



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 92-2004**

**TO : THE COURT OF APPEALS, SANDIGANBAYAN,  
COURT OF TAX APPEALS, REGIONAL TRIAL  
COURTS, SHARI'A DISTRICT COURTS,  
METROPOLITAN TRIAL COURTS, MUNICIPAL  
TRIAL COURTS IN CITIES, MUNICIPAL TRIAL  
COURTS, MUNICIPAL CIRCUIT TRIAL COURTS,  
SHARI'A CIRCUIT COURTS, THE OFFICE OF  
THE STATE PROSECUTOR, PUBLIC  
ATTORNEY'S OFFICE AND THE INTEGRATED  
BAR OF THE PHILIPPINES**

**SUBJECT : DISBARMENT OF ATTY. ROLANDO S. TORRES**

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Court En Banc dated April 14, 2004 in Administrative Case No. 5161, entitled "Isidra Ting-Dumali vs. Atty. Rolando S. Torres", to wit:

"In a Complaint-Affidavit<sup>1</sup> filed on 22 October 1999 with this Court, complainant Isidra Ting-Dumali charges respondent Atty. Rolando S. Torres with presentation of false testimony; participation in, consent to, and failure to advise against, the forgery of complainant's signature in a purported Deed of Extrajudicial Settlement; and gross misrepresentation in court for the purpose of profiting from such forgery, thereby violating his oath as a lawyer and the canons of legal and judicial ethics.

The complainant is one of the six children of the late spouses Julita Reynante and Vicente Ting. Her siblings are Marcelina T. Rivera; Miriam T. Saria; Felicisima T. Torres, who is married to herein respondent; Vicente Ting, Jr.; and Eliseo Ting. Their parents died intestate and left several parcels of land, to wit:

- a) One half of Lot 1586 of the San Francisco de Malabon Estate, containing an area of 43,908 square meters more or less, and covered at that time by TCT No. (T-6203) RT-19151 of the Registry of Deeds of Cavite;

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<sup>1</sup> Rollo, 1-4.

- b) Lot 1603 of the San Francisco de Malabon Estate, containing an area of 16,073 square meters, more or less, and covered at that time by TCT No. (T-6425) RT-7688 of the Registry of Deeds of Cavite;
- c) Lot 1605 of the San Francisco de Malabon Estate, containing an area of 22,131 square meters, more or less and covered at that time by TCT No. T-1869 of the Registry of Deeds of Cavite.

According to the complainant, the respondent took advantage of his relationship with her and her brothers and used his profession to deprive them of what was lawfully due them even if it involved the commission of an illegal, unlawful, or immoral act. She attributes to the respondent the following acts or omissions:

1. The respondent participated in, consented to, and failed to advise against, the perjury committed by his wife Felicisima and his sister-in-law Miriam when they executed a Deed of Extrajudicial Settlement of Estate dated 11 November 1986, wherein the two made it appear that they were the sole heirs of the late spouses Julita Reynante and Vicente Ting, knowing fully well that the same was false. He presented that document to the Register of Deeds of Cavite for the transfer of the title over Lot No. 1586 in the names of his wife and Miriam. The lot was later sold to Antel Holdings Inc. for P1,195,400. Payment was already made to, and received by, Felicisima and Miriam.

2. The respondent participated in, consented to, and failed to advise against, the forgery of complainant's signature in a purported Deed of Extrajudicial Settlement dated 17 March 1995 involving Lot 1603 when he knew that she was in Italy at that time working as an overseas contract worker. He even presented the falsified document to the Register of Deeds of Cavite to transfer the title over the property in favor of his wife Felicisima and sister-in-law Marcelina. The forgery or falsification was made to enable them to sell Lot 1603 to Antel Holdings, Inc. Payment was received and misappropriated by Felicisima and Marcelina.

3. In LRC Rec. No. 5964 entitled *In Re: Petition for Judicial Reconstitution of the Original*

*Copy and Owner's Duplicate Copy of TCT No. T-1869 Covering Lot No. 1605 of the Registry of Deeds for the Province of Cavite*, filed by complainant's sisters Marcelina and Felicisima on 24 October 1995, the respondent made gross misrepresentation and offered false testimony to the effect that Marcelina and Felicisima are the only children and legal heirs of the late spouses Vicente Ting and Julita Reynante for the purpose of obtaining a new title in their names. With the reconstituted title, and with the express conformity of the respondent, Felicisima and Marcelina were able to sell Lot 1605 to Antel Holdings, Inc., for P2,213,100 and profited from the sale to the exclusion of their other siblings. Partial payment was even received pending the reconstitution proceedings.

4. On 20 November 1996, the respondent made gross and false misrepresentations for the purpose of profiting therefrom when he requested the buyer through a certain Mrs. Ong to release the full payment for Lot 1605 under the pretense that the order of reconstitution would be released within a month when he knew that it would be impossible because he presented evidence in the reconstitution case only on 12 August 1997. To facilitate the release of the money, he even used the stationery of the Philippine National Bank, of which he was an employee.

In his Comment,<sup>2</sup> the respondent denies the allegations of the complaint and asserts that he did not take advantage of his profession to deprive any of the co-heirs of his wife of the estate left by his parents-in-law.

Insofar as Lot 1586 is concerned, the respondent affirms that Felicisima and Miriam were not motivated by any desire to solely profit from the sale. Neither can he be faulted by the execution of the Deed of Extrajudicial Settlement dated 17 March 1995 involving Lot 1603 because he had no part in the execution of the document. All the while he believed in good faith that the Ting sisters had already agreed on how to dispose of the said lot. If ever complainant's signature was affixed on the document, it was done in good faith.

The respondent admits that he was the counsel of Marcelina Ting Rivera, et al., in LRC Case No. 5964 for the

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<sup>2</sup> Rollo, 47-51.

reconstitution of TCT No. T-1869. The false testimony of Marcelina in that case that she and Felicisima were the only children of spouses Vicente Ting and Julita Reynante could not be faulted on him because such was a clear oversight. Moreover, the sale of Lot 1605 to Antel Holdings, Inc., was the decision of Marcelina and his wife. His conformity through his signature was *pro-forma* because the property was a paraphernal property of Marcelina and his wife. Anent his alleged gross and false misrepresentation that the order of reconstitution would be released by the end of November 1996, suffice it to say that the assurance was made by the Clerk of Court, Mr. Rosauro Morabe. Besides, petitions for reconstitution are usually uncontested and granted by courts.

Finally, the respondent believes that complainant intended to harass him in bombarding him with numerous lawsuits, *i.e.*, this administrative case; Civil Case No. TM-855 for "Annulment of Documents, Titles, and Reconveyance plus Damages"; and a criminal case for Estafa and Falsification of Public Documents.

In her reply, the complainant denies the presence of *toka* or verbal will allegedly made by her mother and allegedly implemented by their eldest brother Eliseo in view of the following circumstances: (1) her mother met a sudden death in 1967; and partition of the properties in total disregard of their father was morally reprehensible, since the latter was still alive; (2) when their mother died, four of the siblings were still minors including respondent's wife herself; (3) on 5 February 2000, Eliseo wrote his siblings, in response to the previous letter of Felicisima, Marcelina, and Miriam, denying the existence of a *toka*. She further states that the respondent was not merely a passive onlooker but, as he admitted, the administrator of the properties of the Ting spouses.

On 14 June 2000, this Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation or decision.<sup>3</sup>

On 9 January 2003, after due hearing and consideration of the issues presented by both parties, Investigating Commissioner Milagros V. San Juan of the Commission on Bar Discipline of the IBP found the actuations of the respondent to be violative of Rules 1.01 and 1.02 of Canon 1 and Rule 10.01 of Canon 10 of the Code of Professional Responsibility. Thus she recommended that the respondent be disbarred from the practice of law.<sup>4</sup>

<sup>3</sup> Rollo, 209.

<sup>4</sup> Per the Report and Recommendation of Commissioner Milagros V. San Juan of the IBP Commission on Bar Discipline; Rollo, unpaginated.

In its Resolution No. XV-2003-333<sup>5</sup> of 21 June 2003, the Board of Governors of the IBP approved and adopted Commissioner San Juan's report, but reduced the penalty to suspension from the practice of law for six years.

We fully agree with the Investigating Commissioner in her findings of facts and conclusion of culpability. The respondent has sufficiently demonstrated that he is morally and legally unfit to remain in the exclusive and honorable fraternity of the legal profession. In his long years as a lawyer, he must have forgotten his sworn pledge as a lawyer. It is time once again that the Court inculcate in the hearts of all lawyers that pledge; thus:

#### LAWYER'S OATH

I, ..... , do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to its commission; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit nor give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion.

SO HELP ME GOD.

This oath to which all lawyers have subscribed in solemn agreement to dedicate themselves to the pursuit of justice is not a mere ceremony or formality for practicing law to be forgotten afterwards; nor is it mere words, drift and hollow, but a sacred trust that lawyers must uphold and keep inviolable at all times. By swearing the lawyer's oath, they become guardians of truth and the rule of law, as well as instruments in the fair and impartial dispensation of justice.<sup>6</sup> This oath is firmly echoed and reflected in the Code of Professional Responsibility, which provides:

**CANON 1 – A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.**

**Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.**

<sup>5</sup> Notice of Resolution signed by Jaime M. Vibar, National Secretary, IBP Commission on Bar Discipline Board of Governors; Rollo, unpaginated.

<sup>6</sup> Radjaie v. Alovera, A.C. No. 4748, 4 August 2000, 337 SCRA 244, 255-256.

Rule 1.02 – A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

...

CANON 7 – A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the Integrated Bar.

...

Rule 7.03 – A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor should he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

...

CANON 10 – A lawyer owes candor, fairness and good faith to the court.

Rule 10.01 – A lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead or allow the court to be misled by any artifice.

All of these underscore the role of a lawyer as the vanguard of our legal system. When the respondent took the oath as a member of the legal profession, he made a solemn promise to so stand by his pledge. In this covenant, respondent miserably failed.

The records show that Felicisima and Miriam stated in the Extrajudicial Settlement of Estate dated 11 November 1986 that they are the children of Julita Reynante and thus adjudicated only between them Lot No. 1586 to the exclusion of their other siblings.<sup>7</sup> There was concealment of the fact that there were other compulsory heirs to the estate of the deceased. Significantly, the respondent is the brother-in-law of complainant. Being married to complainant's sister, he knew of his wife's siblings. In fact, he declared that the complainant stayed with them while she was in the Philippines.<sup>8</sup> Yet, the respondent presented that document to the Register of Deeds of General Trias, Cavite, to effect the transfer of the title of the lot in question in the name of his wife and his sister-in-law Miriam.

It also bears noting that the respondent was consulted<sup>9</sup> regarding the falsification of complainant's signature in the Extrajudicial Settlement<sup>10</sup> dated 17 March 1995 involving Lot

complainant's name in that document.<sup>11</sup> Such act of counterfeiting the complainant's signature to make it appear that the complainant had participated in the execution of that document is tantamount to falsification of a public document.<sup>12</sup>

Instead of advising Marcelina to secure a written special power of attorney and against committing falsification, he presented<sup>13</sup> such document to the Registry of Deeds to secure a new title for the lot in favor of Marcelina and his wife.<sup>14</sup> He himself, therefore, may also be held liable for knowingly using a falsified document to the damage of the complainant and her other co-heirs.<sup>15</sup> Notably, he also admitted in an affidavit dated 22 May 1995 that he prepared the legal documents for the transfer of Lot 1603.<sup>16</sup>

Respondent did not advise his wife and his sisters-in-law from doing acts which are contrary to law. He must have kept in mind the first and foremost duty of a lawyer, which is to maintain allegiance to the Republic of the Philippines, uphold the Constitution, and obey the laws of the land. The Code of Professional Responsibility underscores the primacy of such duty by providing as its canon that a lawyer shall uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes.<sup>17</sup> For a lawyer is the servant of the law and belongs to a profession to which society has entrusted the administration of law and the dispensation of justice.<sup>18</sup> As such, he should make himself more an exemplar for others to emulate.<sup>19</sup> He should not, therefore, engage in unlawful, dishonest, immoral, or deceitful conduct.<sup>20</sup> He makes himself unfit to remain in the profession who commits any such unbecoming act or conduct.<sup>21</sup>

Respondent's argument that the non-declaration by his wife and his sister-in-law Marcelina of the other siblings in LRC Rec. No. 5964 for the reconstitution of title involving Lot 1605 was a mere oversight does not deserve credence in view of the following circumstances: *First*, the petition clearly names only Felicisima and Marcelina as the petitioners when there are six siblings who were heirs of the unpartitioned lot.<sup>22</sup> *Second*,

<sup>11</sup> TSN, 4 April 2002, 37-38; TSN, 11 April 2002, 28-29.

<sup>12</sup> Art. 172(1), in relation to Art. 171, Revised Penal Code.

<sup>13</sup> Exh. "L-1," Rollo, 43.

<sup>14</sup> Exh. "D-3," Rollo, 40.

<sup>15</sup> Art. 172, last paragraph, in relation to Art. 171, Revised Penal Code.

<sup>16</sup> Exh. "R-1," Original Records (OR), Vol. II, 65.

<sup>17</sup> Canon 1, Code of Professional Responsibility



during the hearing of said case when the respondent asked Marcelina whether she has brothers and sisters other than Felicisima, the latter said none. The transcript of that hearing reads:

ATTY. TORRES:

Q Madame Witness, are you the only child or daughter of the deceased Sps. Vicente Ting, Jr. and Julita Reynante?

WITNESS:

A No sir, we are two, Felicisima Torres and I.

Q Do you have other brothers and sisters?

A None, sir.<sup>23</sup>

The respondent allowed Marcelina to commit a crime by giving false testimony<sup>24</sup> in court, and he never corrected the same despite full knowledge of the true facts and circumstances of the case.<sup>25</sup> Moreover, in knowingly offering in evidence such false testimony, he himself may be punished as guilty of false testimony.<sup>26</sup>

Moreover, under Canon 10 of the Code of Professional Responsibility, a lawyer owes candor, fairness, and good faith to the court. He shall "not do any falsehood, nor consent to the doing of any in court; nor shall he mislead or allow the court to be misled by any artifice."<sup>27</sup> This Rule was clearly and openly violated by the respondent when he permitted Marcelina to falsely testify that she had no siblings aside from Felicisima and when he offered such testimony in the petition for reconstitution of the title involving Lot 1605.

The respondent must have forgotten that as an attorney he is an officer of the court called upon to assist in the administration of justice. Like the court itself, he is an instrument to advance its cause. For this reason, any act on his part that obstructs and impedes the administration of justice constitutes misconduct and justifies disciplinary action against him.<sup>28</sup>



statement in that affidavit that the title was in her possession was false, as she was never in possession of the title<sup>29</sup> and would not, therefore, know that the same was lost.

Moreover, in a letter dated 20 November 1996 addressed to a certain Mrs. Ong, the respondent requested the release of 50% of the remaining balance for the sale of Lot 1605, relaying to Antel Holdings, Inc., through Mrs. Ong that he was assured by the Clerk of Court that the order directing the reconstitution of title for Lot 1605 would be released within the month.<sup>30</sup> Respondent's information was misleading because he presented evidence only on 12 August 1997, or almost a year after he sent the letter.<sup>31</sup> Such act, therefore, shows lack of candor and honesty on the part of the respondent.

Respondent's acts or omissions reveal his moral flaws and doubtless bring intolerable dishonor to the legal profession. They constitute gross misconduct for which he may be disbarred or suspended pursuant to Section 27, Rule 138 of the Rules of Court, which provides:

*Sec. 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefore. – A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.*

In the determination of the imposable disciplinary sanction against an erring lawyer, we take into account the primary purpose of disciplinary proceedings, which is to protect the administration of justice by requiring that those who exercise this important function shall be competent, honorable, and reliable men in whom courts and clients may repose confidence.<sup>32</sup> While the assessment of what sanction may be

controlled by the imperative need to scrupulously guard the purity and independence of the bar.<sup>33</sup>

Thus, the supreme penalty of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court and member of the bar. We will not hesitate to remove an erring attorney from the esteemed brotherhood of lawyers where the evidence calls for it.<sup>34</sup> Verily, given the peculiar factual circumstances prevailing in this case, we find that respondent's gross misconduct calls for the severance of his privilege to practice law for life, and we therefore adopt the penalty recommended by the Investigating Commissioner.

**IN VIEW OF ALL THE FOREGOING**, we find respondent Atty. Rolando S. Torres guilty of gross misconduct and violation of the lawyer's oath, as well as Canons 1 and 10 of the Code of Professional Responsibility, thereby rendering him unworthy of continuing membership in the legal profession. He is thus ordered **DISBARRED** from the practice of law, and his name is ordered stricken off the Roll of Attorneys, effective immediately.

Let copies of this Resolution be furnished the Office of the Bar Confidant, which shall forthwith record it in the personal files of the respondent; all the courts of the Philippines; the Integrated Bar of the Philippines, which shall disseminate copies thereof to all its Chapters; and all administrative and quasi-judicial agencies of the Republic of the Philippines."

Copy of the resolution was received by respondent on 3 May 2004. The respondent's motion for reconsideration of the said resolution was denied with finality on 29 June 2004

16 August 2004.

**PRESBITERO J. VELASCO, JR.**  
Court Administrator

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<sup>33</sup> In re Almacen, No. L-27654, 18 February 1970, 31 SCRA 562, 602.

<sup>34</sup> Garcia v. Manuel, A.C. No. 5811, 20 January 2003.