



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

MERCURIA D. SO,
Complainant,

B.M. No. 3288

Present:

BERSAMIN, C.J.,
CARPIO,
PERALTA,
DEL CASTILLO,**
PERLAS-BERNABE,***
LEONEN,
JARDELEZA,**
CAGUIOA,
REYES, A. JR.,
GESMUNDO,
REYES, J. JR.,
HERNANDO,
CARANDANG, and
LAZARO-JAVIER, JJ.

- versus -

MA. LUCILLE P. LEE,*
Respondent.

Promulgated:

April 10, 2019

X ----- X

RESOLUTION

REYES, J. JR. J.:

Subject of this Resolution are the October 9, 2017¹ and March 15, 2019² Petitions to Retake the Lawyer's Oath and to Sign the Roll of

* Also referred to as "Lucille Lee-Jao" in some parts of the *rollo*.

** On official leave.

*** On leave.

¹ *Rollo*, pp. 36-37.

² *Id.* at 57-59.

✓

Attorneys of Ma. Lucille P. Lee (Lee), one of the successful examinees of the 2016 Bar Examinations.

Factual Antecedents

On May 19, 2017, the Office of the Bar Confidant (OBC) received a letter³ from Mercuria D. So (So) alleging that Lee is a defendant in Civil Case No. 740 and is not fit for admission to the Bar considering her irresponsible attitude towards her monetary obligations. Attached in the said letter was a copy of the Complaint for Collection of Sum of Money⁴ So had filed against Lee.

In her Comment,⁵ Lee claimed that she was unaware of the pendency of Civil Case No. 740 as she learned of it only when she registered for the oath taking. She admitted that she obtained a ₱200,000.00 loan from So but had already paid a total of ₱140,000.00 for 10 months. Lee explained that due to the losses her business suffered, she failed to pay the subsequent monthly payments. She pointed out that she did not intend to evade her obligation to So, but had asked the latter to give her ample time to settle it.

In its July 11, 2017 Report,⁶ the OBC noted that Lee was an applicant of the 2016 Bar Examinations and in her application, she declared that a civil case was filed against her on January 29, 2014 docketed as Civil Case No. 1436 titled “*Nonoy Bolos v. Ma Lucille Lee Jao*” for collection of sum of money. It highlighted that Civil Case No. 1436 pertained to the several loans Lee had incurred with Joseph “Nonoy” Bolos (Bolos) in the aggregate amount of ₱1,450,000.00.”

In its August 1, 2017 Resolution,⁷ the Court held in abeyance Lee’s request to be allowed to sign the Roll of Attorneys in view of the pendency of Civil Case Nos. 740 and 1436, and required her to manifest the status of the aforementioned cases.

In her October 2017 petition, Lee manifested that Civil Case No. 740 had been dismissed in view of the Compromise Agreement she had entered into with So. She manifested that she already paid So in accordance with the terms and conditions of the approved Compromise Agreement.⁸

In her March 2019 petition, Lee reiterated the dismissal of Civil Case No. 740 and the satisfaction of her obligation in accordance with the

³ Id. at 2.

⁴ Id. at 3-6.

⁵ Id. at 17-19.

⁶ Id. at 20-22.

⁷ Id. at 23-24.

⁸ Id. at 36.

Compromise Agreement with So. In addition, she noted that a Judgment by Compromise had been issued dismissing Civil Case No. 1436 in view of the Compromise Agreement she had executed with Bolos. It was agreed upon that Lee would pay Bolos at least ₱15,000.00 a month starting one month after she signs the Roll of Attorneys.⁹

In its March 28, 2019 Report,¹⁰ the OBC recommended that Lee be allowed to retake the Lawyer's Oath and sign the Roll of Attorneys subject to the condition that she inform the Court within one month from the time she has made her first payment of ₱15,000.00 to Bolos and to inform the Court upon full payment of the debt in accordance with the terms and conditions of the compromise.

The Issue

WHETHER LEE SHOULD BE ALLOWED TO RETAKE THE LAWYER'S OATH AND SIGN THE ROLL OF ATTORNEYS.

The Court's Ruling

The practice of law is not a right but a privilege bestowed by the State upon those who show that they possess, and continue to possess, the qualifications required by law for the conferment of such privilege.¹¹ It is extended only to the few who possess the high standards of intellectual and moral qualifications 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.¹² Section 2, Rule 138 of the Rules of Court provides for the minimum requirements applicants for the admission to the Bar must possess, to wit:

SEC. 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, involving moral turpitude**, have been filed or are pending in any court in the Philippines. (Emphasis supplied)

Moral turpitude has been defined as an act of baselessness, vileness, or the depravity of private and social duties that man owes to his fellow man or society in general, contrary to the accepted and customary rule of right

⁹ Id. at 70-71.

¹⁰ Id. at 75-76.

¹¹ *Atty. Alcantara v. Atty. De Vera*, 650 Phil. 214, 220 (2010).

¹² *In Re: Petition to take the Lawyer's Oath by Arthur M. Cuevas, Jr.*, 348 Phil. 841, 846 (1998).

and duty between man and woman, or conduct contrary to justice, honesty, modesty or good morals.¹³

Jurisprudence had deemed the following acts as crimes involving moral turpitude: abduction with consent, bigamy, concubinage, smuggling, rape, attempted bribery, profiteering, robbery, murder, estafa, theft, illicit sexual relations with a fellow worker, issuance of bouncing checks, intriguing against honor, violation of the Anti-Fencing Law, violation of the Dangerous Drugs Act, perjury, forgery, direct bribery, frustrated homicide, adultery, arson, evasion of income tax, barratry, blackmail, bribery, duelling, embezzlement, extortion, forgery, libel, making fraudulent proof of loss on insurance contract, mutilation of public records, fabrication of evidence, offenses against pension laws, perjury, seduction under the promise of marriage, falsification of public document, and estafa through falsification of public document.¹⁴

Nevertheless, not every criminal act involves moral turpitude.¹⁵ The determination whether there is moral turpitude is ultimately a question of fact and frequently depends on all the circumstances.¹⁶ In turn, it is for the Court to ultimately resolve whether an act constitutes moral turpitude.¹⁷ In the same vein, not all civil cases pertain to acts involving moral turpitude. As defined, acts tainted with moral turpitude are of such gravity that manifests an individual's depravity or lack of moral fiber.

As such, the pendency of a civil case alone should not be a deterrent for successful Bar examinees to take their Lawyer's Oath and to sign the Roll of Attorneys especially since not all charges or cases involve acts evincing moral turpitude. The facts and circumstances of each case should be taken into account to establish that the applicant's actions tarnished his or her moral fitness to be a member of the Bar. If it were otherwise, one's entitlement to be a member of the legal profession would be seriously jeopardized by the expedient filing of civil cases, which do not necessarily reflect one's moral character.

¹³ *Office of the Court Administrator v. Judge Alinea, Jr.*, A.M. No. MTJ-05-1574, November 7, 2017, 844 SCRA 143, 151.

¹⁴ *Office of the Court Administrator v. Judge Ruiz*, 780 Phil. 133, 152 (2016).

¹⁵ *Pagaduan v. Civil Service Commission*, 747 Phil. 590, 601 (2014).

¹⁶ *Dungo v. People*, 762 Phil. 630, 659 (2015).

¹⁷ *Teves v. Commission on Elections*, 604 Phil. 717, 725 (2009).

Thus, the pendency of Civil Case Nos. 740 and 1436 against Lee is not enough reason to prevent her from taking her Lawyer's Oath and signing in the Roll of Attorneys. The existence of these civil cases alone does not establish that she committed acts tainted with moral turpitude.

It is equally important to note that all civil cases filed against Lee had been dismissed on account of the compromise she entered into with her creditors. Thus, there is no longer any obstacle which may hinder her in officially becoming a member of the Bar by taking her oath and signing in the Roll of Attorneys.

Nevertheless, Lee must still satisfactorily exhibit that she would not renege on her monetary obligations to Bolos. As above-mentioned, Civil Case No. 1436 was dismissed after Lee had agreed to enter into a compromise with Bolos and set the terms and conditions for her to settle her monetary obligation. There is no question that Lee owes Bolos a sum of money.

It must be remembered that the deliberate failure to pay just debts constitutes gross misconduct, for which a lawyer may be sanctioned with one year suspension from the practice of law.¹⁸ After taking her Lawyer's Oath and signing in the Roll of Attorneys, Lee would be a full-fledged member of the legal profession and subject to the disciplinary jurisdiction of the Court. This is true even if there would be no complainants, as the Court may *motu proprio* initiate disciplinary proceedings.¹⁹ Concomitantly, she is bound to act in a manner consistent with the high standards imposed on lawyers — otherwise, she could be subjected to administrative sanctions. The requirement of good moral character is not only a condition precedent to admission to the practice of law, but a continuing requirement for membership in the legal profession.²⁰

In sum, the pendency of civil cases alone should not prevent successful Bar examinees to take their Lawyer's Oath and sign the Roll of Attorneys, unless the same involves acts or omissions which had been previously determined by the Court to be tainted with moral turpitude. This is of course without prejudice to the filing of any administrative action against would-be lawyers who fail to continue to possess the required moral fitness of members of the legal profession.

¹⁸ *Yap v. Atty. Buri*, A.C. No. 11156, March 19, 2018.

¹⁹ *Sebastian v. Atty. Bajar*, 559 Phil. 211, 225 (2007).

²⁰ *Leda v. Atty. Tabang*, 283 Phil. 316, 323 (1992).

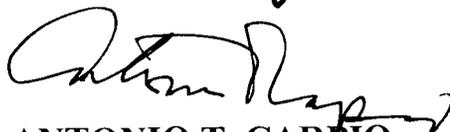
WHEREFORE, the Court adopts the recommendation of the Office of the Bar Confidant to **ALLOW** Ma. Lucille P. Lee to retake the Lawyer's Oath and sign the Roll of Attorneys subject to the condition that she: (a) notify the Court within one (1) month from making her first monthly payment to Joseph Bolos; and (b) inform the Court upon full satisfaction of her monetary obligation in accordance with the terms and conditions of the January 29, 2019 Judgment by Compromise.

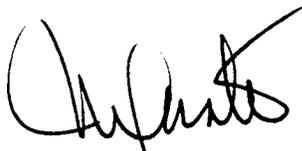
SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice


ANTONIO T. CAPIO
Associate Justice

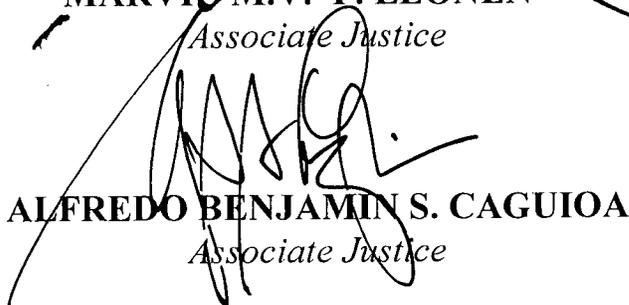

DIOSDADO M. PERALTA
Associate Justice

(On Official Leave)
MARIANO C. DEL CASTILLO
Associate Justice

(On Leave)
ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V. F. LEONEN
Associate Justice

(On Official Leave)
FRANCIS H. JARDELEZA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice

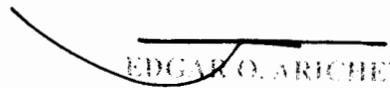

ALEXANDER G. GESMUNDO
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARID. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

CERTIFIED TRUE COPY


EDGAR O. ARICHETA
Clerk of Court *Ex Bane*
Supreme Court