

EN BANC

[B.M. No. 1222, April 24, 2009]

RE: 2003 BAR EXAMINATIONS

ATTY. DANILO DE GUZMAN, PETITIONER,

RESOLUTION

YNARES-SANTIAGO, J.:

This treats the Petition for Judicial Clemency and Compassion dated November 10, 2008 filed by petitioner Danilo de Guzman. He prays that this Honorable Court "in the exercise of equity and compassion, grant petitioner's plea for judicial clemency, and thereupon, order his reinstatement as a member in good standing of the Philippine Bar."^[1]

To recall, on February 4, 2004, the Court promulgated a Resolution, in B.M. No. 1222, the dispositive portion of which reads in part:

WHEREFORE, the Court, acting on the recommendations of the Investigating Committee, hereby resolves to —

(1) DISBAR Atty. DANILO DE GUZMAN from the practice of law effective upon his receipt of this RESOLUTION;

x x x x

The subject of the Resolution is the leakage of questions in Mercantile Law during the 2003 Bar Examinations. Petitioner at that time was employed as an assistant lawyer in the law firm of Balgos & Perez, one of whose partners, Marcial Balgos, was the examiner for Mercantile Law during the said bar examinations. The Court had adopted the findings of the Investigating Committee, which identified petitioner as the person who had downloaded the test questions from the computer of Balgos and faxed them to other persons.

The Office of the Bar Confidant (OBC) has favorably recommended the reinstatement of petitioner in the Philippine Bar. In a Report dated January 6, 2009, the OBC rendered its assessment of the petition, the relevant portions of which we quote hereunder:

Petitioner narrated that he had labored to become a lawyer to fulfill his father's childhood dream to become one. This task was not particularly easy for him and his family but he willed to endure the same in order to pay tribute to his parents.

Petitioner added that even at a very young age, he already imposed upon himself the duty of rendering service to his fellowmen. At 19 years, he

started his exposure to public service when he was elected Chairman of the Sangguniang Kabataan (SK) of Barangay Tuktukan, Taguig City. During this time, he initiated several projects benefiting the youth in their barangay.

Thereafter, petitioner focused on his studies, taking up Bachelor of Arts in Political Science and eventually pursuing Bachelor of Laws. In his second year in law school, he was elected as the President of the Student Council of the Institute of Law of the Far Eastern University (FEU). Here, he spearheaded various activities including the conduct of seminars for law students as well as the holding of bar operations for bar examinees.

Despite his many extra-curricular activities as a youth and student leader, petitioner still managed to excel in his studies. Thus, he was conferred an Academic Excellence Award upon his graduation in Bachelor of Laws.

Upon admission to the bar in April 1999, petitioner immediately entered government service as a Legal Officer assigned at the Sangguniang Bayan of Taguig. Simultaneously, he also rendered free legal services to less fortunate residents of Taguig City who were then in need of legal assistance.

In March 2000, petitioner was hired as one of the Associate Lawyers at the Balgos and Perez Law Offices. It was during his stay with this firm when his craft as a lawyer was polished and developed. Despite having entered private practice, he continued to render free legal services to his fellow Taguigños.

Then in February 2004, by a sudden twist of fate, petitioner's flourishing career was cut short as he was stripped of his license to practice law for his alleged involvement in the leakage in the 2003 Bar Examinations.

Devastated, petitioner then practically locked himself inside his house to avoid the rather unavoidable consequences of his disbarment.

On March 2004, however, petitioner was given a new lease in life when he was taken as a consultant by the City Government of Taguig. Later, he was designated as a member of the Secretariat of the People's Law Enforcement Board (PLEB). For the next five (5) years, petitioner concentrated mainly on rendering public service.

Petitioner humbly acknowledged the damaging impact of his act which unfortunately, compromised the integrity of the bar examinations. As could be borne from the records of the investigation, he cooperated fully in the investigation conducted and took personal responsibility for his actions. Also, he has offered his sincerest apologies to Atty. Balgos, to the Court as well as to all the 2003 bar examinees for the unforeseen and unintended effects of his actions.

Petitioner averred that he has since learned from his mistakes and has taken the said humbling experience to make him a better person.

Meanwhile, as part of his Petition, petitioner submitted the following testimonials and endorsements of various individuals and entities all attesting to his good moral character:

- 1) Resolution No. 101, Series of 2007, "Resolution Expressing Full Support to Danilo G. De Guzman in his Application for Judicial Clemency, Endorsing his Competence and Fitness to be Reinstated as a Member of the Philippine Bar and for Other Purposes" dated 4 June 2007 of the Sangguniang Panlungsod, City of Taguig;
- 2) "Isang Bukas na Liham na Naglalayong Iparating sa Kataas-Taasang Hukuman ang Buong Suporta ng Pamunuan at mga Kasapi ng Southeast People's Village Homeowners Association, Inc. (SEPHVOA) kay Danilo G. De Guzman sa Kanyang Petisyong Magawaran ng Kapatawaran at ang Boluntaryong Pag-susulong sa Kanyang Kakayahan Upang Maibalik sa Kanya ang mga Pribilehiyo ng Isang Abogado" dated 1 June 2007 of the Southeast People's Village Homeowners Association, Inc. (SEPHVOA), Ibayo-Tipas, City of Taguig;
- 3) "Isang Bukas na Liham na Naglalayong Iparating sa Kataas-Taasang Hukuman ang Buong Suporta ng Pamunuan at mga Kasapi ng Samahang Residente ng Mauling Creek, Inc. (SAREMAC) kay G. Danilo G. De Guzman sa Kanyang Petisyong Magawaran ng Kapatawaran at ang Boluntaryong Pag-susulong sa Kanyang Kakayahan Upang Maibalik sa Kanya ang mga Pribilehiyo ng Isang Abogado" dated 1 June 2007 of the Samahang Residente ng Mauling Creek, Inc. (SAREMAC), Lower Bicutan, City of Taguig;
- 4) "Isang Bukas na Liham na Naglalayong Iparating sa Kataas-Taasang Hukuman ang Buong Suporta ng Pamunuan at mga Kasapi ng Samahan ng mga Maralita (PULONG KENDI) Neighborhood Association, Inc. (SAMANA) kay G. Danilo G. De Guzman sa Kanyang Petisyong Magawaran ng Kapatawaran at ang Boluntaryong Pag-susulong sa Kanyang Kakayahan Upang Maibalik sa Kanya ang mga Pribilehiyo ng Isang Abogado" dated 1 June 2007 of the Samahan ng mga Maralita (PULONG KENDI) Neighborhood Association, Inc. (SAMANA), Sta. Ana, City of Taguig;
- 5) "An Open Letter Attesting Personally to the Competence and Fitness of Danilo G. De Guzman as to Warrant the Grant of Judicial Clemency and his Reinstatement as Member of the Philippine Bar" dated 8 June 2007 of Miguelito Nazareno V. Llantino, Laogan, Trespeses and Llantino Law Offices;
- 6) "Testimonial to the Moral and Spiritual Competence of Danilo G. De Guzman to be Truly Deserving of Judicial Clemency and Compassion" dated 5 July 2007 of Rev. Fr. Paul G. Balagtas, Parish Priest, Archdiocesan Shrine of St. Anne;
- 7) "Testimonial Letter" dated 18 February 2008 of Atty. Loreto C.

Ata, President, Far Eastern University Law Alumni Association (FEULAA), Far Eastern University (FEU);

- 8) "Isang Bukas na Liham na Naglalayong Iparating sa Kataas-Taasang Hukuman ang Buong Suporta ng Pamunuan at mga Kasapi ng Samahang Bisig Kamay sa Kaunlaran, Inc. (SABISKA) kay G. Danilo G. De Guzman sa Kanyang Petisyong Magawaran ng Kapatawaran at ang Boluntaryong Pag-susulong sa Kanyang Kakayahan Upang Maibalik sa Kanya ang mga Pribilehiyo ng Isang Abogado" dated 8 July 2008 of the Samahang Bisig Kamay sa Kaunlaran, Inc. (SABISKA);
- 9) Board Resolution No. 02, Series of 2008, "A Resolution Recognizing the Contributions of Danilo G. De Guzman to the People's Law Enforcement Board (PLEB) - Taguig City, Attesting to his Utmost Dedication and Commitment to the Call of Civic and Social Duty and for Other Purposes" dated 11 July 2008 of the People's Law Enforcement Board (PLEB);
- 10) "A Personal Appeal for the Grant of Judicial Forgiveness and Compassion in Favor of Danilo G. De Guzman" dated 14 July 2008 of Atty. Edwin R. Sandoval, Professor, College of Law, San Sebastian College - Recoletos;
- 11) "An Open Letter Personally Attesting to the Moral competence and Fitness of Danilo G. De Guzman" dated 5 September 2008 of Mr. Nixon F. Faderog, Deputy Grand [Kn]ight, Knights of Columbus and President, General Parent-Teacher Association, Taguig National High School, Lower Bicutan, Taguig City;
- 12) "Testimonial Letter" dated 5 September 2008 of Atty. Primitivo C. Cruz, President, Taguig Lawyers League, Inc., Tuktukan, Taguig City;
- 13) "Testimonial Letter" dated 21 October 2008 of Judge Hilario L. Laqui, Presiding Judge, Regional Trial Court (RTC), Branch 218, Quezon City; and
- 14) "Testimonial Letter" dated 28 October 2008 of Justice Oscar M. Herrera, former Justice, Court of Appeals and former Dean, Institute of Law, Far Eastern University (FEU).

Citing the case of **In Re: Carlos S. Basa**, petitioner pleaded that he be afforded the same kindness and compassion in order that, like Atty. Basa, his promising future may not be perpetually foreclosed. In the said case, the Court had the occasion to say:

Carlos S. Basa is a young man about 29 years of age, admitted to the bars of California and the Philippine Islands. Recently, he was charged in the Court of First Instance of the City of Manila with the crime of abduction with consent, was found guilty in a decision rendered by the Honorable M.V. De Rosario, Judge of First Instance, and was sentenced to be imprisoned for a period of two years, eleven months and eleven days of prison correccional. On appeal,