EN BANC

[B.M. No. 4530. December 03, 2025]

IN RE: PETITION TO TAKE THE LAWYER'S OATH AND SIGN THE ROLL OF ATTORNEYS

MARIVIC ANTONIO TALOMA, PETITIONER.

D E C I S I O N

CAGUIOA, J.:

Before the Court is a Petition filed by Marivic Antonio Taloma (petitioner) to take the Lawyer's Oath and to sign the Roll of Attorneys. The facts, as distilled by the Office of the Bar Confidant (OBC), are as follows:

> When petitioner filed her application to take the 2022 Bar Examinations, she declared that she had no pending and/or decided cases.
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> In a Resolution dated August 16, 2022, in Bar Matter No. 3967 (*In Re: 2022 Bar Examinations*), petitioner was allowed to take the 2022 Bar Examinations subject to the condition that she shall submit to the Office of the Bar Confidant (OBC) the documents that it may require; [o]therwise, she shall not be allowed to take her oath and sign the roll.
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> Petitioner passed the 2022 Bar Examinations though she was not allowed to join the Mass Oath-Taking and Roll Signing Ceremonies for New Lawyers on May 2, 2022 at the Philippine International Convention Center (PICC) in Pasay City due to the pending criminal cases filed against her.
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> On April 19, 2023, the OBC received a Letter from Nora A. Aldea, informing the Court that petitioner has two (2) pending criminal cases filed against her by Aldea before the Prosecutor's Office of Tuguegarao City on April 18, 2023.
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> In her petition, petitioner stated that she received a summon[s] dated May 9, 2023 from the OBC, informing her that she has pending criminal cases and requiring her to file a comment within five (5) days from receipt. She averred that only then did she discover that a complaint for Perjury and Falsification of Public Documents was filed against her by Aldea before [the] Prosecutor's Office of Tuguegarao City docketed as NPS II-03-INV-023D-00275-000276. Petitioner added that said criminal complaint was

> subsequently dismissed through the Resolution dated June 26, 2023 rendered by Associate City Prosecutor (ACP) Sheila T. Camarauan-Beltran, City Prosecutor's Office, Tuguegarao City, Cagayan. However, the charge of Falsification of Private Document defined and penalized paragraph 2 of Article 172, in relation to Article 171 of the Revised Penal Code [ ] was pursued and filed before the trial court.
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> In the said Resolution dated June 26, 2023 in NPS II-03-INV-023D-00275-000276, the prosecutor found that petitioner had knowledge of the forgery of complainant's signature in a private document although the document was "notarized" on its face. The Certification issued by the Clerk of Court (CoC) of the Regional Trial Court (RTC)-Tuguegarao City, stated that the subject deed was neither filed nor submitted to their office and that the lawyer who signed as Notary Public was not commissioned as such in the Province of Cagayan.[1]

As of April 11, 2024, the date of filing of the Petition, the criminal case for Falsification of Private Document against petitioner was at the trial stage.[2] After due proceedings in the OBC, the OBC recommended that the Court deny the petition, and hold in abeyance petitioner's taking of the Lawyer's Oath and signing of the Roll of Attorneys. As its legal basis, the OBC cited Section 2, Rule 138 of the Rules of Court, which provides:

> SECTION 2. *Requirements for all applicants for admission to the bar*. — Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and resident of the Philippines; and must produce before the Supreme Court satisfactory evidence of good moral character, and **that no charges against him [or her], involving moral turpitude, have been filed or are pending in any court in the Philippines**. (Emphasis supplied)

ISSUE

Whether petitioner should be allowed to take the Lawyer's Oath and sign the Roll of Attorneys despite the pendency of a criminal case filed against her.

RULING OF THE COURT

The Petition is granted. Petitioner should be allowed to take the Lawyer's Oath and sign the Roll of Attorneys.

It is true that, as quoted above, Rule 138 of the Rules of Court requires all applicants for admission to the Bar to produce before the Court evidence that no charges against them, involving moral turpitude, have been filed or are pending in any court in the Philippines. This requirement, however—like all acts of any branch of the government—has to be read and understood consistently with the Constitution in order to remain valid. If an act, law, or rule cannot be read in a manner consistent with the Constitution,

the same must be struck down for being unconstitutional.

Section 2, Rule 138 of the Rules of Court, therefore, has to be construed consistently with the Constitution, and in particular with the constitutional right to be presumed innocent.[3] This right to be presumed innocent does not just apply to an accused person's status in the criminal case where his or her innocence is assailed. Rather, the right requires that the State treat all accused persons as innocent in all of their dealings with the government, despite the filing of a criminal case against them, as long as there is no conviction by final judgment. That the right extends beyond the four corners of a criminal proceeding is demonstrated by the following cases.

In *Dumlao v. Commission on Elections*[4] (*Dumlao*), the law in question provided that any person who has committed an act of disloyalty against the government would be disqualified from being a candidate to an elective position. The law further provided that for purposes of determining whether one has committed an act of disloyalty, a conviction by final judgment (e.g., for subversion, insurrection, rebellion, or other similar crimes) shall be conclusive evidence of such fact, while the "filing of charges for the commission of such crimes before a civil court or military tribunal after preliminary investigation shall be *prima facie* evidence of such fact."[5] When the law's constitutionality was assailed before the Court, it declared the law partially unconstitutional to the extent that the second portion of the provision in question—that the mere filing of charges constitutes *prima facie* evidence—violates the constitutional right to be presumed innocent. According to the Court, "[t]he challenged proviso contravenes the constitutional presumption of innocence, as a candidate is disqualified from running from public office on the ground alone that charges have been filed against him [or her] before a civil or military tribunal. **It condemns before one is fully heard.**"[6]

The right to be presumed innocent was used not only in an election case as shown above, but it was also applied in a labor case. In *Castillo v. Filtex International Corp.*[7] (*Castillo*), what was involved was a Return to Work Agreement between the employer and union representing the employees. As brief background, there was a mauling and stoning incident that happened while the workers were on strike. As a result, criminal cases for slight physical injuries were filed against the employees who were involved. During the pendency of the cases, the employees involved were suspended from work. However, the employer and the union agreed, under the Return to Work Agreement, that if the employees were "found innocent by the courts, then the COMPANY agrees to reinstate them to their respective jobs with back wages minus whatever earnings they earned during the period of suspension; otherwise, if found guilty, they shall remain dismissed."[8]

One of the employees who was eventually convicted by the then Municipal Court appealed to the then Court of First Instance (CFI). The complainant, however, failed to appear at the hearings before the CFI. Thus, the CFI dismissed the entire criminal case against the employee. Due to the dismissal of the criminal case, the employee sought to be reinstated to his previous job at the company in light of the provisions of the Return

to Work Agreement. The company refused, taking the position that under the agreement, to have a reinstatement, there has to be an explicit finding of innocence by the courts. Because the criminal case was dismissed merely due to a technicality, the company was of the view that the "innocence" threshold of the Return to Work Agreement was not met, and it was therefore not obliged to reinstate the employee.

When the case reached the Court, it ruled that the employee should be reinstated, explaining that "the constitutional presumption of innocence in favor of the appellant should be applied"[9] and that "the innocence of the appellant need no longer be proved, since under the fundamental law his innocence is presumed."[10]

The Court's most prevalent uses of the presumption of innocence outside of criminal proceedings, however, are in the administrative cases involving lawyers and members of the judiciary.[11] One of the most notable rulings of the Court on the matter is the relatively recent case of *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr., Branch 4, Regional Trial Court, Butuan City, Agusan Del Norte*,[12] (*Abul*). In *Abul*, the Court received complaints regarding the alleged extortion activities committed by Judge Godofredo B. Abul (Judge Abul) wherein he allegedly demanded sums of money from criminal defendants in exchange for the dismissal of the criminal cases against them. The complaints underwent an investigation and Judge Abul was also provided the opportunity to defend himself against the allegations. Prior to the Court's ruling on the case, however, Judge Abul died after he was gunned down by unknown assailants.

Initially, the Court found Judge Abul guilty—despite his death—of gross misconduct.[13] As such, the Court ordered the forfeiture of all his retirement benefits. The Court, however, would reverse itself upon reconsideration, ruling that "the non-dismissal of a pending administrative case in view of the death of the respondent public servant is a transgression of his or her Constitutional rights to due process and presumption of innocence."[14] In light of Judge Abul's death during the pendency of the administrative proceedings, and therefore the absence of a definite ruling and penalty imposed upon him, the Court held that the constitutional presumption of innocence stands. As such, the corresponding death and survivorship benefits were ordered released to the heirs of Judge Abul.

The above cases of *Dumlao, Castillo*, and *Abul* show that the constitutional presumption of innocence does not only provide a starting point for the inquiry in the criminal proceedings against the accused person. Rather, the Constitution's mantle of protection extends beyond the criminal case itself, and shields the accused from undue collateral consequences of a criminal charge, such as when a law or government agency takes the very act of having a criminal charge as itself proof of wrongdoing.

Section 2, Rule 138, insofar as it requires an applicant to the Bar to provide evidence that there is no case filed against him or her for a crime involving moral turpitude cannot thus be construed as providing a ground for disqualification. To be consistent with the Constitution, Section 2, Rule 138 of the Rules of Court should be read merely

as a duty to disclose on the part of the applicant. It is ultimately a requirement to be candid with the Court; but the fact alone that there is a case filed should not automatically be taken against the applicant to the Bar. To be sure, Rule 138 of the Rules of Court has been recently amended by the Court,[15] and Section 2 now reads:

> Section 2. *Essential requirements for all applicants for admission to the bar*. – Every applicant for admission as a member of the bar must be a citizen of the Philippines, of legal age, and must produce, before the Supreme Court, satisfactory evidence of good moral character, **and that no charges involving moral turpitude have been decided with finality against the applicant in any court or tribunal in the Philippines or other jurisdiction**.
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> An applicant must disclose any pending charges involving moral turpitude at the time of application. Such an applicant may conditionally take the examinations.
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> In the Supreme Court's assessment and sole discretion, considering the gravity of the claim or offense charged, any prior cases filed against the applicant, and similar reasons, the Supreme Court may defer the oath-taking of the concerned applicant, or impose any other preventive measures, as warranted. (Emphasis supplied)

The amended version of Section 2 better reflects the spirit of the constitutional presumption of innocence. The filing of a criminal charge merely entails an accusation, which is not to be made synonymous with guilt. Depending on the circumstances of a particular individual, the Court may defer the oath-taking of an individual, such as when the accused has been convicted at the trial court and his or her case is now the subject of an appeal. Just as the right to bail is further limited once there is conviction at the trial court level,[16] the Court may exercise its discretion in allowing or not allowing an individual to take the Lawyer's Oath if he or she has already been convicted by the trial court of a crime involving moral turpitude.

To be clear, however, the mere filing alone of a charge involving moral turpitude against an applicant to the Bar is not a ground to disqualify or defer his or her oath-taking. An accusation alone does not constitute proof of guilt. In the same way that the filing of a criminal case involving moral turpitude against a lawyer does not automatically merit the latter's suspension from the practice of law, the filing of such a case against an applicant should also not automatically prevent his or her admission to the Bar.

While the Court recognizes that the practice of law is a privilege burdened with conditions,[17] the conditions that may be imposed by the Court cannot be unconstitutional. The Court also cannot lose sight of the fact that while the practice of law "is a profession and not a business,"[18] the practical reality is that it is a source of livelihood for those in the practice. The time, hard work, and resources put into having a law degree in the Philippines is so much more compared to most other professions,

requiring on the average at least eight years of study at institutions of higher learning. In addition to that, the Court takes judicial notice that cases may remain pending in the courts for years. For the Court to deprive an applicant to the Bar, after having hurdled not just the required degrees but the Bar Examinations itself, the opportunity to practice law during those years when the case is pending *simply because there is an accusation* would be to exercise the Court's powers in an unreasonable and unconstitutional manner.

The Court stresses, as it has done so in past cases discussing the presumption of innocence, that "[a]ccusation is not, according to the fundamental law, synonymous with guilt."[19] In contrast, in the recommendation of the OBC to prevent petitioner from taking her oath, the OBC equated the pendency of the case with her guilt. In its own words: "*Petitioner's act of falsifying a private document for personal gain which willfully cause damage to another* is contrary to the accepted rules of right and duty, honesty, and good morals. Accordingly, petitioner should be hindered to take the Lawyer's Oath and sign the Roll of Attorneys due to the pendency of her criminal case." [20]

The OBC's words above are clear and unequivocal: the allegations and accusations are, to its mind, indeed petitioner's act. Even though the criminal case itself is still pending trial, the OBC already found that petitioner caused damage to another—notably, an element of the offense of falsification of documents–which merits holding in abeyance her ability to practice law. This, despite the fact that petitioner is only one of six co-defendants, any one of whom may be the only perpetrators of the falsification. Simply put, the mere fact of having an accusation filed in court turned the presumption from one of innocence into guilt. The petitioner is presumed guilty—and thus cannot practice law—until such time that she proves her innocence. This framework is clearly one that cannot be countenanced by the Constitution. To borrow the words of the Court in *Castillo*, "innocence... need no longer be proved, since under the fundamental law... innocence is presumed."[21]

In sum, the Court holds that the mere pendency of a criminal case filed against an applicant to the Bar shall not automatically be taken against the said applicant. Pursuant to the amended Section 2, Rule 138 of the Rules of Court, the Court may determine on a case-to-case basis whether the applicant should be allowed to take the oath. To this end, the OBC must provide an opportunity for the applicant to controvert the allegations made against him or her. Considering both the submissions of the complainant and the answers of the applicant, the OBC must make its recommendation to the Court on whether the applicant is morally fit to be admitted to the Bar. The Court may adopt the OBC's recommendation or make its own evaluation of the applicant's moral fitness.

In any event, should said applicant be admitted to the Bar but later on convicted by final judgment in the criminal case involving moral turpitude, disciplinary proceedings which may result in suspension or disbarment are, and would always be available, as all lawyers are subject to the Court's supervision. Moving forward, Section 2, Rule 138 of the Rules of Court should be read primarily as an imposition of duty upon all applicants

to the Bar to disclose the pendency of any criminal case involving moral turpitude filed against them. The applicant's disclosure, however, shall not automatically be taken against him or her.

ACCORDINGLY, premises considered, the Petition is hereby **GRANTED**. Petitioner MARIVIC ANTONIO TALOMA is hereby **ALLOWED** to take the Lawyer's Oath and sign the Roll of Attorneys, subject to the payment of appropriate fees.

The Office of the Bar Confidant is **DIRECTED** to coordinate with petitioner MARIVIC ANTONIO TALOMA and set the schedule accordingly.

SO ORDERED.

Gesmundo, C.J., Leonen, SAJ., Inting, Zalameda, Gaerlan, Rosario, Dimaampao, Marquez, and *Villanueva, JJ.*, concur.
Hernando, J., see dissenting opinion.
Lazaro-Javier, J., I join the dissent of J. Hernando.
J. Lopez,[*] *J.*, on official leave.
Kho, Jr.,[**] *J.*, on official business.
Singh, J., see concurring and dissenting opinion.

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[*] On official leave.

[**] On official business.

[1] *Rollo*, pp. 124-125, Report and Recommendation of the Office of the Bar Confidant dated March 24, 2025.

[2] *Id.* at 2.

[3] CONSTITUTION, art. III, sec. 14(2) provides:

> (2) In all criminal prosecutions, **the accused shall be presumed innocent until the contrary is proved**, and shall enjoy the right to be heard by himself [or herself] and counsel, to be informed of the nature and cause of the accusation against him [or her], to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he [or she] has been duly notified and his [or her] failure to appear is unjustifiable. (Emphasis supplied)

[4] 184 Phil. 369 (1980) [Per J. Melencio-Herrera, *En Banc*].

[5] *Id.* at 382.

[6] *Id.* at 383. Emphasis supplied.

[7] 209 Phil. 728 (1983) [Per J. Escolin, Second Division].

[8] *Id.* at 730. Emphasis supplied.

[9] *Id.* at 732.

[10] *Id.*

[11] *See* **Spouses Nocuenca v. Bensi**, 870 Phil. 430 (2020) [Per J. Hernando, Second Division]; **Goopio v. Maglalang**, 837 Phil. 565 (2018) [Per J. Jardeleza, *En Banc*]; **Aba v. De Guzman, Jr.**, 678 Phil. 588 (2011) [Per J. Carpio, Second Division].

[12] 882 Phil. 76 (2020) [Per J. Hernando, *En Banc*].

[13] *Id.* at 86.

[14] *Id.* at 87.

[15] *Re: 2025 Proposed Amendments to Rule 138 of the Rules of Court*, A.M. No. 24-10-05-SC, accessible at https://sc.judiciary.gov.ph/24-10-05-sc-re-2025-proposed-amendments-to-rule-138-of-the-rules-of-court/.

[16] *See* RULES OF CRIMINAL PROCEDURE, Rule 114, sec. 5, which provides:

> Section 5. *Bail, when discretionary*. — Upon conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua*, or life imprisonment, admission to bail is discretionary[.]

[17] **In Re: Petition to Retain/Reacquire the Privilege to Resume the Practice of Law in the Philippines, Regina Stella P. Jacinto, petitioner**, 950 Phil. 588, 591 (2024) [Per J. Kho, Jr., *En Banc*].

[18] **Burbe v. Magulta**, 432 Phil. 840, 850 (2002) [Per J. Panganiban, Third Division].

[19] **People v. Dramayo**, 149 Phil. 107, 112 (1971) [Per J. Fernando, *En Banc*], quoted in several other cases, such as **People v. Gabiana**, 202 Phil. 577, 682 (1982) [Per C.J. Fernando, *En Banc*] and **Castillo v. Filtex International Corp.**, *supra* note 7, at 732.

[20] *Rollo*, p. 126, Report and Recommendation of the Office of the Bar Confidant

dated March 24, 2025. Emphasis supplied.

[21] **Castillo v. Filtex International Corp.**, *supra* note 7, at 732.

DISSENTING OPINION

HERNANDO, *J.*:

For the Court's resolution is a petition[1] filed by Marivic Antonio Taloma (Taloma), a successful examinee in the 2022 Bar Examinations (2022 Bar), praying that she be allowed to take the Lawyer's Oath and sign the Roll of Attorneys.[2]

In her application to take the 2022 Bar, Taloma declared that she had no pending or decided cases. Consequently, she was allowed to take and successfully passed[3] the examinations on November 9, 13, 16, and 20, 2022.[4] Taloma, however, was not permitted to participate in the May 2, 2023 mass oath-taking and roll-signing after the Court was informed that there were pending criminal complaints against her.[5]

Records show that on April 28, 2023, the Office of the Bar Confidant (OBC) received a letter[6] from a certain Nora A. Aldea (Aldea), informing the Court that she had filed criminal complaints against Taloma for perjury and falsification of documents before the Office of the City Prosecutor (OCP), Carig Sur, Tuguegarao City, docketed as NPS II-03-INV-023D-00275-000276.

Taloma claimed that it was only then that she became aware of these cases. She later informed the OBC that the perjury complaint had been dismissed. However, the charge of **Falsification of a Private Document**, was found to have probable cause and was filed before the trial court.[7]

In the present petition, the OBC recommends the denial of Taloma's application and the holding in abeyance of her oath-taking and roll-signing due to the pending falsification charge,[8] a crime involving moral turpitude.[9] Citing Rule 138, Section 2 of the Rules of Court, the OBC opines that a bar applicant must not have any pending charges involving moral turpitude in any court in the Philippines.[10]

However, the OBC's recommendation was rejected by Associate Justice Alfredo Benjamin S. Caguioa in his *ponencia*, invoking the constitutional presumption of innocence, viz.:

> In sum, the Court so holds that the mere pendency of a criminal case filed against an applicant to the Bar shall not, under any circumstances, be taken against the said applicant. Should the said applicant be later on convicted by final judgment, disbarment proceedings are and would always be available

> as all lawyers are subject to the Court's supervision. Moving forward, Section 2, Rule 138 of the Rules of Court should be read merely as an imposition of duty upon all applicants to the Bar to disclose the pendency of any criminal case involving moral turpitude filed against them. The applicant's disclosure, however, shall in no case be taken against him or her. [11]

It is in this light that I respectfully register my dissent.

It cannot be overemphasized that the practice of law is a privilege granted by the State and imbued with public interest and trust.[12] The Court, as the guardian of this trust, is tasked to ensure that those who are admitted to the Bar possess **not only intellectual ability but also moral character**. Rule 138 of the Rules of Court, formulated and adopted pursuant to the Court's constitutional mandate under Article VIII, Section 5, of the 1987 Constitution,[13] lays down both the standing and qualifying requirements for admission to the Bar:

> Section 2. *Requirements for all applicants for admission to the bar*. — Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and a resident of the Philippines; and *must* produce before the Supreme Court satisfactory evidence of good moral character, and that *no charges* against him[/her], involving moral turpitude, have been filed or are pending in any court in the Philippines. (Emphasis supplied)

A plain reading of this provision reveals that **absolute absence of charges involving moral turpitude** is a necessary condition to demonstrate good moral character. Not all crimes involve moral turpitude – only those that reveal a person's character as being "inherently base, vile or depraved."[14] While moral turpitude has no confined meaning, the Court has held that moral turpitude includes everything which is done contrary to justice, honesty, modesty, or good morals. It involves an act of baseness, vileness, or depravity in the private duties which a man owes his fellow beings, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals.[15]

Hence, it is under the lens of **substantial distinction**[16] that the requirement of no charge involving moral turpitude must be examined. It is definitely not arbitrary nor an exercise of pre-judgment. Rather, it is intended to protect the integrity of the legal profession, preserve the public trust in the legal system, and to ensure that lawyers entering the fold are of sound moral character.

In the case of *In Re: Admission to the Bar and Oath-Taking of Successful Bar Applicant Al C. Argosino*,[17] the Court emphasized that the practice of law is not a right, but a privilege, and only those who meet ethical standards may be admitted. The Court stressed that good moral character must be **demonstrated not only at the time of application to take the bar but, and more importantly, at the time of application**

for admission and the taking of the attorney's oath. An excerpt of the Court's resolution is worth repeating:

> The practice of law is not a natural, absolute or constitutional right to be granted to everyone who demands it. Rather, it is a high *personal* privilege limited to citizens of *good moral character*, with special educational qualifications, duly ascertained and certified. The essentiality of good moral character in those who would be lawyers is stressed in the following excerpts which we quote with approval and which we regard as having persuasive effect:
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> *In Re Farmer*:
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> [. . . .]
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> This 'upright character' prescribed by the statute, as a condition precedent to the applicant's right to receive a license to practice law in North Carolina, and of which he[/she] must, *in addition to other requisites*, satisfy the court, includes all the elements necessary to make up such a character. *It is something more than an absence of bad character.* It is the good name which the applicant has acquired, or should have acquired, through association with his[/her] fellows. It means that he[/she] must have conducted himself[/herself] as a man[/woman] of upright character ordinarily would, or should, or does. *Such character expresses itself, not in negatives nor in following the line of least resistance, but quite often, in the will to do the unpleasant thing if it is right, and the resolve not to do the pleasant thing if it is wrong*[. . .]
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> [. . . .]
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> And we may pause to say that this requirement of the statute is eminently proper. *Consider for a moment the duties of a lawyer.* He[she] is sought as counsellor, and his[/her] advice comes home, in its ultimate effect, to every man's[/woman's] fireside. Vast interests are committed to his[/her] care; he[/she] is the recipient of *unbounded trust and confidence*; *he[/she] deals with his[/her] client's property, reputation, his[/her] life, his[/her] all*. An attorney at law is a *sworn officer of the Court*, whose chief concern, as such, is *to aid the administration of justice* [. . .]
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> [. . . .]
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> In *Re Application of Kaufman*, citing Re Law Examination of 1926 (1926) 191 Wis 359, 210 NW 710:
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> "It can also be truthfully said that there exists nowhere greater temptations to deviate from the straight and narrow path than in the multiplicity of circumstances that arise in the practice of profession. For these reasons the wisdom of requiring an applicant for admission to the bar to possess a high

moral standard therefore becomes clearly apparent, and the board of bar examiners, as an arm of the court, is required to cause a minute examination to be made of the moral standard of each candidate for admission to practice [. . .] It needs no further argument, therefore, to arrive at the conclusion that *the highest degree of scrutiny must be exercised as to the moral character of a candidate who presents himself[/herself] for admission to the bar. The evil must, if possible, be successfully met at its very source, and prevented*, for, after a lawyer has once been admitted, and has pursued his[/her] profession, and has established himself[/herself] therein, a far more difficult situation is presented to the court when proceedings are instituted for disbarment and for the recalling and annulment of his[/her] license."

In Re Keenan:

"*The right to practice law is not one of the inherent rights of every citizen, as in the right to carry on an ordinary trade or business. It is a peculiar privilege granted and continued only to those who demonstrate special fitness in intellectual attainment and in moral character.* All may aspire to it on an absolutely equal basis, but not all will attain it. Elaborate machinery has been set up to test applicants by standards fair to all and to separate the fit from the unfit. Only those who pass the test are allowed to enter the profession, and only those who maintain the standards are allowed to remain in it."

Re Rouss:

"Membership in the bar is a privilege burdened with conditions, and a fair private and professional character is one of them; to refuse admission to an unworthy applicant is not to punish him[/her] for past offense: an examination into character, like the examination into learning, is merely a test of fitness."

Cobb vs. Judge of Superior Court:

"Attorneys are licensed because of their learning and ability, so that they may not only protect the rights and interests of their clients, but be able to assist court in the trial of the cause. Yet what protection to clients or assistance to courts could such agents give? They are required to be of good moral character, so that the agents and officers of the court, which they are, may not bring discredit upon the due administration of the law, and it is of the highest possible consequence that both those who have not such qualifications in the first instance, or who, having had them, have fallen therefrom, shall not be permitted to appear in courts to aid in the administration of justice."

It has also been stressed that the requirement of good moral character is, in fact, of greater importance so far as the general public and the proper administration of justice are concerned, than the possession of legal

learning:

"[. . .] (In re Applicants for License, 55 S.E. 635, 143 N.C. 1, 10 L.R.A. [N.S.] 288, 10 Ann./Cas. 187):

'The public policy of our state has always been to admit no person to the practice of the law unless he[/she] covered an upright moral character. *The possession of this by the attorney is more important, if anything, to the public and to the proper administration of justice than legal learning. Legal learning may be acquired in after years,* but *if the applicant passes the threshold of the bar with a bad moral character the chances are that his[/her] character will remain bad, and that he[/she] will become a disgrace instead of an ornament to his[/her] great calling — a curse instead of a benefit to his[/her] community* — a Quirk, a Gammon or a Snap, instead of a Davis, a Smith or a Ruffin.'"

All aspects of moral character and behavior may be inquired into in respect of those seeking admission to the Bar. The scope of such inquiry is, indeed, said to be properly broader than inquiry into the moral character of a lawyer in proceedings for disbarment:

Re Stepsay:

"The inquiry as to the moral character of an attorney in a proceeding for his[/her] admission to practice is *broader in scope* than in a disbarment proceeding."

Re Wells:

"[T]hat an applicant's contention that upon application for admission to the California Bar the court cannot reject him for want of good moral character unless it appears that he[/she] has been guilty of acts which would be cause for his[/her] disbarment or suspension, could not be sustained; that *the inquiry is broader in its scope than that in a disbarment proceeding*, and the court may receive *any evidence which tends to show the applicant's character as respects honesty, integrity, and general morality,* and *may no doubt refuse admission upon proofs that might not establish his[/her] guilt of any of the acts declared to be causes for disbarment*."

The requirement of good moral character to be satisfied by those who would seek admission to the bar must of necessity be more stringent than the norm of conduct expected from members of the general public. There is a very real need to prevent a general perception that entry into the legal profession is open to individuals with inadequate moral qualifications. The growth of such a perception would signal the progressive destruction of our people's confidence in their courts of law and in our legal system as we know it.[18] (Emphasis in the original, citations omitted)

Thus, to interpret Rule 138, Section 2 as a mere duty to disclose, without consequences, would render it **ineffective**. It is not an empty formality but a **preventive safeguard** rooted in the interest of maintaining the profession's integrity. Possession of good moral character is necessarily required prior to the applicant's entry into the legal community. One should not be allowed to enjoy the benefits of the legal profession unless his/her moral character is beyond dispute right upon his/her application. As pointed out, allowing one to join the legal society on the ground of presumption of innocence may even result later on to a more complicated situation to the prejudice of the legal community. Since practice of law is a prerogative, this Court has all the discretion to screen the applicants and allow only those who have complied with all the requirements and possessed all the qualifications to be members of the legal fraternity right at the time of their application.

In *De Zuzuarregui v. De Zuzuarregui*,[19] the Court did not allow respondent to join the oath-taking due to pending falsification charges. The applicant was only allowed upon submission of the necessary court clearances, proof of court dismissal, and multiple certifications of good moral character – and even then, the oath-taking was later suspended due to the discovery of another pending case. This thus reflects the Court's **cautious and measured approach** in protecting the legal profession's integrity. The Court only allowed the respondent to take the oath and sign the roll after a holistic evaluation, taking into account **the dismissal of the original** charges and noting the timing of the filing anew of cases against the respondent.

In *So v. Lee*,[20] the Court initially suspended a bar applicant's oath-taking due to a pending civil case involving moral turpitude, in the rationale that even a pending case involving moral turpitude is sufficient to suspend admission until the case is finally resolved. It reiterated that the legal profession is extended only to the few who possess the high standards of intellectual and moral qualifications starting at the time of the application, and the Court is duty-bound to prevent the entry of undeserving aspirants, as well as to exclude those who have been admitted but have become a disgrace to the profession.[21] The Court **painstakingly assessed** the situation of the bar applicant before he/she was allowed to take the lawyer's oath.

While harassment cases or baseless accusations may indeed be filed against a bar applicant – possibly dragging for years and adding to the applicant's lengthy study of law, the Court should still not rely on the presumption of innocence as an absolute shield. To do otherwise would risk admitting individuals whose integrity is in question, thereby undermining public trust in the legal system.

This preventive approach must be maintained. The approach does not disregard the presumption of innocence. Rather, it recognizes that a pending charge involving moral turpitude does not automatically disqualify an applicant but justifies withholding full admission until such charges are resolved.[22] The benefits of this preventive approach far outweighs the evils that may be brought about by the indiscriminate admission of an unfit individual into the legal community.

It must be pointed out at this juncture that no significant event triggered the shift to abandon the preventive approach which the Court has been observing for ages. Moreover, the prevailing circumstances do not justify the relinquishment of this mandatory qualification requirement. Considering these, I find no reason to shake the current state of the law and jurisprudence regarding this qualification requirement.

To reiterate, the practice of law demands a level of integrity that exceeds the basic legal presumption of innocence. A lawyer (or a would-be lawyer) is expected to be a moral exemplar, an ethical guide to the community. Any pending charge that puts a lawyer's moral integrity in doubt, regardless of conviction, may tarnish the profession's reputation. Public confidence in the legal system is paramount and is an integral part of the judiciary's vision under the Strategic Plan for Judicial Innovations 2022-2027.

Furthermore, this rigorous standard is not unique to the legal profession. In other regulated fields under the Professional Regulatory Commission (PRC),[23] particularly in highly regulated and trust centered fields akin to law, such as medicine and education, applicants with pending charges, especially those touching on moral character, may also face deferment of registration. The 2025 PRC Revised Rules in Administrative Investigation provides:

> Section 7. *Pendency of Another Case*. – The filing or pendency of a criminal and/or civil case before a court of law... shall neither suspend nor bar the proceedings of the administrative case.

Furthermore:

> Section 1. *Imposable Penalties*. –
>
> . . . .
>
> 1.4. For Examinees – The imposable penalty shall be the cancellation of the results of his/her licensure examination, *deferment of his/her registration, or debarment from taking a licensure examination*. (Emphasis supplied)

The presumption of innocence and the moral turpitude rule may seem to be in tension, but they can and do coexist. The Court has consistently struck a balance giving due regard to the presumption of innocence, while protecting the moral standards of the profession by scrutinizing pending charges and erring on the side of caution, holding an applicant's admission in abeyance, not permanently barring it, until moral requirements are met. This is so as not to open the floodgates for unqualified individuals, and erode public trust in the legal profession the Court swears to uphold.

In sum, one need not be saintly to become a lawyer. But one must meet the minimum qualifications **at the time of application** – most notably, to have no pending charge of a crime involving moral turpitude.

As Taloma has not yet satisfied this requirement, I vote to adopt the recommendation of

the OBC and **deny** the petition.

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[1] *Rollo*, pp. 1-4.

[2] *Id.* 2.

[3] *Id.* at 8.

[4] Bar Bulletin No. 6 (2022).

[5] *Rollo*, p. 1.

[6] *Id.* at 10, 119.

[7] *Id.* at 2.

[8] *Ponencia*, p. 3.

[9] *See* **Buenafe v. Commission on Elections**, 924 Phil. 201, 250 (2022) [Per J. Zalameda, *En Banc*].

[10] *Ponencia*, pp. 3-4.

[11] *Id.* at 8.

[12] **Ladim v. Atty. Ramirez**, 936 Phil. 414, 422 (2023) [*Per Curiam, En Banc*].

[13] Section 5. The Supreme Court shall have the following powers:

> . . . .
>
> 5. Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the under-privileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

[14] *See* **Tapucar v. Tapucar**, 355 Phil. 66, 76 (1998) [*Per Curiam, En Banc*].

[15] **Re: SC Decision dated May 20, 2008 in G.R. No. 161455 Under Rule 139-B of the Rules of Court v. Atty. Pactolin**, 686 Phil. 351, 355 (2012) [*Per Curiam, En Banc*], *citing* **Barrios v. Martinez**, 485 Phil. 1, 9 (2004) [*Per Curiam, En Banc*].

[16] **People v. Cayat**, 68 Phil. 12, 18 (1939) [Per J. Moran, First Division]. (Emphasis supplied)

[17] 316 Phil. 43 (1995) [Per J. Feliciano, *En Banc*].

[18] *Id.* at 46-49.

[19] 870 Phil. 546, 555 (2020) [Per J. Inting, *En Banc*].

[20] 851 Phil. 395 (2019) [Per J. Reyes, J. Jr., *En Banc*].

[21] *Id.* at 400, *citing* **In Re: Petition to take the Lawyer's Oath by Arthur M. Cuevas, Jr.**, 348 Phil. 841, 846-847 (1998) [Per J. Francisco, *En Banc*].

[22] *See* Margaret Claire Layug, *SC exec: Bar passers with cases against them can't take oath*, GMA NEWS, October 19, 2017, *available at* https://www.gmanetwork.com/news/topstories/nation/630108/sc-exec-lawyers-with-cases-against-them-can-t-take-oath/story/ (last accessed on August 8, 2025).

[23] PRC Resolution No. 1949 (2025), rule I, sec. 2(5), 2025 Revised Rules in Administrative Investigations.

CONCURRING AND DISSENTING OPINION

SINGH, *J.*:

Petitioner Marivic A. Taloma (**Taloma**) filed her application to take the 2022 Bar Examinations, in which she declared that there were no pending and/or decided cases filed against her.[1] She passed the 2022 Bar Examinations on April 14, 2023.[2]

On April 19, 2023, the Office of the Bar Confidant (**OBC**) received a Letter from Nora A. Aldea (**Aldea**), informing the Court that Taloma had two pending criminal cases filed against her before the Prosecutor's Office of Tuguegarao City on April 18, 2023.[3] Consequently, Taloma was not allowed to join the Mass Oath-Taking and Roll Signing Ceremonies for New Lawyers on May 2, 2023 at the Philippine International Convention Center (**PICC**) in Pasay City.[4]

On April 5, 2024, she filed this Petition to take the Lawyer's Oath and to sign the Roll

of Attorneys. Taloma alleged that she became aware of the filing of a complaint for Perjury and Falsification of Public Documents against her by Aldea only upon receipt of the Summons, dated May 9, 2023, from the OBC. The Summons informed her that she had pending criminal cases and directed her to file a comment within five days from receipt thereof.[5]

According to Taloma, the criminal complaint for Perjury was subsequently dismissed by the City Prosecutor's Office in a Resolution, dated June 26, 2023. However, the charge of Falsification of Private Document was pursued and filed before the trial court, considering that the prosecutor found that Taloma had knowledge of the forgery of Aldea's signature in a private document.[6]

As of the date of filing of this Petition, the case for Falsification of Private Document against Taloma was at the trial stage.[7]

In its Report and Recommendation, dated March 24, 2025, the OBC recommended that the Court deny the Petition, and hold in abeyance Taloma's oath-taking and signing of the Roll of Attorneys.[8] It cited Rule 138, Section 2 of the Rules of Court, which provides:

> **SECTION 2.** *Requirements for all applicants for admission to the bar*. — Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and resident of the Philippines; 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*. (Emphasis supplied)

The *ponencia*, however, finds the Petition meritorious. It held that the mere existence of a criminal charge does not result in the automatic disqualification of an applicant for admission to the bar. The *ponencia* resolved that the amendments under Rule 138, Section 2 of Administrative Matter No. 24-10-05-SC[9] only disqualify applicants with cases involving moral turpitude that have been decided with finality. It emphasized that even if an applicant is allowed to take an oath and sign the Roll of Attorneys, disciplinary proceedings which may result in suspension or disbarment remain available, as all lawyers are subject to the Court's supervision.

Given that the charges against Taloma have not yet been decided with finality, that no other disqualifying circumstances are present, and that she remains subject to disciplinary proceedings that may result in suspension or disbarment should she be found guilty in the pending case, the Petition was granted.

The *ponencia* then emphasized the requirement to disclose pending charges involving moral turpitude and the Court's authority to exercise its discretion in deferring oath-taking during the pendency of such charges:

> **SECTION 2.** *Essential requirements for all applicants for admission to the bar*. — Every applicant for admission as a member of the bar must be a citizen of the Philippines, of legal age, and must produce, before the Supreme Court, satisfactory evidence of good moral character, and that no charges involving moral turpitude have been *decided with finality against the applicant* in any court or tribunal in the Philippines or other jurisdiction.
>
> An applicant must disclose any pending charges involving moral turpitude at the time of application. Such an applicant may conditionally take the examinations.
>
> In the Supreme Court's assessment and sole discretion, considering the gravity of the claim or offense charged, any prior cases filed against the applicant, and similar reasons, the *Supreme Court may defer the oath-taking of the concerned applicant, or impose any other preventive measures, as warranted*. (Emphasis supplied)

Upon authority to exercise its discretion in deferring oath-taking during the pendency of such charges, the *ponencia* discussed that Taloma's constitutional presumption of innocence should be upheld, in that to impose such a condition on the privilege to practice law as disqualifying a candidate for merely being charged with a crime involving moral turpitude, which has not yet been decided with finality would be unconstitutional.

I respectfully register my concurrence that the mere pendency of a criminal case involving moral turpitude filed against an applicant to the Bar should not automatically prevent the said applicant from taking the oath. I likewise agree that the Court has the discretion to defer the oath-taking of the concerned applicant or impose any other preventive measures, as warranted. However, I humbly register my dissent from the conclusion that Taloma should already be allowed to take her oath and sign the Roll of Attorneys. I expound on my position below.

Good moral character is a condition precedent and a continuing requirement for admission to the Bar, and the Court may defer oath-taking of a bar passer based on the gravity of a pending charge

Section 2 of the 2025 Amendments to Rule 138 confirms two controlling propositions, as follows: (a) admission to the bar requires "satisfactory evidence of good moral character;" and (b) while only charges involving moral turpitude that have been decided with finality result in automatic disqualification, the Court retains the discretion, considering the gravity of the offense charged and related circumstances, to defer oath-taking or impose other preventive measures even in the absence of a final conviction.

The Rules thus make clear that the Court is not required to wait for a final judgment of conviction before acting to protect the integrity of the admission process.

This discretion is complemented by the applicant's correlative duty of candor under Rule 138, Section 17 of Administrative Matter No. 24-10-05-SC, which obligates applicants to declare only true, correct, and complete information within their personal knowledge, and to inform the Court, upon notice, of cases filed after the release of bar examinations but before oath-taking. The Rule further provides that false or inaccurate information, misrepresentation, or failure to disclose may warrant appropriate action depending on the stage of discovery and surrounding circumstances, thus:

> SECTION 17. *Duty to provide accurate and complete information and disclose cases filed against an applicant*.—An applicant shall undertake to declare only true, correct, and complete information that is within their personal knowledge in filing a petition to take the bar examinations.
>
> Any applicant, against whom a case is filed after completing the bar examinations but before the release of the examination results, shall inform the Supreme Court in a sworn statement about the details of the said case within [five] calendar days from notice. *The requirement in this paragraph similarly applies to any applicant who passed the bar examinations but against whom a case is filed after the release of the examination results but before the applicant takes the Lawyer's Oath and signs the Roll of Attorneys.*
>
> . . . .
>
> "*In any case, any false or inaccurate information, concealment or failure to disclose, or misrepresentation on the part of an applicant shall be a ground for either the denial of the application, disqualification from taking the examinations, or delisting from the list of passers, depending on the stage of discovery[.]*" (Emphasis supplied)

Taloma declared in her Bar application that she had no pending and/or decided cases. The criminal complaints were filed on April 18, 2023, after the release of the bar examination results on April 14, 2023. Taloma asserts that she became aware of the complaints only upon receipt of the Office of the Bar Confidant's Summons, dated May 9, 2023. On the present record, and for purposes of this dissent, no definitive finding is made that Taloma intentionally concealed the existence of the criminal cases within the contemplation of Section 17.

Nevertheless, the mismatch between Taloma's initial declaration of no cases and a subsequent finding of probable cause for falsification requires the Court to proceed with restraint.

In granting the Petition, the *ponencia* merely relied on the presumption of innocence to reason that disqualifying a bar passer based on a pending criminal case involving moral turpitude would be unconstitutional.

I agree with the *ponencia* that the mere pendency of a criminal case involving moral turpitude does not automatically disqualify an applicant, and that the presumption of innocence must be respected. However, my humble view is that the presumption of innocence does not compel immediate admission to the bar, considering that the issue is the passer's present fitness to enter the bar, not his or her criminal liability. The presumption of innocence governs criminal adjudication; it does not mandate that the Court extend the privilege of Bar admission where serious and unresolved doubts persist as to the applicant's present moral fitness. Thus, in this case, the question before the Court is whether Taloma has shown satisfactory evidence of good moral character as a condition precedent to be entrusted with the privileges and responsibilities of law practice. The inquiry is protective and regulatory in nature, not punitive.

This is consistent with the Court's approach in Bar admission matters, where the Court withheld admission due to pending criminal cases and later allowed admission when circumstances show that the charge is dubious or weaponized. Thus, in *De Zuzuarregui v. De Zuzuarregui*,[10] the Court recognized that pendency may justify holding admission in abeyance, but allowed admission on a record showing dismissals of the cases and indicia of harassment.

Since the Court's duty is to screen for present moral fitness and preserve public confidence, the presumption of innocence cannot be invoked to compel admission when the pending case itself casts a serious, unresolved doubt on honesty and integrity.

A pending falsification prosecution is not a "mere charge" in the abstract; it is a concrete red flag that directly bears on honesty and Bar fitness.

Unlike generic accusations, the remaining case against Taloma is a prosecution for Falsification of Private Document, already filed in court and at the trial stage, and the prosecutor found that Taloma had knowledge of the forgery of Aldea's signature. On its face, that allegation goes to the core traits demanded of lawyers: truthfulness, respect for documents, and fidelity to legal processes.

In *So v. Lee*,[11] the Court cautioned against using the pendency of civil cases to block oath-taking absent a showing of acts tainted with moral turpitude, precisely because civil claims can be expediently filed and may not reflect moral character.

Meanwhile, in the recent case of *In Re: Petition to Join the Mass Oath-taking and Roll Signing Ceremonies, Angeli Newin C. Agraam*,[12] the Court granted the petition allowing Agraam to take her lawyer's oath and sign the Roll of Attorneys under the civil status "single," pending the updating of her civil status records. The Court underscored that the accurate reflection of her civil status does not affect her ability to fulfill her role as a lawyer, and her inability to obtain a marriage certificate was not because her

marriage was bigamous or invalid.

These reasons do not translate cleanly here. This is not a civil claim, but a falsification prosecution that, if true, would be fundamentally incompatible with the lawyer's oath.

Since the pending charge concerns falsification and alleged knowing participation in a forged signature, matters that, by their nature, implicate honesty, the Court should treat the case as a substantial and specific impediment to a present finding of good moral character, warranting preventive deferral.

The "final conviction rule" in disbarment cases is not controlling in Bar admission.

The Court's duty at the gatekeeping stage is to prevent avoidable harm to the public and the justice system. Thus, the *ponencia's* comfort that disciplinary proceedings remain available later is not a sufficient nor a reassuring answer.

The availability of future disciplinary proceedings does not adequately discharge the Court's gatekeeping responsibility. Admission precedes discipline, as public interest is not served by admitting now and reacting later. It does not follow that the Court must first admit an applicant and only then police the consequences, especially when preventive measures are already authorized to protect public confidence in the legal profession.

Moreover, the rule that a disbarment complaint based on moral turpitude requires a final conviction[13] addresses a different setting: discipline of an already-admitted lawyer under the Code of Professional Responsibility and Accountability.[14]

Admission is a privilege. Before someone is allowed to become a lawyer, they must first prove that they have good moral character. This requirement comes *before* admission and is a condition that the applicant must satisfy.

The burden is on the applicant to show present fitness; therefore, the Court does not have to wait for a criminal case to end in a final conviction. If the available records already raise serious and unresolved doubts about the applicant's honesty or integrity, the Court may withhold admission at that point.

In short, the Court is deciding whether it is safe and proper to admit the applicant now, not whether the applicant is criminally guilty. Waiting for a final conviction is not required when the purpose of the inquiry is to protect the integrity of the legal profession.

Taloma is not disqualified *per se*; however, since the rules demand heightened candor and the remaining case materially concerns dishonesty in documentation, prudence and institutional integrity counsel deferral.

Thus, I vote to **DENY** the Petition insofar as it seeks immediate oath-taking and roll signing, and to **HOLD IN ABEYANCE** Taloma's admission until the criminal case for Falsification of Private Document is finally resolved or until the Court, upon proper submissions, is satisfied that the charge is demonstrably baseless or otherwise does not impair her moral character.

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[1] *Ponencia*, p. 1.

[2] *Id.*

[3] *Id.* at 2.

[4] *Id.* at 1-2.

[5] *Id.* at 2.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] 2025 Amendments to Rule 138 of the Rules of Court.

[10] 870 Phil. 546 (2020) [Per J. Inting, *En Banc*].

[11] 851 Phil. 395 (2019) [Per J. Reyes, *En Banc*].

[12] **B.M. No. 4520**, July 8, 2025 [Per J. Caguioa]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[13] *See* **Zahntechnik Phil v. Atty. Francisco-Simbillo**, 793 Phil. 685 (2016) [Per J. Bersamin, First Division].

[14] CODE OF PROF. RESPONSIBILITY AND ACCOUNTABILITY, Rule VI, sec. 33(e) states:

> Section 33. *Serious offenses*. — Serious offenses include:
>
> . . . .
>
> (e) Conviction of a crime involving moral turpitude[.]

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