

EN BANC

[B.M. No. 1154, June 08, 2004]

**IN THE MATTER OF THE DISQUALIFICATION OF BAR EXAMINEE
HARON S. MELING IN THE 2002 BAR EXAMINATIONS AND FOR
DISCIPLINARY ACTION AS MEMBER OF THE PHILIPPINE
SHARI'A BAR, ATTY. FROILAN R. MELENDREZ, PETITIONER.**

R E S O L U T I O N

TINGA, J.:

The Court is here confronted with a Petition that seeks twin reliefs, one of which is ripe while the other has been rendered moot by a supervening event.

The antecedents follow.

On October 14, 2002, Atty. Froilan R. Melendrez (Melendrez) filed with the Office of the Bar Confidant (OBC) a *Petition*^[1] to disqualify Haron S. Meling (Meling) from taking the 2002 Bar Examinations and to impose on him the appropriate disciplinary penalty as a member of the Philippine Shari'a Bar.

In the Petition, Melendrez alleges that Meling did not disclose in his Petition to take the 2002 Bar Examinations that he has three (3) pending criminal cases before the Municipal Trial Court in Cities (MTCC), Cotabato City, namely: Criminal Cases Noa. 15685 and 15686, both for Grave Oral Defamation, and Criminal Case No. 15687 for Less Serious Physical Injuries.

The above-mentioned cases arose from an incident which occurred on May 21, 2001, when Meling allegedly uttered defamatory words against Melendrez and his wife in front of media practitioners and other people. Meling also purportedly attacked and hit the face of Melendrez' wife causing the injuries to the latter.

Furthermore, Melendrez alleges that Meling has been using the title "Attorney" in his communications, as Secretary to the Mayor of Cotabato City, despite the fact that he is not a member of the Bar. Attached to the Petition is an indorsement letter which shows that Meling used the appellation and appears on its face to have been received by the Sangguniang Panglungsod of Cotabato City on November 27, 2001.

Pursuant to this Court's *Resolution*^[2] dated December 3, 2002, Meling filed his Answer with the OBC.

In his Answer,^[3] Meling explains that he did not disclose the criminal cases filed against him by Melendrez because retired Judge Corocoy Moson, their former professor, advised him to settle his misunderstanding with Melendrez. Believing in good faith that the case would be settled because the said Judge has moral ascendancy over them, he being their former professor in the College of Law, Meling

considered the three cases that actually arose from a single incident and involving the same parties as “closed and terminated.” Moreover, Meling denies the charges and adds that the acts complained of do not involve moral turpitude.

As regards the use of the title “Attorney,” Meling admits that some of his communications really contained the word “Attorney” as they were, according to him, typed by the office clerk.

In its *Report and Recommendation*^[4] dated December 8, 2003, the OBC disposed of the charge of non-disclosure against Meling in this wise:

The reasons of Meling in not disclosing the criminal cases filed against him in his petition to take the Bar Examinations are ludicrous. He should have known that only the court of competent jurisdiction can dismiss cases, not a retired judge nor a law professor. In fact, the cases filed against Meling are still pending. Furthermore, granting *arguendo* that these cases were already dismissed, he is still required to disclose the same for the Court to ascertain his good moral character. Petitions to take the Bar Examinations are made under oath, and should not be taken lightly by an applicant.

The merit of the cases against Meling is not material in this case. What matters is his act of concealing them which constitutes dishonesty.

In Bar Matter 1209, the Court stated, thus:

It has been held that good moral character is what a person really is, as distinguished from good reputation or from the opinion generally entertained of him, the estimate in which he is held by the public in the place where he is known. Moral character is not a subjective term but one which corresponds to objective reality. The standard of personal and professional integrity is not satisfied by such conduct as it merely enables a person to escape the penalty of criminal law. Good moral character includes at least common honesty.

The non-disclosure of Meling of the criminal cases filed against him makes him also answerable under Rule 7.01 of the Code of Professional Responsibility which states that “*a lawyer shall be answerable for knowingly making a false statement or suppressing a material fact in connection with his application for admission to the bar.*”^[5]

As regards Meling’s use of the title “Attorney”, the OBC had this to say:

Anent the issue of the use of the appellation “Attorney” in his letters, the explanation of Meling is not acceptable. Aware that he is not a member of the Bar, there was no valid reason why he signed as “attorney” whoever may have typed the letters.

Although there is no showing that Meling is engaged in the practice of law, the fact is, he is signing his communications as “Atty. Haron S. Meling” knowing fully well that he is not entitled thereto. As held by the