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[A.C. No. 1162. August 29, 1975]

***IN RE*: VICTORIO D. LANUEVO, former Bar Confidant and Deputy Clerk of Court,** *respondent.*

[A.C. No. 1163. August 29, 1975]

***IN RE*: RAMON E. GALANG, alias ROMAN E. GALANG, 1971 Bar Examinee,** *respondent.*

[A.C. No. 1164. August 29, 1975]

***IN RE*: HON. BERNARDO PARDO, HON. RAMON PAMATIAN, ATTY. MANUEL TOMACRUZ, ATTY. MANUEL MONTECILLO, ATTY. FIDEL MANALO and ATTY. GUILLERMO PABLO, JR., Members, 1971 Bar Examining Committee,** *respondents.*

SYLLABUS

1. **ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; BAR CONFIDANT; FUNCTION; SCOPE THEREOF; CASE AT BAR.**— The Office of the Bar Confidant, it must be stressed, has absolutely nothing to do in the re-evaluation or reconsideration of the grades of examinees who fail to make the passing mark before or after their notebooks are submitted to it by the Examiners. After the corrected notebooks are submitted to him by the Examiners, his only function is to tally the individual grades of every examinee in all subjects taken and thereafter compute the general average. That done, he will then prepare a comparative data showing the percentage of passing and failing in relation to a certain average to be submitted to the Committee and to the Court and on the basis of which the Court will determine the passing average, whether 75 or 74 or 73, etc. The Bar Confidant has no business evaluating the answers of the examinees and cannot assume the functions of passing upon the appraisal made by

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the Examiner concerned. He is not the over-all Examiner. He cannot presume to know better than the Examiner. Any request for re-evaluation should be done by the examinee and the same should be addressed to the Court, which alone can validly act thereon. A Bar Confidant who takes such initiative, exposes himself to suspicion and thereby compromises his position as well as the image of the Court. The Bar Confidant does not possess any discretion with respect to the matter of admission of examinees to the Bar. He is not clothed with authority to determine whether or not an examinee's answers merit re-evaluation or re-correction or whether the Examiner's appraisal of such answers is correct. And whether or not the examinee benefited was in connivance or a privy thereto is immaterial. What is decisive is whether the proceedings or incidents that led to the candidate's admission to the Bar were in accordance with the rules.

2. **ID.; ID.; ID.; ID.; BAR CONFIDANT IN CASE AT BAR GUILTY OF SERIOUS MISCONDUCT.**— The re-evaluation of the answers of Quitaleg in Political Law and the answers of Ty dela Cruz in Mercantile Law, violated the consensus of the Bar Examination Committee in February, 1971, which violation was due to the misrepresentation of respondent Lanuevo. It must be stated that the referral of the notebook of Galang in Mercantile Law to Examiner Montecillo can hardly be said to be covered by the consensus of the Bar Examination Committee *because even at the time of said referral,* which was after the unauthorized re-evaluation of his answers of four (4) subjects, Galang had still failing grades in Taxation and Labor Laws. His re-evaluated grade of 74.5% in Remedial Law was considered 75% under the Confidential Memorandum and was so entered in the record. His grade in Mercantile Law as subsequently re-evaluated by Examiner Montecillo was 71%. Respondent Lanuevo is therefore guilty of serious misconduct — of having betrayed the trust and confidence reposed in him as Bar Confidant, thereby impairing the integrity of the Bar examinations and undermining public faith in the Supreme Court. He should be disbarred.

3. **LEGAL ETHICS; ATTORNEYS; PRACTICE OF LAW; A PRIVELEGE TO BE EXTENDED OR WITHELD IN THE EXERCISE OF SOUND DISCRETION.**— Under the circumstances in which respondent Ramon E. Galang, *alias*

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Roman E. Galang, was allowed to take the Bar examinations and the highly irregular manner in which he passed the Bar, WE have no other alternative but to order the surrender of his attorney's certificate and the striking out of his name from the Roll of Attorneys. For as WE said in Re Felipe del Rosario: "The practice of the law is not an absolute right to he granted every one who demands it, but is a privilege to be extended or withheld in the exercise of sound discretion. The standards of the legal profession are not satisfied by conduct which merely enables one to escape the penalties of the criminal law. It would be a disgrace to the Judiciary to receive one whose integrity is questionable as an officer of the court, to clothe him with all the prestige of its confidence, and then to permit him to hold himself as a duly authorized member of the Bar. What WE now do with respondent Ramon E. Galang, *alias* Roman E. Galang, in this present case is not without any precedent in this jurisdiction.

D E C I S I O N

MAKASIAR, *J.*:

Administrative proceedings against Victorio D. Lanuevo — for disbarment; Ramon E. Galang, *alias* Roman E. Galang — for disbarment; Hon. Bernardo Pardo, Hon. Ramon Pamatian, Atty. Manuel C. Tomacruz; Atty. Manuel G. Montecillo, Atty. Fidel Manalo and Atty. Guillermo Pablo, Jr. — for disciplinary action — for their acts and omissions during the 1971 Bar Examinations.

In his request dated March 29, 1972 contained in a confidential letter to the Court for re-correction and re-evaluation of his answers to the 1971 Bar Examinations questions, Oscar Landicho — who flunked in the 1971, 1968 and 1967 Bar Examinations with a grade of 70.5%, 65.35% and 67.55%, respectively — invited the attention of the Court to "*the starting fact that the grade in one examination (Civil Law) of at least one bar candidate was raised for one reason or another, before the bar results were released this year*" (Confidential Letter, p. 2. Vol. I, rec.). This was confirmed, according to him, by the Civil Law Examiner himself (Hon. Ramon C. Pamatian) as well

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as by Bar Confidant Victorio D. Lanuevo. He further therein stated "that there are strong reasons to believe that the grades in other examination notebooks in other subjects also underwent alterations — to raise the grades — prior to the release of the results. Note that this was without any formal motion or requests from the proper parties, *i.e.*, the bar candidates concerned. If the bar examiners concerned reconsidered their grades *without formal motion*, there is no reason why they may not do so now when proper request and motion therefor is made. It would be contrary to *due process* postulates. Might not one say that some candidates got unfair and unjust treatment, for their grades were not asked to be reconsidered 'unofficially'? Why the discrimination? Does this not afford sufficient reason for the Court *en banc* to go into these matters by its conceded power to ultimately decide the matter of admission to the bar?" (p. 2, Confidential Letter, Vol. I, rec.).

Acting on the aforesaid confidential letter, the Court checked the records of the 1971 Bar Examinations and found that the grades in five subjects — Political Law and Public International Law, Civil Law, Mercantile Law, Criminal Law and Remedial Law — of a successful bar candidate with office code No. 954 underwent some changes which, however, were duly initialed and authenticated by the respective examiner concerned. Further check of the records revealed that the bar candidate with office code No. 954 is one Ramon E. Galang, *alias* Roman E. Galang, a perennial bar candidate, who flunked in the *1969, 1967, 1966, 1964, 1963*, and *1962* bar examinations with a grade of *67.55%, 68.65%, 72.75%, 68.2%, 56.45%* and *57.3%*, respectively. He passed in the 1971 bar examinations with a grade of 74.15%, which was considered as 75% by virtue of a Court resolution making 74% as the passing mark for the 1971 bar examinations.

Upon the direction of the Court, the 1971 Bar Examination Chairman requested Bar Confidant Victorio D. Lanuevo and the five (5) bar examiners concerned to submit their sworn statements on the matter, with which request they complied.

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In his sworn statement dated April 12, 1972, said Bar Confidant *admitted* having brought the five examination notebooks of Ramon E. Galang, *alias* Roman E. Galang, back to the respective examiners for re-evaluation and/or re-checking, stating the circumstances under which the same was done and his reasons for doing the same.

Each of the five (5) examiners in his individual sworn statement *admitted* having re-evaluated and/or re-checked the notebook involved pertaining to his subject upon the representation to him by Bar Confidant Lanuevo that he has the authority to do the same and that the examinee concerned failed only in his particular subject and/or was on the borderline of passing.

Finding a *prima facie* case against the respondents warranting a formal investigation, the Court required, in a resolution dated March 5,1973, Bar Confidant Victorio Lanuevo "to show cause within ten (10) days from notice *why his name should not be stricken from the Roll of Attorneys*" (Adm. Case No. 1162, p. 34, rec.). Considering that the re-evaluation of the examination papers of Ramon E. Galang, *alias* Roman E. Galang, was unauthorized, and therefore he did not obtain a passing average in the 1971 bar examinations, the Court likewise resolved on March 5, 1971 to require him "to show cause within ten (10) days from notice *why his name should not be stricken from the Roll of Attorneys*" (Adm. Case No. 1163, p. 99, rec.). The five examiners concerned were also required by the Court "to show cause within ten (10) days from notice *why no disciplinary action should be taken against them*" (Adm. Case No. 1164, p. 31, rec.).

Respondent Tomacruz filed his answer on March 12, 1973 (Adm. Case No. 1164, p. 70, rec.) while respondents Pardo, Pamatian, Montecillo, Manalo and Lanuevo filed theirs on March 19,1973 (Adm. Case No. 1162, pp. 60-63, 32-35, 40-41, 36-39 and 35-38, rec.). At the hearing on August 27, 1973, respondent Lanuevo filed another sworn statement in addition to, and in amplification of, his answer filed on March 19, 1973 (Adm. Case No. 1162, pp. 45-47, rec.). Respondent Galang filed his unverified answer on March 16, 1973 (Adm. Case No. 1163,

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pp. 100-104, rec.). He was required by the Court to verify the same and compliance came on May 18, 1973 (Adm. Case No. 1163, pp. 106-110, rec.).

In the course of the investigation, it was found that it was not respondent Bernardo Pardo who re-evaluated and/or rechecked examination booklet with Office Code No. 954 in Political Law and Public International Law of examinee Ramon Galang, *alias* Roman E. Galang, but Guillermo Pablo, Jr., examiner in Legal Ethics and Practical Exercises, who was asked to help in the correction of a number of examination notebooks in Political Law and Public International Law to meet the deadline for submission (pp. 17-24, Vol. V, rec.). Because of this development, Atty. Guillermo Pablo, Jr. was likewise included as respondent in Administrative Case No. 1164. Hon. Bernardo Pardo remained as a respondent for it was also discovered that another paper in Political Law and Public International Law also underwent re-evaluation and/or re-checking. This notebook with Office Code No. 1622 turned out to be owned by another successful candidate by the name of *Ernesto Quitaleg.* Further investigation resulted in the discovery of another re-evaluation and/or re-checking of a notebook in the subject of Mercantile Law resulting in the change of the grade from 47% to 50%. This notebook bearing Office Code No. 110 is owned by another successful candidate by the name of *Alfredo Ty dela Cruz.* Quitaleg and Ty dela Cruz and the latter's father were summoned to testify in the investigation.

An investigation conducted by the National Bureau of Investigation upon request of the Chairman of the 1971 Bar Examination Committee as Investigating Officer, showed that one Romy Galang y Esguerra, *alias* Ramon E. Galang, a student in the School of Law of Manuel L. Quezon University, was, on September 8, 1959, charged with the crime of slight physical injuries in the Municipal Court of Manila committed on Eufrosino F. de Vera, another student of the same university. Confronted with this information at the hearing of August 13, 1973 (Vol. V, pp. 20-21, 32, rec.), respondent Galang declared that he does not remember having been charged with the crime of

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slight physical injuries. Because of this denial, a summons was issued to Eufrosino F. de Vera, who narrated the circumstances surrounding the case and identified respondent Galang as the very same person charged with the crime of slight physical injuries in that case (Vol. VI, pp. 45-60, rec.).

Respondent Galang, in all his applications to take the bar examinations, did not make mention of this fact which he is required under the rules to do.

The joint investigation of all the cases commenced on July 17, 1973 and was terminated on October 2, 1973. Thereafter, parties-respondents were required to submit their memoranda. Respondents Lanuevo, Galang and Pardo submitted their respective memorandum on November 14, 1973.

Before the joint hearing commenced, Oscar Landicho took up permanent residence in Australia, where he is believed to be gainfully employed. Hence, he was not summoned to testify.

At the joint investigation, all respondents, except respondent Pablo, who offered as evidence only his oral testimony, submitted as their direct evidence the affidavits and answers earlier submitted by them to the Court. The same became the basis for their cross-examination.

In their individual sworn statements and answers, which they offered as their direct testimony in the investigation conducted by the Court, the respondents-examiners recounted the circumstances under which they re-evaluated and/or re-checked the examination notebooks in question.

In his affidavit dated April 11, 1972, respondent Judge (later Associate Justice of the Court of Appeals) Ramon C. Pamatian, examiner in Civil Law, affirmed:

"2. That one evening sometime in December last year, while I was correcting the examination notebooks, Atty. Lanuevo, *Bar Confidant, explained to me that it is the practice and the policy in bar examinations that he (Atty. Lanuevo) make a review of the grades obtained in all segments and if he finds that candidate obtained an extraordinarily high grade in one subject and a rather*

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low one in another, he will bring back the latter to the examiner concerned for re-evaluation and change of grade;

"3. That sometime in the *latter part of January of this year, he brought back to me an examination booklet in Civil Law for re-evaluation, because according to him the owner of the paper is on the borderline and if I could reconsider this grade to 75% the candidate concerned will get passing mark;*

"4. *That taking his word for it and under the belief that it was really the practice and policy of the Supreme Court to do so* in the further belief that I was just manifesting cooperation indoing so, I *re-evaluated the paper and reconsidered the grade to 75%*;

"5. That only one notebook in Civil Law was brought back to me for such re-evaluation and upon verifying my files I found that the notebook is number '95';

"6. That the original grade was *64%* and my re-evaluation of the answers were based on the same standard used in the correction and evaluation of all others; thus, Nos. 3 and 4 with original grades of 7% each was reconsidered to 10%; No. 5 with 4% to 5%; No. 7 with 3% to 5%; and No. 8 with 8% to 10%" (italics supplied).

His answer dated March 19, 1973 substantially reiterated his allegations in his April 11, 1972 affidavit with the following additional statements:

"x x x x x x x x x

"3. x x x However the grades in Nos. 1, 2, 6, 9 and 10, were not reconsidered as it is no longer possible to make the reconsideration of these answers because of the same evaluation and standard; hence, Nos. 1, 2 and 10 remained at 5% and Nos. 6 and 9 at 10%;

"4. That at the time I made the reconsideration of examination booklet No. 95 I did not know the identity of its owner until I received this resolution of the Honorable Supreme Court nor the identities of the examiners in other subjects;

"5. That the *above re-evaluation was made in good faith and under the belief that I am authorized to do so in view of the misrepresentation of said Atty. Lanuevo*, based on the following circumstances:

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"a) Since I started correcting the papers on or about October 16, 1971, relationship between Atty. Lanuevo and myself had developed to the point that with respect to the correction of the examination booklets of bar candidates I have always followed him and considered his instructions as reflecting the rules and policy of the Honorable Supreme Court with respect to the same; that I have no alternative but to take his words;

"b) That considering this relationship and *considering his misrepresentation to me as reflecting the real rules and policy of the Honorable Supreme Court*, I did not bother any more to get the consent and permission of the Chairman of the Bar Committee. Besides, at that time, I was isolating myself from all members of the Supreme Court and specially the chairman of the Bar Committee for fear that I might he identified as a bar examiner;

"xxx xxx xxx

"e) That no consideration whatsoever has been received by me in return for such recorrection, and as proof of it, I declined to reconsider and evaluate one booklet in Remedial Law aforesaid because I was not the one who made the original correction of the same" (Adm. Case No. 1164, pp. 32-35, rec.; italics supplied).

Then Assistant Solicitor General, now CFI Judge, Bernardo Pardo, examiner in Political Law and Public International Law, confirmed in his affidavit of April 8, 1972 that:

"On a day or two after the Bar Confidant went to my residence to obtain from me the last bag of two hundred notebooks (bearing examiner's code numbers 1200 to 1400) which according to my record was on February 5, 1972, he came to my residence at about 7:30 p.m. riding in a Vokswagen panel of the Supreme Court, with at least two companions. The bar confidant had with him an examinee's notebook bearing code number 661, and, after the usual amenities, *he requested me if it was possible for me to review and re-examine the said notebook because it appears that the examinee obtained a grade of 57, whereas, according to the Bar Confidant, the said examinee had obtained higher grades in other subjects, the highest of which was 84*, if I recall correctly, in remedial law.

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"*I asked the Bar Confidant if I was allowed to review or re-examine the notebook as I had submitted the same beforehand, and he told me that I was authorized to do so because the same was still within my control and authority as long as the particular examinee's name had not been identified or that the code number decoded and the examinee's name was revealed.* The Bar Confidant told me that the name of the examinee in the case presented bearing code number 661 had not been identified or revealed; and that it might have been possible that I had given a particularly low grade to said examinee.

"*Accepting at face value the truth of the Bar Confidant's representations to me, and as it was humanly possible that I might have erred in the grading of the said notebook, I re-examined the same,* carefully read the answers, and graded it in accordance with the same standards I had used throughout the grading of the entire notebooks, *with the result that the examinee deserved an increased grade of 66. After again clearing with the Bar Confidant my authority to correct the grades and as he had assured me that the code number of the examinee in question had not been decoded and his name known, x x x I therefore corrected the total grade* in the notebook and the grade card attached thereto, and properly initia(l)ed the same. I also corrected the itemized grades (from item No. 1 to item No. 10) on the two sets of grading sheets, my personal copy thereof, and the Bar Confidant brought with him the other copy of the grading sheet" (Adm. Case No. 1164, pp. 58-59; rec.; italics supplied).

In his answer dated March 17, 1973 which he denominated as "Explanation", respondent Bernardo P. Pardo adopted and repleaded therein by reference the facts stated in his earlier sworn statement and in addition alleged that:

"x x x x x x x x x

"3. At the time I reviewed the examinee's notebook in political and international law, *code numbered 661*, I did not know the name of the examinee. In fact, I came to know his name only upon receipt of the resolution of March 5, 1973; now knowing his name, I wish to state that I do not know him personally, and that I have never met him even up to the present;

"4. At that time, *I acted under the impression that I was authorized to make such review and had repeatedly asked the Bar Confidant whether I was authorized to make such revision and was so assured of my authority as the name of the examinee had not yet*

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been decoded or his identity revealed, the Bar Confidant's assurance was apparently regular and so appeared to be in the regular course of official business which thus convinced me because there was no express prohibition in the rules and guidelines given to me as an examiner, and the Bar Confidant was my official liaison with the Chairman, as, unless called, I refrained as much as possible from frequent personal contact with the Chairman lest I be identified as an examiner. x x x;

"5. At the time the Bar Confidant came to see me at about 7:30 o'clock in the evening at my residence, I felt it inappropriate to verify his authority with the Chairman. *It did not appear to me that his representation were unauthorized or suspicious.* Indeed, the Bar Confidant was riding in the official vehicle of the Supreme Court, a Volkswagen panel, accompanied by two companions, which was usual, and thus looked like a regular visit to me of the Bar Confidant, as it was about the same hour that he used to see me:

"x x x x x x x x x

"7. Indeed, the notebook code numbered 661 was still in the same condition as when I submitted the same. *In agreeing to review the said notebook code numbered 661, my aim was to see if I committed an error in the correction, not to make the examinee pass the subject.* I considered it entirely humanly possible to have erred because I corrected that particular notebook on December 31, 1971, *considering especially the representation of the Bar Confidant that the said examinee had obtained higher grades in other subjects, the highest of which was 84% in remedial law*, if I recall correctly. Of course, it did not strike me as unusual that the Bar Confidant knew the grades of the examinee in the other subjects; I presumed that, as Bar Confidant, he was in the position to know and that there was nothing irregular in that;

"8. In political and international law, the original grade obtained by the examinee with notebook code numbered 661 was 57%. After review, it was increased by 9 points, resulting in a final grade of 66%. Still, the examinee did not pass the subject, and, as heretofore stated, my aim was not to make the examinee pass, notwithstanding the representation that he had passed the other subjects. x x x

"9. I quite recall that during the first meeting of the Bar Examiners' Committee, which according to my diary was on February 8, 1972, the committee consensus was that where an examinee failed

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in only one subject and passed the rest, the examiner in said subject would review the notebook. Nobody objected to it as irregular. At the time of the Committee's first meeting, we still did not know the names of the candidates.

"10. *In fine, I was a victim of deception, not a party to it.* I had absolutely no knowledge of the motives of the Bar Confidant or his malfeasance in office, and did not know the examinee concerned nor had I any kind of contact with him before or after the review and even up to the present" (Adm. Case No. 1164, pp. 60-63; rec.; emphasis supplied).

Atty. Manuel Tomacruz, examiner in Criminal Law, affirmed in his affidavit dated April 12, 1972:

"1. x x x

"2. That about weekly, the Bar Confidant would deliver and collect examination books to my then residence at 951 Luna Mencias, Mandaluyong, Rizal.

"3. That towards the end when I had already completed correction of the books in Criminal Law and was helping in the correction of some of the papers in another subject, the *Bar Confidant brought back to me one (1) paper in Criminal Law saying that particular examinee had missed the passing grade by only a fraction of a percent and that if his paper in Criminal Law would be raised a few points to 75%* then he would make the general passing average.

"4. That seeing the justification, I raised the grade to 75%, that is, giving a raise of, if I remember correctly, 2 or 3 points, initialled the revised mark and revised also the mark in the general list.

"5. That I do not recall the number of the book of the examinee concerned" (Adm. Case No. 1164, p. 69, rec.; italics supplied).

In his answer dated March 12, 1973, respondent Tomacruz stated that "I *accepted the word of the Bar Confidant in good faith and without the slightest inkling as to the identity of the examinee* in question who up to now remains a total stranger and without expectation of nor did I derive any personal benefit" (Adm. Case No. 1164, p. 70, rec.; italics supplied).

Atty. Fidel Manalo, examiner in Remedial Law, stated in his affidavit dated April 14, 1972, that:

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"x x x x x x x x x

"2. Sometime about the late part of January or early part of February 1912, Attorney Lanuevo, Bar Confidant of the Supreme Court, saw me in my house at No. 1854 Asuncion Street, Makati, Rizal. He produced to me an examinee's notebook in Remedial Law which I had previously graded and submitted to him. He *informed me that he and others* (he used the word 'we') *had reviewed the said notebook. He requested me to review the said notebook and possibly reconsider the grade* that I had previously given. *He explained that the examinee concerned had done well in other subjects, but that because of the comparatively low grade that I had given him in Remedial Law his general average was short of passing.* Mr. Lanuevo remarked that he thought that if the paper were reviewed I might find the examinee deserving of being admitted to the Bar. As far as I can recall, Mr. Lanuevo particularly called my attention to the fact in his answers the examinee expressed himself clearly and in good enough English. *Mr. Lanuevo however informed me that whether I would reconsider the grades I had previously given and submitted was entirely within my discretion.*

"3. *Believing fully that it was within Mr. Lanuevo's authority as Bar Confidant to address such a request to me and that the said request was in order, I, in the presence of Mr. Lanuevo, proceeded to re-read and re-evaluate each and every item of the paper in question.* I recall that in my re-evaluation of the answers, I increased the grades in some items, made deductions in other items, and maintained the same grades in other items. However, I recall that after Mr. Lanuevo and I had totalled the new grades that I had given after re-evaluation, the total grade increased by a few points, but still short of the passing mark of 75% in my subject.

x x x" (Adm. Case No. 1164, pp. 74-75, rec.; italics supplied).

In his answer (response) dated March 18, 1973, respondent Manalo reiterated the contents of his sworn statement, adding the following:

"x x x x x x x x x

"5. In agreeing to re-evaluate the notebook, with resulted in increasing the total grade of the examinee concerned in Remedial Law from *63.75% to 74.5%*, herein respondent acted in good faith. It may well be that he could be faulted for not having verified from

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the Chairman of the Committee of Bar Examiners the legitimacy of the request made by Mr. Lanuevo. Herein respondent, however, pleads in attenuation of such omission, that —

> "a) Having been appointed an Examiner for the first time, he was not aware, not having been apprised otherwise, that it was not within the authority of the Bar Confidant of the Supreme Court to request or suggest that the grade of a particular examination notebook be revised or reconsidered. *He had every right to presume, owing to the highly fiduciary nature of the position of the Bar Confidant, that the request was legitimate.*
>
> "xxx xxx xxx
>
> "c) In revising the grade of the particular examinee concerned, herein respondent carefully evaluated each and every answer written in the notebook. Testing the answers by the criteria laid down by the Court, and *giving the said examinee the benefit of doubt in view of Mr. Lanuevo's representation that it was only in that particular subject that the said examinee failed,* herein respondent became convinced that the said examinee deserved a higher grade than that previously given to him, but that he did not deserve, in herein respondent's honest appraisal, to be given the passing grade of 75%. It should also be mentioned that, in reappraising the answers, herein respondent downgraded a previous rating of an answer written by the examinee, from 9.25% to 9%" (Adm. Case No. 1164, pp. 36-39, rec.; italics supplied).

Atty. Manuel Montecillo, examiner in Mercantile Law, affirmed in his affidavit dated April 17, 1972:

> "xxx xxx xxx
>
> "That during one of the deliberations of the Bar Examiners' Committee after the Bar Examinations were held, I was informed the one Bar examinee passed all other subjects except Mercantile Law;
>
> "That I informed the Bar Examiners' Committee that I would be willing to re-evaluate the paper of this particular Bar candidate;
>
> "That the next day, the Bar Confidant handed to me a Bar candidate's notebook (*No. 1613*) showing a grade of *61*%;

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"That I reviewed the whole paper and after re-evaluating the answers of this particular Bar candidate I decided to increase his final *grade to 71%*;

"That consequently, I amended my report and duly initialed the changes in the grade sheet" (Adm. Case No. 1164, p. 72, rec.; italics supplied).

In his answer dated March 19, 1973, respondent Montecillo restated the contents of his sworn statement of April 17, 1972, and

"xxx xxx xxx

"2. Supplementary to the foregoing sworn statement, I hereby state that I *re-evaluated* the examination notebook of Bar Candidate No. 1613 in Mercantile Law *in absolute good faith and in direct compliance with the agreement made during one of the deliberations of the Bar Examiners Committee that where a candidate fails in only one subject, the Examiner concerned should make a re-evaluation of the answers of the candidate concerned*, which I did.

"3. Finally, I hereby state that I did not know at the time I made the aforementioned re-evaluation that notebook No. 1613 in Mercantile Law pertained to bar examinee Ramon E. Galang, *alias* Roman E. Galang, and that I have never met up to this time this particular bar examinee" (Adm. Case No. 1164, pp. 40-41, rec.; italics supplied).

In his sworn statement dated April 12, 1972, Bar Confidant Lanuevo stated:

"xxx xxx xxx

"*As I was going over those notebooks, checking the entries in the grading sheets and the posting on the record of ratings, I was impressed of the writing and the answers on the first notebook. This led me to scrutinize all the set of notebooks.* Believing that those five merited re-evaluation on the basis of the memorandum circularized to the examiners shortly earlier to the effect that.

> . . . in the correction of the papers, substantial weight should then be given to clarity of language and soundness of reasoning' (par. 4),

I took it upon myself to bring them back to the respective examiners for re-evaluation and/or re-checking.

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"It is our experience in the Bar Division that immediately after the release of the results of the examinations, we are usually swarmed with requests of the examinees that they be shown their notebooks. Many of them would copy their answers and have them checked by their professors. Eventually some of them would file motions or requests for re-correction and/or re-evaluation. Right now, we have some 19 of such motions or requests which we are readying for submission to the Honorable Court.

"Often we feel that a few of them are meritorious, but just the same they have to be denied because the result of the examinations when released is final and irrevocable.

"It was to at least minimize the occurrence of such instances that motivated me to bring those notebooks back to the respective examiners for re-evaluation" (Adm. Case No. 1162, p. 24, rec.; italics supplied).

In his answer dated March 19, 1973, respondent Lanuevo avers:

"That he submitted the notebooks in question to the examiners concerned in his honest belief that the same merited re-evaluation; that in so doing, it was not his intention to forsake or betray the trust reposed in him as bar confidant but on the contrary to do justice to the examinee concerned; that neither did he act in a presumptuous manner, because the matter of whether or not re-evaluation was in order was left alone to the examiners' decision; and that, to his knowledge, he does not remember having made the alleged misrepresentation but that he remembers having brought to the attention of the Committee during the meeting a matter concerning another examinee who obtained a passing general average but with a grade below 50% in Mercantile Law. As the Committee agreed to remove the disqualification by way of raising the grade in said subject, respondent brought the notebook in question to the Examiner concerned who thereby raised the grade thus enabling the said examinee to pass. If he remembers right, the examinee concerned is one surnamed 'de la Cruz' or 'Ty-de la Cruz'.

"Your Honors, respondent never entertained a notion that his act would stir such serious charges as would tend to undermine his integrity because he did it in all good faith.

"x x x" (Adm. Case No. 1162, p. 35, rec.; italics supplied).

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On August 27, 1973, during the course of the investigation, respondent Lanuevo filed another sworn statement in addition to, and in amplification of, his answer, stating:

"x x x x x x x x x

"1. That I vehemently deny having deceived the examiners concerned into believing that the examinee involved failed only in their respective subjects, the fact of the matter being that the notebooks in question were submitted to the respective examiners for re-evaluation believing in all good faith that they so merited on the basis of the Confidential Memorandum (identified and marked as Exh. 1-Lanuevo, particularly that portion marked as Exh. 1-a-Lanuevo) which was circulated to all the examiners earlier, leaving to them entirely the matter of whether or not re-evaluation was in order;

"2. That the following coincidence prompted me to pry into the notebooks in question:

"Sometime during the latter part of January and the early part of February, 1972, on my way hack to the office (Bar Division) after lunch, I thought of buying a sweepstake ticket. I have always made it a point that the moment I think of so buying, I pick a number from any object and the first number that comes into my sight becomes the basis of the ticket that I buy. At that moment, the first number that I saw was '954' boldly printed on an electrical contribance (evidently belonging to the MERALCO) attached to a post standing along the right sidewalk of P. Faura street towards the Supreme Court building from San Marcelino street and almost adjacent to the southeastern corner of the fence of the Araullo High School (photograph of the number '954', the contrivance on which it is printed and a portion of the post to which it is attached is identified and marked as Exhibit 4-Lanuevo and the number '954' as Exh. 4-a-Lanuevo).

"With this number (954) in mind, I proceeded to Plaza Sta. Cruz to look for a ticket that would contain such number. Eventually, I found a ticket, which I then bought, whose last three digits corresponded to '954'. This number became doubly impressive to me because the sum of all the six digits of the ticket number was '27', a number that is so significant to me that everything I do I try somewhat instinctively to link or

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connect it with said number whenever possible. Thus even in assigning code numbers on the Master List of examinees from 1968 when I first took charge of the examinations as bar confidant up to 1971, I either started with the number '27' (or '227') or end with said number. (1968 Master List is identified and marked as Exh. 5-Lanuevo and the figure '27' at the beginning of the list, as Exh. 5-a-Lanuevo; 1969 Master List as Exh. 6-Lanuevo and the figure '227' at the beginning of the list, as Exh. 6-a-Lanuevo; 1970 Master List as Exh. 7-Lanuevo and the figure '227' at the beginning of the list as Exh. 7-a-Lanuevo; and the 1971 Master List as Exh. 8-Lanuevo and the figure '227' at the end of the list as Exh. 8-a-Lanuevo).

"The significance to me of this number (27) was born out of these incidents in my life, to wit: (a) On November *27*, 1941 while with the Philippine Army stationed at Camp Manacnac, Cabanatuan, Nueva Ecija, I was stricken with pneumonia and was hospitalized at the Nueva Ecija Provincial Hospital as a result. As will be recalled, the last Pacific War broke out on December 8, 1941. While I was still confined at the hospital, our camp was bombed and strafed by Japanese planes on December 13, 1941 resulting in many casualties. From then on, I regarded November 27, 1941 as the beginning of a new life for me having been saved from the possibility of being among the casualties; (b) On February *27*, 1946, I was able to get out of the army by way of honorable discharge; and (c) on February *27*, 1947, I got married and since then we begot children the youngest of whom was born on February *27*, 1957.

"Returning to the office that same afternoon after buying the ticket, I resumed my work which at the time was on the checking of the notebooks. While thus checking, I came upon the notebooks bearing the office code number '954'. As the number was still fresh in my mind, it aroused my curiosity prompting me to pry into the contents of the notebooks. Impressed by the clarity of the writing and language and the apparent soundness of the answers and, thereby, believing in all good faith on the basis of the aforementioned Confidential Memorandum (Exh. 1-Lanuevo and Exh. 1-a-Lanuevo) that they merited re-evaluation, I set them aside and later on took them back to the respective examiners for possible review recalling to them the said Confidential Memorandum but leaving absolutely the matter to their discretion and judgment.

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"3. That the alleged misrepresentation or deception could have reference to either of the two cases which I brought to the attention of the Committee during the meeting and which the Committee agreed to refer back to the respective examiners, namely:

"(a) That of an examinee who obtained a passing general average but with a grade below 50% (47%) in Mercantile Law (the notebooks of this examinee hear the Office Code No. 110, identified and marked as Exh. 9-Lanuevo and the notebook in Mercantile Law bearing the Examiner's Code No. 951 with the original grade of 47% increased to 50% after re-evaluation as Exh. 9-a-Lanuevo); and

"(b) That of an examinee who obtained a borderline general average of 73.15% with a grade below 60% (57%) in one subject which, at the time, I could not pinpoint having inadvertently left in the office the data thereon. It turned out that the subject was Political and International Law under Asst. Solicitor General Bernardo Pardo (The notebooks of this examinee bear the Office Code No. 1622 identified and marked as Exh. 10-Lanuevo and the notebook in Political and International Law bearing the Examiner's Code No. 661 with the original grade of 57% increased to 66% after re-evaluation, as Exh. 10-a-Lanuevo). This notebook in Political and International Law is precisely the same notebook mentioned in the sworn statement of Asst. Solicitor General Bernardo Pardo (Exh. – Pardo).

"4. That in each of the two cases mentioned in the next preceding paragraph, only one (1) subject or notebook was reviewed or re-evaluated, that is, only Mercantile Law in the former; and only Political and International Law in the latter, under the facts and circumstances I made known to the Committee and pursuant to which the Committee authorized the referral of the notebooks involved to the examiners concerned;

"5. That at that juncture, the examiner in Taxation even volunteered to review or re-check some 19, or so, notebooks in his subject but that I told the Committee that there was very little time left and that the increase in grade after re-evaluation, unless very highly substantial, may not alter the outcome since the subject carries the weight of only 10%" (Adm. Case No. 1162, pp. 45-47, rec.).

The foregoing last-minute embellishment only serves to accentuate the fact that Lanuevo's story is devoid of truth. In

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his sworn statement of April 12, 1972, he was "led to scrutinize all the set of notebooks" of respondent Galang, because he "was impressed of the writing and the answers on the first notebook" as he "was going over those notebooks, checking the entries in the grading sheets and the posting on the record of ratings." In his affidavit of August 27, 1973, he stated that the number *954* on a Meralco post provoked him "to pry into the contents of the notebooks" of respondent Galang "bearing office code number '954.'"

Respondent Ramon E. Galang, *alias* Roman E. Galang, asserted, among others;

"1. That herein respondent is not acquainted with former Bar Confidant Victorio Lanuevo and never met him before except once when, as required by the latter respondent submitted certain papers necessary for taking the bar examinations.

"xxx xxx xxx

"4. That it has been the consistent policy of the Supreme Court not to reconsider 'failure' cases; after the official release thereof; why should it now reconsider a 'passing' case, especially in a situation where the respondent and the bar confidant do not know each other and, indeed, met only once in the ordinary course of official business?

"It is not inevitable, then, to conclude that the entire situation clearly manifests a reasonable doubt to which respondent is richly entitled?

"5. That respondent, before reading a copy of this Honorable Court's resolution dated March 5, 1973, had no knowledge whatsoever of former Bar Confidant Victorio Lanuevo's actuations which are stated in particular in the resolution. In fact, the respondent never knew this man intimately nor, had the herein respondent utilized anyone to contact the Bar Confidant Lanuevo in his behalf.

"But, assuming as true, the said actuations of Bar Confidant Lanuevo as stated in the Resolution, which are evidently purported to show as having redounded to the benefit of herein respondent, these questions arise: First, was the re-evaluation of Respondent's examination papers by the Bar Examination Committee done only or especially for him and not done generally as regards the paper of the other bar candidates who are supposed to have failed? If the re-

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evaluation of Respondent's grades was done among those of others, then it must have been done as a matter of policy of the Committee to increase the percentage of passing in that year's examination and, therefore, the insinuation that only respondent's papers were re-evaluated upon the influence of Bar Confidant Lanuevo would be unjustifiable, if not far fetched. Secondly, is the fact that Bar Confidant Lanuevo's actuations resulted in herein Respondent's benefit an evidence per se of Respondent's having caused actuations of Bar Confidant Lanuevo to be done in former's behalf? To assume this could be disastrous in effect because that would be presuming all the members of the Bar Examination Committee as devoid of integrity, unfit for the bar themselves and the result of their work that year, as also unworthy of anything. All of these inferences are deductible from the narration of facts in the resolution, and which only goes to show said narration of facts as unworthy of credence, or consideration.

"x x x x x x x x x

"7. This Honorable Tribunal's Resolution of March 5, 1973 would make this Respondent Account or answer for the actuations of Bar Confidant Lanuevo as well as for the actuations of the Bar Examiners implying the existence of some conspiracy between them and the Respondent. The evident imputation is denied and it is contended that the Bar Examiners were in the performance of their duties and that they should be regarded as such in the consideration of this case.

"x x x" (Adm. Case No. 1163, pp. 100-104, rec.).

I

The evidence thus disclosed clearly demonstrates how respondent Lanuevo systematically and cleverly initiated and prepared the stage leading to the re-evaluation and/or re-correction of the answers of respondent Galang by deceiving separately and individually the respondents-examiners to make the desired revision without prior authority from the Supreme Court after the corrected notebooks had been submitted to the Court through the respondent Bar Confidant, who is simply the custodian thereof for and in behalf of the Court.

It appears that one evening, sometime around the *middle part of December, 1971*, just before Christmas day, respondent Lanuevo approached Civil Law examiner Pamatian while the

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latter was in the process of correcting examination booklets, and then and there made the representations that as Bar Confidant, he makes a review of the grades obtained in all subjects of the examinees and if he finds that a candidate obtains an extraordinarily high grade in one subject and a rather low one in another, he will bring back to the examiner concerned the notebook for re-evaluation and change of grade (Exh. 2-Pamatian, Adm. Case No. 1164, pp. 55-56; Vol. V, pp. 3-4, rec.).

Sometime in the *latter part of January, 1972*, respondent Lanuevo brought back to respondent-examiner Pamatian an examination booklet in Civil Law for re-evaluation, representing that the examinee who owned the particular notebook is on the borderline of passing and *if his grade in said subject could be reconsidered to 75%, the said examinee will get a passing average*. Respondent-examiner Pamatian took respondent Lanuevo's word and under the belief that was really the practice and policy of the Supreme Court and in his further belief that he was just manifesting cooperation in doing so, he re-evaluated the paper and reconsidered the examinee's grade in said subject to 75% from 64%. The particular notebook belonged to an examinee with Examiner's Code Number 95 and with Office Code Number 954. This examinee is Ramon E. Galang, *alias* Roman E. Galang. Respondent Pamatian did not know the identity of the examinee at the time he re-evaluated the said booklet (Exhs. 1-Pamatian, 2-Pamatian, and 3-Pamatian, Adm. Case No. 1164, pp. 32-33, 55-56, 57; Vol. V, pp. 3-4, rec.).

Before Justice Pamatian made the revision, Examinee Galang failed in seven subjects including Civil Law. After such revision, examinee Galang still failed in six subjects and could not obtain the passing average of 75% for admission to the Bar.

Thereafter, about the *latter part of January, 1972 or early part of February, 1972*, respondent Lanuevo went to the residence of respondent-examiner Fidel Manalo at 1854 Asuncion Street, Makati, Rizal, with an examinee's notebook in Remedial Law, which respondent Manalo had previously corrected and graded. Respondent Lanuevo then requested respondent Manalo to review the said notebook and possibly to reconsider the grade

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given, explaining and representing that "they" had reviewed the said notebook and *that the examinee concerned had done well in other subjects, but that because of the comparatively low grade given said examinee by respondent Manalo in Remedial Law, the general average of said examinee was short of passing.* Respondent Lanuevo likewise made the remark and observation that he thought that if the notebook were reviewed, respondent Manalo might yet find the examinee deserving of being admitted to the Bar. Respondent Lanuevo also particularly called the attention of respondent Manalo to the fact that in his answers, the examinee expressed himself clearly and in good English. Furthermore, respondent Lanuevo called the attention of respondent Manalo to Paragraph 4 of the Confidential Memorandum that read as follows:

"4. Examination questions should be more a test of logic, knowledge of legal fundamentals, and ability to analyze and solve legal problems rather than a test of memory; in the correction of papers, substantial weight should be given to clarity of language and soundness of reasoning."

Respondent Manalo was, however, informed by respondent Lanuevo that the matter of reconsideration was entirely within his (Manalo's) discretion. Respondent Manalo, believing that respondent Lanuevo, as Bar Confidant, had the authority to make such request and further believing that such request was in order, proceeded to re-evaluate the examinee's answers in the presence of Lanuevo, resulting in an increase of the examinee's grade in that particular subject, Remedial Law, *from 63.25% to 74.5%.* Respondent Manalo authenticated with his signature the changes made by him in the notebook and in the grading sheet. The said notebook examiner's code number is 136, instead of 310 as earlier mentioned by him in his affidavit, and belonged to Ramon E. Galang, *alias* Roman E. Galang (Exhs. 1 & 2-Manalo, Adm. Case No. 1164, pp. 36-39, 74-75; Vol. V, pp. 50-53, rec.).

But even after the re-evaluation by Atty. Manalo, examinee Galang could not make the passing grade due to his failing marks in five subjects.

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Likewise, in the latter part of January, 1972, on one occasion when respondent Lanuevo went to deliver to respondent *Guillermo Pablo, Jr.* in the latter's house a new batch of examination papers in Political Law and Public International Law to be corrected, respondent Lanuevo brought out a notebook in Political Law bearing *Examiner's Code Number 1752* (Exh. 5-Pardo, Adm. Case No. 1164, p. 66, rec.), informing respondent Pablo *that particular examinee* who owns the said notebook *seems to have passed in all other subjects except in Political Law and Public International Law; and that if the said notebook would be re-evaluated and the mark be increased to at least 75%, said examinee will pass the bar examinations. After satisfying himself from respondent that this is possible — the respondent Bar Confidant informing him that this is the practice of the Court to help out examinees who are failing in just one subject — respondent Pablo acceded* to the request and thereby told the Bar Confidant to just leave the said notebook. Respondent Pablo thereafter re-evaluated the answers, this time with leniency. After the re-evaluation, the grade was increased to *78% from 68%*, or an increase of 10%. Respondent Pablo then made the corresponding corrections in the grading sheet and accordingly initialed the changes made. This notebook with Office Code Number 954 also belonged to Ramon E. Galang, *alias* Roman E. Galang (Vol. V, pp. 43-46, rec.).

After the re-evaluation by Atty. Pablo, Jr., examinee Galang's general average was still below the passing grade, because of his failing marks in four subjects.

Towards the end of the correction of examination notebooks, respondent Lanuevo brought back to respondent Tomacruz one examination booklet in Criminal Law, with the former informing the latter, who was then helping in the correction of papers in Political Law and Public International Law, as he had already finished correcting the examination notebooks in his assigned subject — Criminal Law — that the examinee who owns that particular notebook had missed the passing grade by only a fraction of a percent and that if his grade in Criminal Law would be raised a few points to 75%, then the examinee would

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make the passing grade. Accepting the words of respondent Lanuevo, and seeing the justification and because he did not want to be the one causing the failure of the examinee, *respondent Tomacruz raised the grade from 64% to 75%* and thereafter, he initialed the revised mark and also revised the mark in the general list and likewise initialed the same. The examinee's Examiner Code Number is 746 while his Office Code Number is 954. This examinee is Ramon E. Galang, alias Roman E. Galang (Exhs. 1, 2 & 3-Tomacruz, Adm. Case No. 1164, pp. 65, 66 and 71; Vol. V, pp. 24-25, 60-61, rec.).

Respondent Tomacruz does not recall having been shown any memo by respondent Lanuevo when the latter approached him for this particular re-evaluation; but *he remembers Lanuevo declaring to him that where a candidate had almost made the passing average but had failed in one subject, as a matter of policy of the Court, leniency is applied in reviewing the examinee's notebook in the failing subject.* He recalls, however, that he was provided a copy of the Confidential Memorandum but this was long before the re-evaluation requested by respondent Lanuevo as the same was received by him before the examination period (Vol. V, p. 61, rec.).

However, such revision by Atty. Tomacruz could not raise Galang's general average to a passing grade because of his failing mark in three more subjects, including Mercantile Law. For the revision of examinee Galangs notebook in Mercantile Law, respondent Lanuevo neatly set the last phase of his quite ingenious scheme — by securing authorization from the Bar Examination Committee for the examiner in Mercantile Law to re-evaluate said notebook.

At the first meeting of the Bar Examination Committee on February 8, 1972, respondent Lanuevo suggested that *where an examinee failed in only one subject and passed the rest, the examiner concerned would review the notebook.* Nobody objected to it as irregular and the Committee adopted the suggestion (Exhs. A & B-Montecillo, Exh. 2-Pardo, Adm. Case No. 1161, pp. 41, 72, 63; Vol. Vi, p. 16, rec.).

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At a subsequent meeting of the Bar Examination Committee, respondent Montecillo was informed by respondent Lanuevo that a candidate passed all other subjects except Mercantile Law. This information was made during the meeting within hearing of the other members, who were all closely seated together. Respondent Montecillo made known his willingness to re-evaluate the particular paper. The next day, respondent Lanuevo handed to respondent Montecillo a bar candidate's notebook with Examiner's Code Number 1613 with a *grade of 61%*. Respondent Montecillo then reviewed the whole paper and after re-evaluating the answers, decided *to increase the final grade to 71%*. The matter was not however thereafter officially brought to the Committee for consideration or decision (Exhs. A & B-Montecillo, Adm. Case No. 1164, pp. 40-41, 70-71; Vol. V, pp. 33-34, rec.).

Respondent Montecillo declared that without being given the information that the particular examinee failed only in his subject and passed all the others, he would not have consented to make the re-evaluation of the said paper (Vol. V, p. 33, rec.). Respondent Montecillo likewise added that there was only one instance he remembers, which is substantiated by his personal records, that he had to change the grade of an examinee after he had submitted his report, referring to the notebook of examinee Ramon E. Galang, *alias* Roman E. Galang, with Examiner's Code Number 1613 and with Office Code Number 954 (Vol. V, pp 34-35, rec.).

A day or two after February 5, 1972, when respondent Lanuevo went to the residence of respondent-examiner Pardo to obtain the last bag of 200 notebooks, respondent Lanuevo returned to the residence of respondent Pardo riding in a Volkswagen panel of the Supreme Court of the Philippines with two companions. According to respondent Lanuevo, this was around the second week of February, 1972, after the first meeting of the Bar Examination Committee. Respondent Lanuevo had with him on that occasion an examinee's notebook bearing Examiner's Code No. 661. *Respondent Lanuevo*, after the usual amenities, *requested respondent Pardo to review and re-examine, if possible, the said notebook because*, according

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to respondent Lanuevo, *the examinee who owns that particular notebook obtained higher grades in other subjects*, the highest of which is 84% in Remedial Law. After clearing with respondent Lanuevo his authority to reconsider the grades, *respondent Pardo re-evaluated* the answers of the examinee concerned, *resulting in an increase of grade from 57% to 66%.* Said notebook has number 1622 as office code number. It belonged to examinee Ernesto Quitaleg (Exhs. 1 & 2-Pardo, Adm. Case No. 1164, pp. 58-63; Vol. V, pp. 12-24, 29-30, rec.).

II

Re: Administrative Case No. 1162, Victorio D. Lanuevo, respondent.

A

UNAUTHORIZED RE-EVALUATION OF THE ANSWERS OF EXAMINEE RAMON E. GALANG, *alias* ROMAN E. GALANG, *alias* IN ALL FIVE (5) MAJOR SUBJECTS.

Respondent Victorio D. Lanuevo admitted having requested on his own initiative the five examiners concerned to re-evaluate the five notebooks of Ramon E. Galang, alias Roman E. Galang, that eventually resulted in the increase of Galang's average from 66.25% to the passing grade 74.15%, or a total increase of eight (8) weighted points, more or less, that enabled Galang to hurdle the 1971 Bar examinations via a resolution of the Court making 74% the passing average for that year's examination without any grade below fifty percent (50%) in any subject. Galang thereafter took his lawyer's oath. It is likewise beyond dispute that he had no authority from the Court or the Committee to initiate such steps towards the said re-evaluation of the answers of Galang or of other examinees.

Denying that he made representations to the examiners concerned that respondent Galang failed only in their respective subjects and/or was on the borderline of passing, respondent Lanuevo sought to justify his actuations on the authority of the aforequoted paragraph 4 of the Confidential Memorandum (Exhs. 1 and 1-A-Lanuevo, Adm. Cases Nos. 1162 & 1164, p. 51,

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Adm. Case No. 1162; Vol. VII, p. 4, rec.) distributed to the members of the Bar Examination Committee. He maintains that he acted in good faith and "in his honest belief that the same merited re-evaluation; that in doing so, it was not his intention to forsake or betray the trust reposed in him as Bar Confidant but on the contrary to do justice to the examinee concerned; and that neither did he act in a presumptuous manner because the matter of whether or not re-evaluation was in order was left alone to the examiners' decision x x x" (Exh. 2-Lanuevo, Adm. Case No. 1162, pp. 35-37, rec.).

But as openly admitted by him in the course of the investigation, the said confidential memorandum was intended solely for the examiners to guide them in the initial correction of the examination papers and never as a basis for him to even suggest to the examiners the re-evaluation of the examination papers of the examinees (Vol. VII, p. 23, rec.). Any such suggestion or request is not only presumptuous but also offensive to the norms of delicacy.

We believe the Examiners — Pablo, Manalo, Montecillo, Tomacruz, Pardo and Pamatian — whose declarations on the matter of the misrepresentations and deceptions committed by respondent Lanuevo, are clear and consistent as well as corroborate each other.

For indeed the facts unfolded by the declarations of the respondents-examiners (Adm. Case No. 1164) and clarified by extensive cross-examination conducted during the investigation and hearing of the cases show how respondent Lanuevo adroitly maneuvered the passing of examinee Ramon E. Galang, *alias* Roman E. Galang in the 1971 Bar Examinations. It is patent likewise from the records that respondent Lanuevo took undue advantage of the trust and confidence reposed in him by the Court and the Examiners implicit in his position as Bar Confidant as well as the trust and confidence that prevailed in and characterized his relationship with the five members of the 1971 Bar Examination Committee, who were thus deceived and induced into re-evaluating the answers of *only* respondent Galang in *five* subjects that resulted in the increase of his grades

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therein, ultimately enabling him to be admitted a member of the Philippine Bar.

It was plain, simple and unmitigated deception that characterized respondent Lanuevo's well-studied and well-calculated moves in successively representing separately to each of the five examiners concerned to the effect that the examinee failed only in his particular subject and/or was on the borderline of passing. To repeat, before the unauthorized re-evaluations were made, Galang failed in the five (5) major subjects and in two (2) minor subjects while his general average was only 66.25% — which under no circumstances or standard could it be honestly claimed that the examinee failed only in one, or he was on the borderline of passing. In fact, before the first notebook of Galang was referred back to the examiner concerned for re-evaluation, Galang had only one passing mark and this was in Legal Ethics and Practical Exercises, a minor subject, with a grade of 81%. The averages and individual grades of Galang before and after the unauthorized re-evaluation are as follows:

		B	A	I
1.	Political Law and Public International Law	68% ---------	78% =	10 pts. or 30 weighted points
		B	A	I
	Labor Laws and Social Legislations	67% -------	67% =	no re-evaluation made.
2.	Civil Law	64% -------	75% =	11 points or 33 weighted points.
	Taxation	74% -------	74% =	no re-evaluation made.
3.	Mercantile Law	61% -------	71% =	10pts. or 30 weighted points.
4.	Criminal Law	64% -------	75% =	11 pts. or 22 weighted points.

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5.	Remedial Law	63.75% (64) --74.5% (75%) = 11 pts. or 44 weighted points.
	Legal Ethics and Practical Exercises	81% ------ 81% = no re-evaluation made.

General Weighted Averages--66.25% – *74.15%*

Hence, by the simple expedient of initiating the re-evaluation of the answers of Galang in the five (5) subjects under the circumstances already narrated, Galang's original average of 66.25% was increased to 74.15% or an increase of 7.9 weighted points, to the great damage and prejudice of the integrity of the Bar examinations and to the disadvantage of the other examinees. He did this in favor only of examinee Galang, with the possible addition of examinees Ernesto Quitaleg and Alfredo Ty dela Cruz. But only one notebook was re-evaluated for each of the latter two — Political Law and Public International Law for Quitaleg and Mercantile Law for Ty dela Cruz.

The Office of the Bar Confidant, it must be stressed, has absolutely nothing to do in the re-evaluation or reconsideration of the grades of examinees who fail to make the passing mark before or after their notebooks are submitted to it by the Examiners. After the corrected notebooks are submitted to him by the Examiners, his only function is to tally the individual grades of every examinee in all subjects taken and thereafter compute the general average. That done, he will then prepare a comparative data showing the percentage of passing and failing in relation to a certain average to be submitted to the Committee and to the Court and on the basis of which the Court will determine the passing average, whether 75 or 74 or 73, etc. The Bar Confidant has no business evaluating the answers of the examinees and cannot assume the functions of passing upon the appraisal made by the Examiner concerned. He is not the over-all Examiner. He cannot presume to know better than the Examiner. Any request for re-evaluation should be done by the examinee and the same should be addressed to the Court,

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which alone can validly act thereon. A Bar Confidant who takes such initiative, exposes himself to suspicion and thereby compromises his position as well as the image of the Court.

Respondent Lanuevo's claim that he was merely doing justice to Galang without any intention of betraying the trust and confidence reposed in him by the Court as Bar Confidant, can hardly invite belief in the face of the incontrovertible fact that he singled out Galang's papers for re-evaluation, leaving out the papers of more than ninety (90) examinees with far better averages ranging from 70% to 73.9% of which he was fully aware (Vol. VI, pp. 46-47, 101, rec.), which could be more properly claimed as borderline cases. This fact further betrays respondent Lanuevo's claim of absolute good faith in referring back the papers of Galang to the Examiners for re-evaluation. For certainly, as against the original weighted average of 66.25%, of Galang, there can hardly be any dispute that the cases of the aforesaid more than ninety (90) examinees were more deserving of reconsideration. Hence, in trying to do justice to Galang, as claimed by respondent Lanuevo, grave injustice was inflicted on the other examinees of the 1971 Bar examinations, especially the said more than ninety candidates. And the unexplained failure of respondent Lanuevo to apprise the Court or the Committee or even the Bar Chairman of the fact of re-evaluation before or after the said re-evaluation and increase of grades, precludes, as the same is inconsistent with, any pretension of good faith.

His request for the re-evaluation of the notebook in Political Law and International Law of Ernesto Quitaleg and the notebook in Mercantile Law of Alfredo Ty dela Cruz was to give his actuations in the case of Galang a semblance of impartiality, hoping that the over ninety examinees who were far better situated than Galang would not give him away. Even the re-evaluation of one notebook of Quitaleg and one notebook of Ty dela Cruz violated the agreement of the members of the 1971 Bar Examination Committee to re-evaluate when the examinee concerned fails only in one subject. Quitaleg and Ty dela Cruz failed in four (4) and three (3) subjects respectively — as hereinafter shown.

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The strange story concerning the figures 954, the office code number given to Galang's notebook, unveiled for the first time by respondent Lanuevo in his supplemental sworn statement (Exh. 3-Lanuevo, Adm. Case No. 1162, pp. 45-47, rec.) filed during the investigation with this Court as to why he pried into the papers of Galang deserves scant consideration. It only serves to picture a man desperately clutching at straws in the wind for support. Furthermore, it was revealed by respondent Lanuevo for the first time only on August 27, 1973 or a period of more than five (5) months after he filed his answer on March 19, 1973 (Exh. 2-Lanuevo, Adm. Case No. 1162, pp. 35-36, rec.), showing that it was just an after-thought.

B

REFERRAL OF EXAMINEE ALFREDO TY DELA CRUZ' NOTEBOOK IN MERCANTILE LAW TO RAISE HIS GRADE OF 47% TO 50% TO EXAMINER MANUEL MONTECILLO AND OF EXAMINEE ERNESTO QUITALEG'S NOTEBOOK IN POLITICAL LAW TO EXAMINER BERNARDO PARDO FOR RE-EVALUATION, RESULTING IN THE INCREASE OF HIS GRADE IN THAT SUBJECT FROM 57% TO 66%.

Likewise, respondent Victorio D. Lanuevo admitted having referred back the aforesaid notebooks on Mercantile Law and Political Law respectively of Alfredo Ty dela Cruz and Ernesto Quitaleg to the Examiners concerned.

The records are not clear, however, under what circumstances the notebooks of Ty dela Cruz and Quitaleg were referred back to the Examiners concerned. Respondent Lanuevo claimed that these two cases were officially brought to the Bar Examination Committee during its first meeting (Vol. VI, pp. 50-51, rec.) and the latter decided to refer them back to the Examiners concerned for re-evaluation with respect to the case of Quitaleg and to remove the disqualification in the case of Ty dela Cruz (Vol. VI, pp. 33-39, 84-86, rec.). Respondent Lanuevo further claimed that the data of these two cases were contained in a sheet of paper which was presented at the said first meeting

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of the Committee (Vol. VI, pp. 39-43, 49-51, rec.). Likewise a record of the dates of every meeting of the Committee was made by respondent Lanuevo (Vol. VI, p. 28, rec.). The alleged sheet containing the data of the two examinees and record of the dates of the meeting of the Committee were not presented by respondent Lanuevo as, according to him, he left them inadvertently in his desk in the Confidential Room when he went on leave after the release of the Bar results (Vol. VI, pp. 28, 41-45, rec.). It appears, however, that the inventory conducted by officials of the Court in the Confidential Room of respondent Lanuevo did not yield any such sheet or record (Exh. X, Adm. Case No. 1162, p. 74, rec.; Vol. VIII, pp. 11-13, 20-22, 29-31, rec.).

Respondent Examiner Montecillo, Mercantile Law, maintained that there was only one notebook in Mercantile Law which was officially brought to him and this is substantiated by his personal file and record (Vol. VI, pp. 34-35, rec.). According to him, this notebook's examiner code number is 1613 (Vol. V, p. 35, rec.) and is owned by Ramon E. Galang, *alias* Roman E. Galang. It appears, however, that the original grade of 47% in Mercantile Law of Ty dela Cruz was changed to 50% as appearing in the cover of the notebook of said examinee and the change is authenticated with the initial of Examiner Montecillo. He was present when respondent Lanuevo presented in evidence the notebook of Ty dela Cruz bearing Examiner Code Number 951 and Office Code Number 110 as Exhibit 9-Lanuevo in Administrative Case No. 1162, and the figures 47 crossed out, replaced by the figures 50 bearing the initial of Examiner Montecillo as Exhibit 9-a-Lanuevo (Adm. Case No. 1162, p. 48, rec.; Vol. VI, pp. 23-24, Vol. VIII, p. 4, rec.); but Atty. Montecillo did not interpose any objection to their admission in evidence.

In this connection, respondent Examiner Pardo testified that he remembers a case of an examinee presented to the Committee, who obtained passing marks in all subjects except in one and the Committee agreed to refer back to the Examiner concerned the notebook in the subject in which the examinee failed (Vol. V, pp. 15-16, rec.). He cannot recall the subject, but he is certain that it was not Political Law (Vol. V, p. 16, rec.). Further, Pardo declared that he is not aware of any case of an examinee

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who was on the borderline of passing but who got a grade below 50% in one subject that was taken up by the Committee (Vol. V, pp. 16-17, rec.).

Examiner Montecillo testified that it was the notebook with Examiner Code Number 1613 (belonging to Galang) which was referred to the Committee and the Committee agreed to return it to the Examiner concerned. The day following the meeting in which the case of an examinee with Code Number 1613 was taken up, respondent Lanuevo handed him said notebook and he accordingly re-evaluated it. This particular notebook with Office Code Number 954 belongs to Galang.

Examiner Tomacruz recalled a case of an examinee whose problem was Mercantile Law that was taken up by the Committee. He is not certain of any other case brought to the Committee (Vol. V, pp. 59-61, rec.). Pardo declared that there was no case of an examinee that was referred to the Committee that involved Political Law. He re-evaluated the answers of Ernesto Quitaleg in Political Law upon the representation made by respondent Lanuevo to him.

As heretofore stated, it was this consensus at the meeting on February 8, 1972 of the members of the Committee that where an examinee failed in only one subject and passed all the others, the Examiner in whose subject the examinee failed should re-evaluate or recheck the notebook (Vol. V, p. 16, rec.: Exh. 2-Pardo, allegation No. 9, Adm. Case No. 1164, pp. 60-63, Exh. A-Montecillo, Allegation No. 2, Adm. Case No. 1164, pp. 40-41, and Exh. B-Montecillo, Adm. Case No. 1164, p. 72, rec.).

At the time the notebook of Ernesto Quitaleg in Political Law with a grade of 57% was referred back to Examiner Pardo, said examinee had other failing grades in three (3) subjects, as follows:

Labor Laws	73%
Taxation	69%
Mercantile Law	68%

Ernesto Quitaleg's grades and averages before and after the re-evaluation of his grade in Political Law are as follows:

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	B	A	
Political Law	57% --	66% =	9 pts. or 27 weighted points
Labor Laws	73% --	73% =	No reevaluation
Civil Law	75% --	75% =	"
Taxation	69% --	69% =	"
Mercantile Law	68% --	68% =	"
Criminal Law	78% --	78% =	"
Remedial Law	85% --	85% =	"
Legal Ethics	83% --	83% =	"
Average (weighted) —	73.15% -- 74.5%		

(Vol. VI, pp. 26-27; Exhs. 10 and 10-A-Lanuevo, Adm. Case No. 1162, rec.)

Alfredo Ty dela Cruz, at the time his notebook in Mercantile Law was referred to Examiner Montecillo to remove the disqualification grade of 47% in said subject, had two (2) other failing grades. These are:

Political Law ----------	70%
Taxation ----------	72%

His grades and averages before and after the disqualifying grade was removed are as follows:

	B	A	
Political Law	70% --	70% =	No reevaluation
Labor Laws	75% --	75% =	"
Civil Law	89% --	89% =	"
Taxation	72% --	72% =	"
Mercantile Law	47% --	50% =	3 pts. or 9 weighted points
Criminal Law	78% --	78% =	no reevaluation
Remedial Law	88% --	88% =	"
Legal Ethics	79% --	79% =	"
Weighted Averages —	74.95% -- 75.4%		

(Vol. VI, pp. 26-27, rec.).

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The re-evaluation of the answers of Quitaleg in Political Law and the answers of Ty dela Cruz in Mercantile Law, violated the consensus of the Bar Examination Committee in February, 1972, which violation was due to the misrepresentation of respondent Lanuevo.

It must be stated that the referral of the notebook of Galang in Mercantile Law to Examiner Montecillo can hardly be said to be covered by the consensus of the Bar Examination Committee because *even at the time of said referral*, which was after the unauthorized re-evaluation of his answers of four (4) subjects, Galang had still failing grades in Taxation and Labor Laws. His re-evaluated grade of 74.5% in Remedial Law was considered 75% under the Confidential Memorandum and was so entered in the record. His grade in Mercantile Law as subsequently reevaluated by Examiner Montecillo was 71%.

Respondent Lanuevo is therefore guilty of serious misconduct — of having betrayed the trust and confidence reposed in him as Bar Confidant, thereby impairing the integrity of the Bar examinations and undermining public faith in the Supreme Court. He should be disbarred.

As to whether Ernesto Quitaleg and Alfredo Ty dela Cruz should be disbarred or their names stricken from the Roll of Attorneys, it is believed that they should be required to show cause and the corresponding investigation conducted.

III

Re: Administrative Case No. 1163, Ramon E. Galang, *alias* Roman E. Galang, respondent.

A

The name of respondent Ramon E. Galang, alias Roman E. Galang, should likewise be stricken off the Roll of Attorneys. This is a necessary consequence of the un-authorized re-evaluation of his answers in five (5) major subjects — Civil Law, Political and International Law, Criminal Law, Remedial Law, and Mercantile Law.

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The judicial function of the Supreme Court in admitting candidates to the legal profession, which necessarily involves the exercise of discretion, requires: (1) previous established rules and principles; (2) concrete facts, whether past or present, affecting determinate individuals; and (3) a decision as to whether these facts are governed by the rules and principles (In re: Cunanan — Flunkers' Petition for Admission to the Bar — 94 Phil. 534, 544-545). The determination of whether a bar candidate has obtained the required passing grade certainly involves discretion (Legal and Judicial Ethics, Justice Martin, 1969 ed., p. 13).

In the exercise of this function, the Court acts through a Bar Examination Committee, composed of a member of the Court who acts as Chairman and eight (8) members of the Bar who act as examiners in the eight (8) bar subjects with one subject assigned to each. Acting as a sort of liaison officer between the Court and the Bar Chairman, on one hand, and the individual members of the Committee, on the other, is the Bar Confidant who is at the same time a deputy clerk of the Court. Necessarily, every act of the Committee in connection with the exercise of discretion in the admission of examinees to membership of the Bar must be in accordance with the established rules of the Court and must always be subject to the final approval of the Court. With respect to the Bar Confidant, whose position is primarily confidential as the designation indicates, his functions in connection with the conduct of the Bar examinations are defined and circumscribed by the Court and must be strictly adhered to.

The re-evaluation by the Examiners concerned of the examination answers of respondent Galang in five (5) subjects, as already clearly established, was initiated by respondent Lanuevo without any authority from the Court, a serious breach of the trust and confidence reposed by the Court in him as Bar Confidant. Consequently, the re-evaluation that enabled respondent Galang to pass the 1971 Bar examinations and to be admitted to the Bar is a complete nullity. The Bar Confidant does not possess any discretion with respect to the matter of admission of examinees to the Bar. He is not clothed with authority

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to determine whether or not an examinee's answers merit re-evaluation or re-correction or whether the Examiner's appraisal of such answers is correct. And whether or not the examinee benefited was in connivance or a privy thereto is immaterial. What is decisive is whether the proceedings or incidents that led to the candidate's admission to the Bar were in accordance with the rules.

B

Section 2 of Rule 138 of the Revised Rules of Court of 1964, in connection, among others, with the character requirement of candidates for admission to the Bar, provides that "every applicant for admission as a member of the Bar must be x x x of good moral character x x x and must produce before the Supreme Court satisfactory evidence of good moral character, and that no charges against him involving moral turpitude, have been filed or are pending in any court in the Philippines." Prior to 1964, or under the old Rules of Court, a bar applicant was required to produce before the Supreme Court satisfactory testimonials of good moral character (Sec. 2, Rule 127). Under both rules, every applicant is duty bound to lay before the Court all his involvement in any criminal case, pending or otherwise terminated, to enable the Court to fully ascertain or determine applicant's moral character. Furthermore, as to what crime involves moral turpitude, is for the Supreme Court to determine. Hence, the necessity of laying before or informing the Court of one's personal record — whether he was criminally indicted, acquitted, convicted or the case dismissed or is still pending — becomes more compelling. The forms for application to take the Bar examinations provided by the Supreme Court beginning the year 1965 require the disclosure not only of criminal cases involving moral turpitude filed or pending against the applicant but also of all other criminal cases of which he has been accused. It is of course true that the application form used by respondent Galang when he took the Bar for the first time in 1962 did not expressly require the disclosure of the applicant's criminal records, if any. But as already intimated, implicit in his task to show satisfactory evidence or proof of good moral character is his obligation to reveal to the Court all his involvement in any criminal

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case so that the Court can consider them in the ascertainment and determination of his moral character. And undeniably, with the applicant's criminal records before it, the Court will be in a better position to consider the applicant's moral character; for it could not be gainsaid that an applicant's involvement in any criminal case, whether pending or terminated by its dismissal or applicant's acquittal or conviction, has a bearing upon his character or fitness for admission to the Bar. In 1963 and 1964, when respondent Galang took the Bar for the second and third time, respectively, the application form provided by the Court for use of applicants already required the applicant to declare under oath that "he has not been accused of, indicted for or convicted by any court or tribunal of any offense involving moral turpitude; and that there is no pending case of that nature against him." By 1966, when Galang took the Bar examinations for the fourth time, the application form prepared by the Court for use of applicants required the applicant to reveal all his criminal cases whether involving moral turpitude or not. In paragraph 4 of that form, the applicant is required under oath to declare that "he has not been charged with any offense before a Fiscal, Municipal Judge, or other officer; or accused of, indicted for or convicted by any court or tribunal of any crime involving moral turpitude; nor is there a pending case against him" (Adm. Case No. 1163, p. 56, rec.). Yet, respondent Galang continued to intentionally withhold or conceal from the Court his criminal case of slight physical injuries which was then and until now is pending in the City Court of Manila; and thereafter repeatedly omitted to make mention of the same in his applications to take the Bar examinations in 1967, 1969 and 1971.

All told, respondent Ramon E. Galang, *alias* Roman E. Galang, is guilty of fraudulently concealing and withholding from the Court his pending criminal case for physical injuries in 1962, 1963, 1964, 1966, 1967, 1969 and 1971; and in 1966, 1967, 1969 and 1971, he committed perjury when he declared under oath that he had no pending criminal case in court. By falsely representing to the Court that he had no criminal case pending in court, respondent Galang was allowed unconditionally to take

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the Bar examinations seven (7) times and in 1972 was allowed to take his oath.

That the concealment of an attorney in his application to take the Bar examinations of the fact that he had been charged with, or indicted for, an alleged crime, is a ground for revocation of his license to practice law is well — settled (see 165 ALR 1151, 7 CJS 741). Thus:

"[1] It requires no argument to reach the conclusion that the respondent, in withholding from the board of law examiners and from the justice of this court, to whom he applied for admission, information respecting so serious a matter as an indictment for a felony, was guilty of fraud upon the court (cases cited).

"[2] It is equally clear that, had the board of law examiners, or the judge to whom he applied for admission, been apprised of the true situation, neither the certificate of the board nor of the judge would have been forthcoming "(State ex rel. *Board of Law Examiners v. Podell*, 207 N — W — 709 — 710)."

The license of respondent Podell was revoked and annulled, and he was required to surrender to the clerk of court the license issued to him, and his name was stricken from the roll of attorneys (p. 710).

Likewise in *Re Carpel,* it was declared that:

"[1] The power to admit to the bar on motion is conferred in the discretion of the Appellate Division.' In the exercise of the discretion, the court should be informed truthfully and frankly of matters tending to show the character of the applicant and his standing at the bar of the state from which he comes. *The finding of indictments against him, one of which was still outstanding at the time of his motion, were facts which should have been submitted to the court*, with such explanations as were available. *Silence respecting them was reprehensible*, as tending to deceive the court" (165 NYS, 102, 104; italics supplied).

Carpel's admission to the bar was revoked (p. 105).

Furthermore, respondent's persistent denial of his involvement in any criminal case despite his having been apprised by the Investigator of some of the circumstances of the criminal case

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including the very name of the victim in that case (he finally admitted it when he was confronted by the victim himself, who was called to testify thereon), and his continued failure for about thirteen years to clear his name in that criminal case up to the present time, indicate his lack of the requisite attributes of honesty, probity and good demeanor. He is therefore unworthy of becoming a member of the noble profession of law.

While this aspect of the investigation was not part of the formal resolution of the Court requiring him to explain why his name should not be stricken from the Roll of Attorneys, respondent Galang was, as early as August, 1973, apprised of his omission to reveal to the Court his pending criminal case. Yet he did not offer any explanation for such omission.

Under the circumstances in which respondent Ramon E. Galang, *alias* Roman E. Galang, was allowed to take the Bar examinations and the highly irregular manner in which he passed the Bar, WE have no other alternative but to order the surrender of his attorney's certificate and the striking out of his name from the Roll of Attorneys. For as WE said in Re Felipe del Rosario:

"The practice of the law is not an absolute right to he granted every one who demands it, but is a privilege to be extended or withheld in the exercise of sound discretion. The standards of the legal profession are not satisfied by conduct which merely enables one to escape the penalties of the criminal law. It would be a disgrace to the Judiciary to receive one whose integrity is questionable as an officer of the court, to clothe him with all the prestige of its confidence, and then to permit him to hold himself as a duly authorized member of the Bar (citing American cases)" [52 Phil. 399-401].

What WE now do with respondent Ramon E. Galang, *alias* Roman E. Galang, in this present case is not without any precedent in this jurisdiction. WE had on several occasions in the past nullified the admission of successful bar candidates to the membership of the Bar on the grounds, among others, of (a) misrepresentations of, or false pretenses relative to, the requirement on applicant's educational attainment [*Tapel vs. Publico*, resolution of the Supreme Court striking off the name

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of Juan T. Publico from the Roll of Attorneys on the basis of the findings of the Court Investigators contained in their report and recommendation, Feb. 23, 1962; *In re: Telesforo A. Diao*, 7 SCRA 475-478]; (black of good moral character [*In re: Peralta,* 101 Phil. 313-314]; and (c) fraudulent passing of the Bar examinations [*People vs. Romualdez — re: Luis Mabunay,* 57 Phil. 151; *In re: Del Rosario,* 52 Phil. 399 and *People vs. Castro and Doe,* 54 Phil. 42]. In the cases of Romualdez (Mabunay) and Castro, the Court found that the grades of Mabunay and Castro were falsified and they were convicted of the crime of falsification of public documents.

IV

Re: Administrative Case No. 1164, Assistant Solicitor General Bernardo Pardo (now CFI Judge), Judge Ramon Pamatian (Later Associate Justice of the Court of Appeals, now deceased) Atty. Manuel G. Montecillo, Atty. Fidel Manalo, Atty. Manuel Tomacruz and Atty. Guillermo Pablo, Jr., respondents.

All respondents Bar examiners candidly admitted having made the re-evaluation and/or re-correction of the papers in question upon the misrepresentation of respondent Bar Confidant Lanuevo. All, however, professed good faith; and that they re-evaluated or increased the grades of the notebooks without knowing the identity of the examinee who owned the said notebooks; and that they did the same without any consideration or expectation of any. These the records clearly demonstrate and WE are of the opinion and WE so declare that indeed the respondents-examiners made the re-evaluation or recorrection in good faith and without any consideration whatsoever.

Considering however the vital public interest involved in the matter of admission of members to the Bar, the respondents bar examiners, under the circumstances, should have exercised greater care and caution and should have been more inquisitive before acceding to the request of respondent Bar Confidant Lanuevo. They could have asked the Chairman of the Bar Examination Committee, who would have referred the matter to the Supreme Court. At least the respondents-examiners should

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have required respondent Lanuevo to produce or show them the complete grades and/or the average of the examinee represented by respondent Lanuevo to have failed only in their respective and particular subject and/or was on the borderline of passing to fully satisfy themselves that the examinee concerned was really so circumstanced. This they could have easily done and the stain on the Bar examinations could have been avoided.

Respondent Bar examiners Montecillo, Pamatian, and Manalo claimed and so declared under oath that the answers of respondent Galang really deserved or merited the increased grades; and so with respondent Pardo in connection with the re-evaluation of Ernesto Quitaleg's answers in Political Law. With respect to respondents Tomacruz and Pablo, it would appear that they increased the grades of Galang in their respective subject solely because of the misrepresentations of respondent Lanuevo. Hence, in the words of respondent Tomacruz: "You brought to me one paper and you said that this particular examinee had almost passed, however, in my subject he received 60 something, I cannot remember the exact average and if he would get a few points higher, he would get a passing average. *I agreed to do that because I did not wish to be the one causing his failure.* x x x" (Vol. V, pp. 60-61, rec.; see also allegations 3 and 4, Exh. 1-Tomacruz, Adm. Case No. 1164, p. 69, rec.; emphasis ours). And respondent Pablo: "x x x he told me that this particular examinee seems to have passed in all other subjects except this subject and that if I can re-evaluate this examination notebook and increase the mark to at least 75, this particular examinee will pass the bar examinations so I believe I asked him 'Is this being done?' and he said 'Yes, that is the practice used to be done before to help out examinees who are failing in just one subject' so I readily acceded to his request and said 'Just leave it with me and I will try to re-evaluate' and he left it with me and what I did was to go over the book and tried to be as lenient as I could. *While I did not mark correct the answers which were wrong, what I did was to be more lenient and if the answer was correct although it was not complete I raise the grade so I had a total of 78 instead of 68 and*

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what I did was to correct the grading sheet accordingly and initial the changes" (Vol. V, pp. 44-45, rec.; italics supplied).

It could not be seriously denied, however, that the favorable re-evaluations made by respondents Pamatian, Montecillo, Manalo and Pardo notwithstanding their declarations that the increases in grades they gave were deserved by the examinee concerned, were to a certain extent influenced by the misrepresentation and deception committed by respondent Lanuevo. Thus in their own words:

Montecillo —

"Q And by reason of that information you made the re-evaluation of the paper?
"A Yes, your Honor.
"Q Would you have re-evaluated the paper of your own accord in the absence of such information?

"A No, your Honor, because I have submitted my report at that time" (Vol. V; p. 33, rec.; see also allegations in paragraphs 2, 3, 4 & 5, Affidavit of April 17, 1972, Exh. B-Montecillo; allegation No. 2, Answer dated March 19, 1973, Exh. A-Montecillo, Adm. Case No. 1164, pp. 40-41, and 72, rec.).

Pamatian —

"3. That sometime in the later part of January of this year, he brought back to me an examination booklet in Civil Law for reevaluation because according to him the owner of the paper is on the borderline and if I could reconsider his grade to 75% the candidate concerned will get passing mark;

"4. That taking his word for it and under the belief that it was really the practice and policy of the Supreme Court to do so and in the further belief that I was just manifesting cooperation in doing so, I reevaluated the paper and reconsidered the grade to 75%; x x x" (Exh. 2-Pamatian, Adm. Case No. 1164, p. 55, rec.); and

"5. That the above re-evaluation was made in good faith and under the belief that I am authorized to do so in view of the misrepresentation of said Atty. Victorio Lanuevo, x x x." (Exh. 1-Pamatian, Adm. Case No. 1164, pp. 33-34, rec.).

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Manalo —

"(c) In revising the grade of the particular examinee concerned, herein respondent carefully evaluated each and every answer written in the notebook. Testing the answers by the criteria laid down by the Court, *and giving the said examinee the benefit of the doubt in view of Mr. Lanuevo's representation that it was only in that particular subject that said examinee failed, herein respondent became convinced that the said examinee deserved a higher grade than that previously given him, but he did not deserve, in herein respondent's honest appraisal, to be given the passing grade of 75%.* x x x" (allegation 5-c, p. 38, Exh. 1-Manalo, rec.; italics supplied).

Pardo —

"x x x I considered it entirely humanly possible to have erred, because I corrected that particular notebook on December 31, 1971, *considering especially the representation of the Bar Confidant that the said examinee had obtained higher grades in other subjects, the highest of which was 84% in Remedial law, if I recall correctly.* x x x" (allegation 7, Exh. 2-Pardo, Adm. Case No. 1164, p. 62, rec.; italics supplied).

With the misrepresentations and the circumstances utilized by respondent Lanuevo to induce the herein examiners to make the re-evaluation adverted to, no one among them can truly claim that the re-evaluation effected by them was impartial or free from any improper influence, their conceded integrity, honesty and competence notwithstanding.

Consequently, Galang cannot justifiably claim that he deserved the increased grades given after the said re-evaluations (Galang's memo attached to the records, Adm. Case No. 1163).

At any rate, WE are convinced, in the light of the explanations of the respondents-examiners, which were earlier quoted in full, that their actuations in connection with the re-evaluation of the answers of Galang in five (5) subjects do not warrant or deserve the imposition of any disciplinary action. WE find their explanations satisfactory. Nevertheless, WE are constrained to remind herein respondents-examiners that their participation in the admission of members to the Bar is one impressed with

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the highest consideration of public interest — absolute purity of the proceedings — and so are required to exercise the greatest or utmost care and vigilance in the performance of their duties relative thereto.

V

Respondent Atty. Victorio D. Lanuevo, in his memorandum filed on November 14, 1973, claimed that respondent-examiner Pamatian "in bringing up this unfounded cause, or lending undue assistance or support thereto x x x was motivated with vindictiveness due to respondent's refusal to be pressured into helping his (examiner's) alleged friend — a participant in the 1971 Bar Examinations whom said examiner named as Oscar Landicho and who, the records will show, did not pass said examinations" (p. 9, Lanuevo's memo, Adm. Case No. 1162).

It must be stated that this is a very serious charge against the honor and integrity of the late Justice Ramon Pamatian, who passed away on October 18, 1973 and therefore cannot refute Lanuevo's insinuations. Respondent Victorio D. Lanuevo did not bring this out during the investigation which in his words is "essential to his defense." His pretension that he did not make this charge during the investigation when Justice Pamatian was still alive, and deferred the filing of such charge against Justice Pamatian and possibly also against Oscar Landicho before the latter departed for Australia "until this case shall have been terminated lest it be misread or misinterpreted as being intended as a leverage for a favorable outcome of this case on the part of respondent or an act of reprisal", does not invite belief; because he does not impugn the motives of the five other members of the 1971 Bar Examination Committee, who also affirmed that he deceived them into re-evaluating or revising the grades of respondent Galang in their respective subjects.

It appears, however, that after the release of the results of the 1971 Bar examinations, Oscar Landicho, who failed in that examinations, went to see and did see Civil Law Examiner Pamatian for the purpose of seeking his help in connection with the 1971 Bar examinations. Examiner Pamatian advised Landicho to see the Chairman of the 1971 Bar Examination

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Committee. Examiner Pamatian mentioned in passing to Landicho that an examination booklet was re-evaluated by him (Pamatian) before the release of the said bar results (Vol. V, pp. 6-7, rec.). Even though such information was divulged by respondent Pamatian after the official release of the bar results, it remains an indecorous act, hardly expected of a member of the Judiciary who should exhibit restraint in his actuations demanded by resolute adherence to the rules of delicacy. His unseemly act tended to undermine the integrity of the bar examinations and to impair public faith in the Supreme Court.

VI

The investigation failed in unearth *direct evidence* that the illegal machination of respondent Lanuevo to enable Galang to pass the 1971 Bar examinations was committed for valuable consideration.

A

There are, however, acquisitions made by respondent Lanuevo immediately after the official release of the 1971 Bar examinations in February, 1972, which may he out of proportion to his salary as Bar Confidant and Deputy Clerk of Court of the Supreme Court.

1. On April 5, 1972, respondent Lanuevo and his wife acquired from the BF Homes, Inc. a house and lot with an area of 374 square meters, more or less. for the amount of ₱84,114 00. The deed of sale was dated March 5, 1972 but was notarized only on April 5, 1972. On the same date, however, respondent Lanuevo and his wife executed two (2) mortgages covering the said house and lot in favor of BF Homes, Inc. in the total amount of ₱67,291.20 (First —mortgage ₱58,879.80, Entry No. 90913: date of instrument — *April 5, 1972,* date of inscription — *April 20, 1972*; Second mortgage — ₱8,411.40, Entry No. 90914: date of instrument — April 5, 1972, date of inscription — *April 20, 1972*). [D-2 to D-4, Vol. III, rec.]. Respondent Lanuevo paid as down payment the amount of only ₱17,000.00, which according to him is equivalent to 20%, more or less, of the purchase price of ₱84,114,00. Respondent Lanuevo claimed that ₱5,000.00 of the ₱17,000.00 was his savings while the remaining ₱12,000.00 came from his sister in Okinawa in the form of a loan and received by him through

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a niece before Christmas of 1971 in dollars ($2000) [Vol. VII, pp. 41-48; Vol. VIII, pp. 2-3, rec.]

It appears, however, that his alleged *₱5,000.00 savings* and *₱12,000.00 loan from his sister*; are not fully reflected and accounted for in respondent's *1971 Statement of Assets and Liabilities which he* filed on January 17, 1972.

In said 1971 statement, respondent Lanuevo listed under Assets a bank deposit in the amount of only ₱2,000.00. In his 1972 statement, his bank deposit listed under Assets was in the amount of ₱1,011.00, which shows therefore that of the ₱2,000.00 bank deposit listed in his 1971 statement under Assets, only the amount of ₱989.00 was used or withdrawn. The amount of ₱18,000.00 receivable listed under Assets in his *1971 statement* was not realized because the transaction therein involved did not push through (Statement of Assets and Liabilities of respondent Lanuevo from 1965 to 1972; Vol. VIII, pp. 47-48, rec.).

Likewise, the alleged December, 1971 $2000 loan of respondent from his married sister in Okinawa is extremely doubtful. In the first place, said amount of $2000 (₱12,000.00) is not reflected in his *1971 Statement of Assets and Liabilities* filed on January 17, 1972. Secondly, the alleged note which he allegedly received from his sister at the time he received the $2000 was not even presented by respondent during the investigation. And according to respondent Lanuevo himself, while he considered this a loan, his sister did not seriously consider it as one. In fact, no mode or time of payment was agreed upon by them. And furthermore, during the investigation, respondent Lanuevo promised to furnish the Investigator the address of his sister in Okinawa. Said promise was not fulfilled as borne out by the records. Considering that there is no showing that his sister, who has a family of her own, is among the top earners in Okinawa or has saved a lot of money to give to him, the conclusion, therefore, that the *₱17,000.00* of respondent Lanuevo was either an ill-gotten or undeclared income is inevitable under the foregoing circumstances.

On *August 14, 1972*, respondent Lanuevo and his wife mortgaged their BF Homes house and lot to the GSIS for the amount of ₱65,000.00 (Entry No. 4992: *August 14, 1972* — date of instrument; *August 23, 1972* — date of inscription). On *February 28, 1973*, the *second mortgage in favor of BF Homes, Entry No. 90914*, was redeemed by respondent and was subsequently cancelled on *March 20, 1973, Entry No. 30143.* Subsequently, or on *March 2, 1973* the first

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mortgage in favor of BF Homes, Entry No. 90913 was also redeemed by respondent Lanuevo and thereafter cancelled on *March 20, 1973,* (See D-2 to D-4, Vol. III, rec.). Hence, only the mortgage in favor of GSIS remains as the encumbrance of respondent's house and lot. According to respondent Lanuevo, the monthly amortization of the GSIS mortgage is ₱778.00 a month, but that since *May of 1973*, he was unable to pay the same. In his *1972 Statement of Assets and Liabilities*, which he filed in connection with his resignation and retirement (filed *October 13, 1972*), the house and lot declared as part of his assets, were valued at ₱75,756.90. Listed, however, as an item in his liabilities in the same statement was the GSIS real estate loan in the amount of *₱64,200.00* (1972 Statement of Assets and Liabilities).

2. Listed as an asset in his *1972 Statement of Assets and Liabilities* is a 1956 VW car valued at *₱5,200.00*. That he acquired this car sometime between January, 1972 and November, 1972 could be inferred from the fact that no such car or any car was listed in his statement of assets and liabilities of 1971 or in the years previous to 1965. It appears, however, that his *listed total assets, excluding receivables in his 1971 Statement was ₱19,000 00*, while in his 1972 (as of November, 1972) Statement, his listed total assets, *excluding the house* and lot was ₱18,211.00, *including the said 1956 VW car* worth ₱5,200.00.

The proximity in point of time between the official release of the 1971 Bar examinations and the acquisition of the above-mentioned properties, tends to link or tie up the said acquisitions with the illegal machination committed by respondent Lanuevo with respect to respondent Galangs examination papers or to show that the money used by respondent Lanuevo in the acquisition of the above properties came from respondent Galang in consideration of his passing the Bar.

During the early stage of this investigation but after the Court had informed respondent Lanuevo of the serious irregularities in the 1971 Bar examinations alleged in Oscar Landicho's Confidential Letter and in fact, after respondent Lanuevo had filed on *April 12, 1972* his sworn statement on the matter, as ordered by the Court, respondent Lanuevo surprisingly filed his letter of resignation on October 13, 1972 with the end in view of retiring from the Court. His resignation before he was required to show cause on March 5, 1973 but after he was

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informed of the said irregularities, is indicative of a consciousness of guilt.

It must be noted that immediately after the official release of the results of the 1971 Bar examinations, respondent Lanuevo went on vacation and sick leave from March 16, 1972 to January 15, 1973, obtaining the cash value thereof in lump sum in the amount of ₱11,000.00. He initially claimed at the investigation that he used a part thereof as a down payment for his BF Homes house and lot (Vol. VII, pp. 40-48, rec.), which he bought on April 5, 1972.

Criminal proceedings may be instituted against respondent Lanuevo under Section 3 (a & e) in relation to Section 9 of Republic Act No. 1379 (Anti-Graft Law) for:

"a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be presented, induced, or influenced to commit such violation or offense.

"xxx xxx xxx

"(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions."

Section 8 of said Republic Act No. 3019 authorizes the dismissal or removal of a public officer once it is determined that his property or money "is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property x x x" (Sec. 2, Rep. Act 1379; Sec. 8, Rep. Act 3019).

It should he stressed, however, that respondent Lanuevo's aforementioned Statements of Assets and Liabilities were not presented or taken up during the investigation; but they were examined as they are part of the records of this Court.

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B

There are likewise circumstances indicating possible contacts between respondent Ramon E. Galang and/or his father and respondent Victorio D. Lanuevo before the latter became the Bar Confidant.

1. Respondent Ramon E. Galang was a beneficiary of the G.I. Bill of Rights educational program of the Philippine Veterans Board from his high school days — *1951 to 1955* — up to his pre-law studies at the MLQ Educational Institution (now MLQ University) — *1955 to 1958*. From 1948 to 1958, respondent Victorio D. Lanuevo was connected with the Philippine Veterans Board which is the governmental agency entrusted with the affairs of our veterans including the implementation of the Veterans Bill of Rights. From *1955 to 1958*, respondent Lanuevo successively held the positions of Junior Investigator, Veterans Claims Investigator, Supervising Veterans Investigator and Veterans Claims Investigator (Service Record, p. 9, Adm. Case No. 1162). During that period of time, therefore, respondent Lanuevo had direct contacts with applicants and beneficiaries of the Veterans Bill of Rights. Galang's educational benefits was approved on *March 16, 1954*, retroactive as of the date of waiver — *July 31, 1951*, which is also the date of filing (A, Vol. IV, rec.).

It is alleged by respondent Ramon E. Galang that it was his father who all the time attended to the availment of the said educational benefits and even when he was already in Manila taking up his pre-law at MLQ Educational Institution from *1955 to 1958*. In 1955, respondent Galang was already 19 years old, and from 1957 to 1958, he was employed as a technical assistant in the office of Senator Roy (Vol. V, pp. 79-80, 86-87, rec.). [Subsequently, during the investigation, he claimed that he was the private secretary of Senator Puyat in 1957 (Vol. VI, pp. 12-13, rec.)]. It appears, however, that a copy of the notice-letter *dated June 28, 1955* of the Philippine Veterans Board to the MLQ Educational Institution on the approval of the transfer of respondent Galang from Sta. Rita Institute to the MLQ Educational Institution effective the first

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semester of the school year *1955-56* was directly addressed and furnished to respondent Ramon E. Galang at 2292 Int. 8 Banal St., Tondo, Manila (A-12, Vol. IV, rec.).

Respondent Ramon E. Galang further declared that he never went to the Office of the Philippine Veterans to follow up his educational benefits and claimed that he does not even know the location of the said office. He does not also know whether beneficiaries of the G.I. Bill of Rights educational benefits are required to go to the Philippine Veterans Board every semester to submit their ratings (Vol. V, p. 86, rec.). But respondent Galang admits that he has gone to the GSIS and City Court of Manila, although he insists that he never bothered to take a look at the neighboring buildings (Vol. V, pp. 93-94, rec.). The huge and imposing Philippine Veterans Building is beside the GSIS building and is obliquely across the City Court building.

2. Respondent Lanuevo stated that as an investigator in the Philippine Veterans Board, he investigated claims for the several benefits given to veterans like educational benefits and disability benefits; that he does not remember, however, whether in the course of his duties as veterans investigator, he came across the application of Ramon E. Galang for educational benefits and that he does not know the father of Mr. Ramon E. Galang and has never met him (Vol. VII, pp. 28, 49, rec.).

3. Respondent Lanuevo, as a member of the *USAFEE, belonged to the 91st Infantry operating at Zambales and then Cabanatuan, Nueva Ecija, shortly before the war* (Vol. VII, pp. 48-49, rec.). Later he joined the guerilla movement in Samar.

He used to be a member of the Philippine Veterans Legion especially while working with the Philippine Veterans Board (Vol. VII, p. 49, rec.).

He does not know the Banal Regiment of the guerillas, to which Galang's father belonged. During the Japanese occupation, his guerilla outfit was operating in Samar only and he had no communications with other guerilla organization in other parts of the country.

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He attended meetings of the Philippine Veterans Legion in his chapter in Samar only and does not remember having attended its meeting here in Manila, even while he was employed with the Philippine Veterans Board. He is not a member of the Defenders of Bataan and Corregidor (Vol. VII, p. 519 rec.).

On November 27, 1941, while respondent Lanuevo was with the Philippine Army stationed at Camp Manacnac, Cabanatuan, Nueva Ecija, he was stricken with pneumonia and was hospitalized at the Nueva Ecija Provincial Hospital as a result and was still confined there when their camp was bombed and strafed by Japanese planes on December 13, 1941 (Sworn statement of respondent Lanuevo dated August 27, 1973, Adm. Case No. 1162, p. 46, rec.).

German Galang, father of respondent Galang, was a member of the Banal Guerilla Forces, otherwise known as the Banal Regiment. He was commissioned and inducted as a member thereof on January 16, 1942 and was given the rank of first lieutenant. His unit "was attached and served into the XI-Corps, US Army; XIII-C US Army, 43rd Div., US Army, stationed headquarters *at Sta. Rosa*, Nueva Ecija and with the 38th Division US army stationed at Corregidor in the mopping-up operations against the enemies, from 9 May 1945 date of recognition to 31 December 1945, date of demobilization" (Affidavit of Jose Banal dated December 22, 1947, Vol. IV, A-3, rec.).

It should be stressed that once the bar examiner has submitted the corrected notebooks to the Bar Confidant, the same cannot be withdrawn for any purpose whatsoever without prior authority from the Court. Consequently, this Court expresses herein its strong disapproval of the actuations of the bar examiners in Administrative Case No. 1164 as above delineated.

WHEREFORE, IN ADMINISTRATIVE CASE NO. 1162, RESPONDENT VICTORIO D. LANUEVO IS HEREBY DISBARRED AND HIS NAME ORDERED STRICKEN FROM THE ROLL OF ATTORNEYS, AND IN ADMINISTRATIVE CASE NO. 1163, RESPONDENT RAMON E. GALANG, *alias* ROMAN E. GALANG, IS

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HEREBY LIKEWISE DISBARRED AND HIS NAME ALSO ORDERED STRICKEN FROM THE ROLL OF ATTORNEYS.

Makalintal, C.J., Castro, Fernando, Barredo, Esguerra, Muñoz Palma, and *Aquino, JJ.*, concur.

Teehankee, J., concurs in the result.

Antonio, J., is on official leave.

Concepcion and *Martin, JJ.,* took no part.

SECOND DIVISION

[G.R. No. L-19620. August 29, 1975]

IN THE MATTER OF THE INTESTATE ESTATE OF TIRSO LORENZO (TAN CHIU) & CECILIA ALBA, deceased. TAN SEE SENG & IGNACIO LORENZO, *petitioner-appellees, vs.* **LUZON SURETY COMPANY, INC.,** *claimant-appellant.*

APPEARANCES OF COUNSEL

Climaco & Associates for petitioner-appellees.
Tolentino Garcia & D.R. Cruz for claimant-appellant.

D E C I S I O N

CONCEPCION, JR., *J.*:

This is an appeal interposed by the Luzon Surety Company, Inc. from the judgment of the Court of First Instance of Zamboanga dismissing its claim in Special Case No. 485.