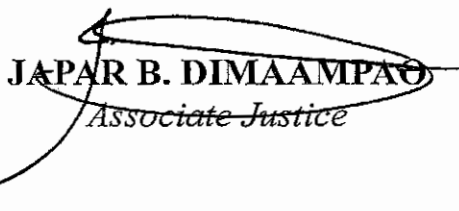


SAMUEL H. GAERLAN
Associate Justice

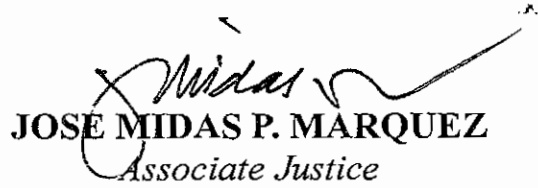


RICARDO E. ROSARIO
Associate Justice

on official business
JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

on official business
ANTONIO T. KHO, JR.
Associate Justice

on official business
MARIA FILOMENA D. SINGH
Associate Justice