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presented by the respondents is sufficient to prove their claim of possession since 1948. We find no reversible error in the CA's affirmance of the RTC's reliance on the tax declarations presented by the respondents.

In view, however, of the erroneous finding of the CA that the land is alienable, and the failure of the respondents to provide the necessary evidence to support their allegation that the land is indeed alienable, the assailed CA Decision must be reversed.

WHEREFORE, in view of the foregoing, the instant petition is hereby **GRANTED**. The Decision of the Court of Appeals dated September 14, 2012 in CA-G.R. CV No. 96390 and the Decision of the Regional Trial Court dated November 3, 2010 in LRC Case No. N-11398 are hereby **REVERSED** and **SET ASIDE**, and a new one entered **DENYING** respondents' application for registration of title.

SO ORDERED.

Brion,[*] *Villarama, Jr., Reyes,* and *Perlas-Bernabe,*[**] *JJ.*, concur.

EN BANC

[A.C. No. 7054. November 11, 2014]

CONRADO N. QUE, *complainant, vs.* **ATTY. ANASTACIO E. REVILLA, JR.,** *respondent.*

SYLLABUS

1. LEGAL ETHICS; ATTORNEYS; DISBARMENT; ONLY THOSE WHO ESTABLISH THEIR PRESENT MORAL

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[*] Additional Member per Raffle dated September 15, 2014.

[**] Acting Member per Special Order No. 1866 dated November 4, 2014.

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

2. **ID.; ID.; ID.; PETITION FOR REINSTATEMENT TO THE PRACTICE OF LAW; BASIC INQUIRY OF; WHETHER THE LAWYER HAS SUFFICIENTLY REHABILITATED HIMSELF OR HERSELF IN CONDUCT AND CHARACTER.—** The basic inquiry in a petition for **reinstatement** to the practice of law is whether the lawyer has sufficiently rehabilitated himself or herself in conduct and character. Whether the applicant shall be reinstated in the Roll of Attorneys rests to a great extent on the sound discretion of the Court. The lawyer has to demonstrate and prove by clear and convincing evidence that he or she is again worthy of membership in the Bar. The Court will take into consideration his or her character and standing prior to the disbarment, the nature and character of the charge/s for which he or she was disbarred, his or her conduct subsequent to the disbarment, and the time that has elapsed in between the disbarment and the application for reinstatement.

APPEARANCES OF COUNSEL

Law Firm of Young Gambol & Magat for respondent.

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R E S O L U T I O N

***PER CURIAM*:**

For the Court's consideration is the Profound Appeal for Judicial Clemency[1] filed by Atty. Anastacio E. Revilla, Jr. (*respondent*), who seeks to be reinstated as a member of the Philippine Bar.

Factual Background

In a Decision[2] dated December 4, 2009, this Court disbarred the respondent from the practice of law on the following grounds: abuse of court procedures and processes; filing of multiple actions and forum-shopping; willful, intentional and deliberate resort to falsehood and deception before the courts; maligning the name of his fellow lawyer; and fraudulent and unauthorized appearances in court.

The material portions of the subject Decision provide:

Based on the foregoing, we conclude that the respondent committed various acts of professional misconduct and thereby failed to live up to the exacting ethical standards imposed on members of the Bar. We cannot, agree, however, that only a penalty of one-year suspension from the practice of law should be imposed. Neither should we limit ourselves to the originally recommended penalty of suspension for two (2) years.

Given the respondent's multiple violations, his past record as previously discussed, and the nature of these violations which shows the readiness to disregard court rules and to gloss over concerns for the orderly administration of justice, we believe and so hold that the appropriate action of this Court is to disbar the respondent to keep him away from the law profession and from any significant role in the administration of justice which he has disgraced. He is a continuing risk, too, to the public that the legal profession serves. Not even his ardor and overzealousness in defending the interests of his client can save him. Such traits at the expense of everything else,

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[1] Unpaged.

[2] Unpaged.

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particularly the integrity of the profession and the orderly administration of justice, this Court cannot accept nor tolerate.

Additionally, disbarment is merited because this is not the respondent's first ethical infraction of the same nature. We penalized him in Plus Builders, Inc. and Edgardo Garcia versus Atty. Anastacio E. Revilla for his willful and intentional falsehood before the court; for misuse of court procedures and processes to delay the execution of a judgment; and for collaborating with non-lawyers in the illegal practice of law. We showed leniency then by reducing his penalty to suspension for six (6) months. We cannot similarly treat the respondent this time; it is clear that he did not learn any lesson from his past experience and since then has exhibited traits of incorrigibility. It is time to put a finis to the respondent's professional legal career for the sake of the public, the profession and the interest of justice.

***WHEREFORE**, premises considered, we hereby **AFFIRM** Resolution No. XVII-2005-164 dated December 17, 2005 and Resolution No. XVII-2008-657 dated December 11, 2008 of the Board of Governors of the IBP Committee on Bar Discipline insofar as respondent Atty. Anastacio Revilla, Jr. is found liable for professional misconduct for violations of the Lawyer's Oath; Canon 8; Rules 10.01 and 10.03, Canon 10; Rules 12.02 and 12.04, Canon 12; and Rule 19.01, Canon 19 of the Code of Professional Responsibility; and Sections 20(d), 21 and 27 of Rule 138 of the Rules of Court. However, we modify the penalty the IBP imposed, and hold that the respondent should be **DISBARRED** from the practice of law.*

SO ORDERED.

On July 8, 2010, the respondent filed a Petition for Judicial Clemency and Compassion[3] praying that his license to practice law be restored based on humanitarian considerations, but the Court *En Banc* resolved to deny the petition for lack of merit.

The respondent subsequently filed on January 11, 2011, an Appeal for Grace, Succor, and Mercy[4] asking the Court to take a second look at the penalty imposed upon him. He maintained that Conrado N. Que (*complainant*) failed to establish by clear and convincing evidence that he committed grossly immoral

[3] Unpaged.

[4] Unpaged.

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conduct meriting the severe penalty of disbarment. He also attempted to pass the blame on another individual (*a certain Gerolin Piedad, General Manager of Kalayaan Development Corporation*) to free himself from liability by claiming that one of the charges leading to his disbarment was not of his own doing.

In a Resolution[5] dated February 8, 2011, the Court denied the appeal.

The respondent again wrote the Court on July 13, 2011, reiterating his pleas for the Court's compassion and mercy.[6] He sought the Court's forgiveness stating that he has learned his lesson; but at the same time, questioning the Court's finding for lack of factual support. He appended to his appeal proofs of his updated payment of IBP membership dues,[7] MCLE compliance,[8] and a letter from the Bishop of Marinduque.[9] His appeal, however, was denied by a Resolution[10] dated August 2, 2011.

On May 17, 2012, the respondent sent a letter[11] addressed to the Members of the Court *En Banc* once again reiterating his prayer to lift the order of disbarment. He alleged among others that for more than three years that he has been disbarred in the practice of law, he has never been involved in any immoral or illegal activities, has devoted himself in the services of St. Peter Parish and Shrine, Commonwealth Avenue as Eucharistic Minister leader, has conducted regular monthly lectures on the subject of marriage at the Diocese of Novaliches, and has participated as monthly financial contributor to Mr. Carmel

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[5] Unpaged, Notice of Resolution dated February 8, 2011.

[6] Unpaged, Most Respectful Appeal for Compassion and Mercy.

[7] Unpaged, Official Receipt No. 818682.

[8] Unpaged, Official Receipt No. UPD-2305656.

[9] Unpaged, Letter from the Roman Catholic Bishop of Boac.

[10] Unpaged, Notice of Resolution dated August 2, 2011.

[11] Unpaged, Letter dated May 16, 2012.

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Church, Lucena City. He also begged the Court to no longer prolong his penalty since it had already served its purpose. The plea was also denied on July 3, 2012.[12]

On August 30, 2012, the respondent once more prayed for his reinstatement professing repentance and remorse for what he did.[13] He pleaded for the Court's consideration, and vowed that he will no longer misuse the rules of procedure but instead, devote his time and energy for its proper observance and implementation. He also stated that for almost three years of being disbarred from the practice of law, he has never been involved in any unlawful, dishonest, and immoral activities. He promised to maintain at all times a high degree of legal proficiency, morality, integrity, and fair dealings to the courts, clients, and the legal profession in accordance with the values and morals embodied in the Code of Professional Responsibility.

In a Resolution[14] dated October 9, 2012, the Court denied his petition for lack of merit.

Aggrieved, the respondent filed on March 27, 2013 a letter[15] pleading the Court to revisit his previous requests for reinstatement.

Treating his letter as a motion for the reconsideration of the resolutions dated August 2, 2011, July 3, 2012, and October 9, 2012, the Court, on June 4, 2013 denied the motion with finality.[16]

On July 18, 2014, the respondent filed a Profound Appeal for Judicial Clemency[17] reiterating his apologies to the Court. He stressed that the penalty of disbarment has already taken its toll on his health; he has now become most frail and weak;

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[12] Unpaged, Notice of Resolution dated July 3, 2012.

[13] Unpaged, Most Respectful Petition for Judicial Clemency.

[14] Unpaged, Notice of Resolution dated October 9, 2012.

[15] Unpaged, Letter dated March 24, 2013.

[16] Unpaged, Notice dated June 4, 2013.

[17] Unpaged.

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and he had been diagnosed with chronic kidney disease at stage five (5) and undergoing dialysis thrice weekly. He also stressed that in the years that he had been excluded from the practice of law, he devoted his time to Christian and charity pursuits serving with all humility as a Lay Minister and a regular lecturer on Legal Aspect of Marriage at St. Peter Church, Quezon City.

The respondent also pleads for clemency, not because he intends to practice law again, but to be made whole, to recover from being shattered, and to finally have peace of mind. He expressed his sincere repentance and deep remorse by taking full responsibility for his misdemeanor. He also prayed that his disbarment be lifted and that he be reinstated as a member of the Philippine bar. As part of his petition, he submitted a Medical Abstract[18] evidencing his diagnosis for chronic kidney disease, and a certification[19] from St. Peter Parish, Commonwealth Avenue, Quezon City, proving that he and his family are dedicated parishioners.

The Court's Ruling

We deny the present appeal.

Membership in the Bar is a privilege burdened with conditions.[20] It is not a natural, absolute or constitutional right granted to everyone who demands it, but rather, a special privilege granted and continued only to those who demonstrate special fitness in intellectual attainment and in moral character.[21] The same reasoning applies to reinstatement of a disbarred lawyer. When exercising its inherent power to grant reinstatement, the Court should see to it that only those who establish their present

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[18] Unpaged, Medical Abstract dated July 1, 2014.

[19] Unpaged, Letter from St. Peter Parish: Shrine of Leaders dated May 4, 2014.

[20] *In the Matter of the IBP Membership Dues Deliquency of Atty. Marcial A. Edillion*, A.C. No. 1928, December 19, 1980, 101 SCRA 612.

[21] *In the Matter of the Admission to the Bar and Oath-Taking of Successful Bar Applicant Al C. Argosino*, B.M. No. 712, July 13, 1995, 246 SCRA 14, citing *In Re Keenan*, 314 Mass 544, 50 NE 2d 785 (1943).

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moral fitness and knowledge of the law will be readmitted to the Bar. Thus, though the doors to the practice of law are never permanently closed on a disbarred attorney, the Court owes a duty to the legal profession as well as to the general public to ensure that if the doors are opened, it is done so only as a matter of justice.[22]

The basic inquiry in a petition for **reinstatement** to the practice of law is whether the lawyer has sufficiently rehabilitated himself or herself in conduct and character.[23] Whether the applicant shall be reinstated in the Roll of Attorneys rests to a great extent on the sound discretion of the Court.[24] The lawyer has to demonstrate and prove by clear and convincing evidence that he or she is again worthy of membership in the Bar. The Court will take into consideration his or her character and standing prior to the disbarment, the nature and character of the charge/s for which he or she was disbarred, his or her conduct subsequent to the disbarment, and the time that has elapsed in between the disbarment and the application for reinstatement.[25]

In the present case, we note that before his admission to the Bar, the respondent had demonstrated an active involvement and participation in community and church activities by joining Youth For Christ, Catechism, and Bible Study and Sharing. Likewise, upon admission to the Bar, the respondent worked as Municipal Attorney in Sta. Cruz, Marinduque rendering free legal assistance to his town mates who were in need of legal service. Thereafter, the respondent was appointed as a Municipal Administrator and had continued extending assistance to the indigent residents.

The respondent also actively engaged and participated in various community projects, through the Marinduque Jaycees, where he served as President from 1980 to 1981, and the

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[22] *Scholl v. Kentucky Bar Ass'n,* 213 S.W. 3d 687 (Ky. 2007).

[23] *McGuire v. The Mississippi Bar,* 798 So. 2d 476 (Miss. 2001).

[24] *Bernardo v. Mejia*, Adm. Case No. 2984, 558 Phil. 398, 401 (2007).

[25] *Id*., citing *Cui v. Cui*, 120 Phil. 725, 731 (1964).

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Integrated Bar of the Philippines Marinduque Chapter, where he served as a member, Director, and President from 1982 to 1987.

In his present appeal for judicial clemency, the respondent acknowledged his indiscretions and claimed to have taken full responsibility for his misdemeanor. Unlike in his previous petitions/appeal for judicial clemency, the respondent no longer questioned the Court's decision. According to him, he has long expressed deep remorse and genuine repentance.

The respondent also claimed that the long period of his disbarment gave him sufficient time to reflect on his professional conduct, to show remorse and repentance, and to realize the gravity of his mistakes. After his disbarment, the respondent continued lending assistance, and deviated his time and effort in pursuing civic and religious work that significantly contributed to his character reformation. He professed that during his almost five (5) years of disbarment, he has been an active member of the Couples for Christ, Marriage Encounter, and Knights of Columbus; and through his affiliations with these groups, he had served in the ecclesial affairs in his parish as an Extraordinary Minister for Holy Communion and a lecturer on Legal Aspect of Marriage Pre-Cana and Marriage Preparation Seminar at the Parish Church of St. Peter in Commonwealth Avenue, Quezon City.

Although the Court believes that the respondent is not inherently lacking in moral fiber as shown by his conduct prior to his disbarment, we are not convinced that he had sufficiently achieved moral reformation.

In *Rodolfo M. Bernardo v. Atty. Ismael F. Mejia*,[26] the Court, in deciding whether or not to reinstate Atty. Mejia, considered that 15 years had already elapsed from the time he was disbarred, which gave him sufficient time to acknowledge his infractions and to repent. The Court also took into account the fact that Atty. Mejia is already of advanced years, has long repented, and suffered enough. The Court also noted that he had made a

[26] *Id*.

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significant contribution by putting up the Mejia Law Journal containing his religious and social writings; and the religious organization named "El Cristo Movement and Crusade on Miracle of the Heart and Mind." Furthermore, the Court considered that Atty. Mejia committed no other transgressions since he was disbarred.

Similarly in *Adez Realty, Inc. v. Court of Appeals*,[27] the Court granted the reinstatement of the disbarred lawyer (*found to be guilty of intercalating a material fact in a CA decision*) and considered the period of three (3) years as sufficient time to do soul-searching and to prove that he is worthy to practice law. In that case, the Court took into consideration the disbarred lawyer's sincere admission of guilt and repeated pleas for compassion.

Also in *Valencia v. Antiniw*,[28] the Court reinstated Atty. Antiniw (*who was found guilty of malpractice in falsifying a notarized deed of sale and subsequently introducing the document in court*) after considering the long period of his disbarment (almost 15 years). The Court considered that during Atty. Antiniw's disbarment, he has been persistent in reiterating his apologies to the Court, has engaged in humanitarian and civic services, and retained an unblemished record as an elected public servant, as shown by the testimonials of the numerous civic and professional organizations, government institutions, and members of the judiciary.

In all these cases, the Court considered the conduct of the disbarred attorney before and after his disbarment, the time that had elapsed from the disbarment and the application for reinstatement, and more importantly, the disbarred attorneys' sincere realization and acknowledgement of guilt.

In the present case, we are not fully convinced that the passage of more than four (4) years is sufficient to enable the respondent to reflect and to realize his professional transgressions.

[27] G.R. No. 100643, 321 Phil. 556, 560 (1995).

[28] A. C. Nos. 1302, 1391 and 1543, 579 Phil. 1 (2008).

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We emphasize that this is the **second time** that the respondent was accused and was found guilty of gross misconduct. The respondent, in an earlier case of *Plus Builders, Inc. v. Atty. Anastacio E. Revilla, Jr.*,[29] was likewise found guilty of gross misconduct for committing willful and intentional falsehood before the court; misusing court procedure and processes to delay the execution of a judgment; and collaborating with non-lawyers in the illegal practice of law – *mostly the same grounds on which the Decision dated December 4, 2009 (2nd disbarment) was based*. In *Plus Builders,* we granted the respondent's motion for reconsideration and reduced the penalty of suspension from the practice of law from two (2) years to six (6) months out of compassion to the respondent.

Considering the respondent's ***earlier disbarment case*** (and subsequent reduction of the penalty imposed as an act of clemency), and another ***disbarment case against him still pending review by the Court***, we are not fully and convincingly satisfied that the respondent has already reformed. The period of five (5) years is likewise not considerably long considering the nature and perversity of the respondent's misdeeds. We believe that it is still early for the Court to consider the respondent's reinstatement.

Furthermore, we are not persuaded by the respondent's sincerity in acknowledging his guilt. While he expressly stated in his appeal that he had taken full responsibility of his misdemeanor, his previous inclination to pass the blame to other individuals, to invoke self-denial, and to make alibis for his wrongdoings, contradicted his assertion. The respondent also failed to submit proof satisfactorily showing his contrition. He failed to establish by clear and convincing evidence that he is again worthy of membership in the legal profession. We thus entertain serious doubts that the respondent had completely reformed.

As a final word, while the Court sympathizes with the respondent's unfortunate physical condition, we stress that in

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[29] A.C. No. 7056, 533 Phil. 250 (2006).

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considering his application for reinstatement to the practice of law, the duty of the Court is to determine whether he has established moral reformation and rehabilitation, disregarding its feeling of sympathy or pity. Surely at this point, this requirement was not met. Until such time when the respondent can demonstrate to the Court that he has completely rehabilitated himself and deserves to resume his membership in the Bar, Our decision to disbar him from the practice of law stands.

WHEREFORE, premises considered, the Profound Appeal for Judicial Clemency filed by Atty. Anastacio E. Revilla, Jr. is hereby **DENIED.**

SO ORDERED.

Carpio, Velasco, Jr., Leonardo-de Castro, Brion, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen, and *Jardeleza, JJ.,* concur.

Sereno, C.J., Bersamin, and *Peralta, JJ.,* on official leave.

EN BANC

[A.M. No. P-13-3156. November 11, 2014]
(Formerly A.M. OCA I.P.I. No. 3012-P)

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **ISABEL A. SIWA, Stenographer, Metropolitan Trial Court, Branch 16, Manila,** *respondent.*

SYLLABUS

POLITICAL LAW; ADMNISTRATIVE LAW; COURT PERSONNEL; STENOGRAPHER; FAILURE TO ACCOUNT FOR THE TSNs AMOUNTS TO GROSS NEGLECT OF DUTY.— Her failure to account for the TSNs amounts to Gross Neglect of Duty.