



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

CIRCULAR NO. 38-2001

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 DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT: DISBARMENT OF ATTY. JOSE O. ALOVERA

For the information and guidance of all concerned, quoted hereunder is the resolution of the Court En Banc in Administrative Case No. 2519 entitled "Victoria V. Radjaie vs. Atty. Jose O. Alovera" dated 4 August 2000, to wit:

"Atty. Jose O. Alovera, former Presiding Judge of the Regional Trial Court of Roxas City, Branch 17, faces disbarment for having penned a Decision¹ dated January 30, 1995 long after his retirement from the Judiciary on January 31, 1995 which ultimately divested complainant Victoria V. Radjaie of her property in Panay, Capiz.

XXX

This Court has nothing short of exacting in its demand for integrity and good moral character from members of the Bar. By swearing the lawyer's oath, an attorney becomes the guardian of truth and the rule of law, and an indispensable instrument in the fair and impartial administration of justice – a vital function of a democracy a failure of which is disastrous to society. Any departure from the path which a lawyer must follow as demanded by the virtues of his profession shall not be tolerated by this Court as the disciplining authority⁴⁸ for there is perhaps no profession after that of the

¹In Civil Case No. V-6186 entitled "The Heirs of the Late Faustina Borres (except Victoria Villariez Radjaie) represented by Arturo V. Agudo, et al. v. Victoria Villariez Radjaie" for Partition and Accounting.

⁴⁸Busifios v. Ricafort, 283 SCRA 407, 414-415 [1997]

the sacred ministry in which a high-toned morality is more imperative than that of law.⁴⁹

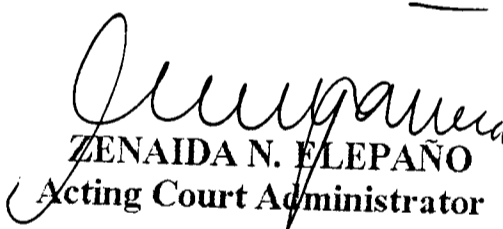
Despite the opportunities accorded to respondent to present substantial defense to refute the charges against him, he failed neither to do so nor to offer a valid explanation. When the integrity of a member of the bar is challenged, it is not enough that he denies the charges against him; he must meet the issue and overcome the evidence against him. He must show proof that he still maintains that degree of morality and integrity which at all times is expected of him.⁵⁰

Given the peculiar factual circumstances prevailing in this case, the Court finds as appropriate the recommended penalty of the Office of the Bar Confidant in its Report. Such gross misconduct of the respondent brings intolerable dishonor to the legal profession and calls for the severance of respondent's privilege to practice law for life.

WHEREFORE, respondent JOSE O. ALOVERA is hereby **DISBARRED**. The Office of the Clerk of Court is directed to strike out his name from the Roll of Attorneys and to inform all courts of this Decision."

The Court also issued resolutions: dated 24 October 2000, denying with finality the Motion for Reconsideration filed by respondent, and dated 13 February 2001, noting without action the Second Motion for Reconsideration and/or Motion to Re-Investigate the Case by the Integrated Bar of the Philippines.

30 May 2001


ZENAIDA N. ELEPAÑO
Acting Court Administrator

TCE/era/rain/alovera.doc

⁴⁹Tapucar v. Tapucar, 293 SCRA 331, 337 [1998]

⁵⁰Reyes v. Gaa, 246 SCRA 64, 67 [1995]