



# PHILJA E-Alerts

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## **Lawyers: The legal profession and responsibilities of its members.**

Membership in the bar is a privilege burdened with conditions. It is bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Lawyers should act and comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public's faith in the legal profession.

The Code of Professional Responsibility was promulgated to guide the members of the bar by informing them of the deportment expected of them in leading both their professional and private lives. Primarily, it aims to protect the integrity and nobility of the legal profession, to breed honest and principled lawyers and prune the association of the unworthy.

It is for the foregoing reason that the Court did not yield to complainants' change of heart by refuting their own statements against the respondents and praying that the complaint for disbarment they filed be dismissed. It bears emphasizing that any misconduct on the part of the lawyer not only hurts the client's cause but is even more disparaging on the integrity of the legal profession itself. Thus, for tarnishing the reputation of the profession, respondents may still be disciplined notwithstanding the complainant's pardon or withdrawal from the case for as long as there is evidence to support any finding of culpability. A case for suspension or disbarment may proceed "regardless of interest or lack of interest of the complainants, if the facts proven so warrant." The withdrawal of the complainant from the case, or even the filing of an affidavit of desistance, does not conclude the administrative case against respondents.

This is so because the misconduct of a lawyer is deemed a violation of his oath to keep sacred the integrity of the profession for which he must be disciplined. "The power to discipline lawyers who are officers of the court may not be cut short by compromise and withdrawal of the charges. This is as it should be, especially when we consider that the law profession and its exercise is one impressed with public interest. Proceedings to discipline erring members of the bar are not instituted to protect and promote the public good only but also to maintain the dignity of the profession by the weeding out of those who have proven themselves unworthy thereof."

The Court did not set aside the finding of culpability against the respondents merely because the complainants have decided to forgive them or settle matters amicably after the case was completely evaluated and reviewed by the IBP. The complainants' forgiveness or even withdrawal from the case does not *ipso facto* obliterate the misconduct committed by respondents. It is already too late in the day for the complainants to withdraw the disbarment case considering that they

had already presented and supported their claims with convincing and credible evidence, and the IBP has promulgated a resolution on the basis thereof.

For violation of the Code of Professional Responsibility, one of the respondents was suspended from the practice of law for three (3) months and sternly warned and the other was exonerated for lack of evidence. **(A.C. No. 5914, March 11, 2015)**