



Republic of the Philippines
Supreme Court
Manila

EN BANC

ENRIQUE JAVIER DE
ZUZUARREGUI,
Complainant,

B.M. No. 2796

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
REYES, A., JR.,
GESMUNDO,
REYES, J., JR.,*
HERNANDO,
CARANDANG,**
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS, and
GAERLAN, JJ.

- versus -

ANTHONY DE ZUZUARREGUI,
Respondent.

Promulgated:
February 11, 2020

X ----- X

RESOLUTION

INTING, J.:

This bar matter refers to the complaint filed by Enrique Javier de Zuzuarregui (complainant) before the Office of the Bar Confidant (OBC) against Anthony de Zuzuarregui (respondent), his nephew and one of the bar applicants for the 2013 Bar Examinations.

* On leave.
** On special leave.

The Antecedents

On October 2, 2013, the OBC received a Letter¹ dated September 15, 2013 from complainant, thru his counsel, Atty. Nicholas A. Aquino, informing the Court that he was filing a complaint against respondent, then an applicant for the 2013 Bar Examinations for being a person of questionable moral character given the four criminal charges that the latter was facing before the Office of the City Prosecutor of Quezon City, namely:

- (1) Criminal Case No. XV-03-INV-13D-03569 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for *Estafa* under Article 315 of the Revised Penal Code (RPC);
- (2) Criminal Case No. XV-03-INV-13F-05581 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for *Estafa* thru Falsification of Public Documents under Article 315 of the RPC;
- (3) Criminal Case No. XV-INV-13G-06821 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for Falsification of Public Documents and Use of Falsified Documents under Article 172 of the RPC; and
- (4) Criminal Case No. XV-03-INV-13F-06052 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for Falsification of Public Documents under Article 172 of the RPC.

It appears that respondent himself had disclosed in his Petition to Take the 2013 Bar Examinations² that there were four pending criminal cases against him at the time:

- (1) Criminal Case No. XV-03-INV-13D-03569 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for *Estafa*;
- (2) Criminal Case No. XV-03-INV-13E-04905 – *Azucena Locsin Garcia v. Anthony de Zuzuarregui, et al.*, for violation of Article 312 (Occupation of Real Property or Usurpation of Real Rights in Property) and Article 313 (Altering Boundaries or Landmarks) of the RPC;
- (3) Criminal Case No. XV-03-INV-13F-06052 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for Falsification of Public Documents; and

¹ *Rollo*, pp. 2-3.

² *Id.* at 48.

- (4) Criminal Case No. XV-03-INV-13F-05581 – *Enrique de Zuzuarregui v. Anthony de Zuzuarregui, et al.*, for *Estafa* thru Falsification of Public Documents.

In view of the pending criminal cases against respondent, the Court provisionally allowed him to take the 2013 Bar Examinations, subject to the condition that, should he pass, he shall not be allowed to take the Lawyer's Oath and sign the Roll of Attorneys until he is cleared of the charges against him.³

Respondent thereafter passed the 2013 Bar Examinations. Consequently, he filed a Verified Petition to Take the Lawyer's Oath⁴ dated April 24, 2014 before the OBC. In his petition, he claimed that the pending criminal cases against him had already been dismissed by the Office of the City Prosecutor of Quezon City as evidenced by the Orders of Dismissal⁵ attached thereto. To prove that he was morally fit to become a lawyer, respondent also submitted the following certifications of good moral character from:

- (a) Atty. Ma. Venarisse V. Verga of Lee Venturanza Verga Law Office;⁶
- (b) Atty. Viviana Martin-Paguirigan, then Associate Dean of the Far Eastern University – Institute of Law;⁷
- (c) Rev. Fr. Noel B. Magtaas, OSJ, then Provincial Superior of the Oblates of St. Joseph – Philippine Province;⁸ and
- (d) Attys. Gregorio S. Daproza and Voltaire P. Agas.⁹

In its Resolution¹⁰ dated July 1, 2014, the Court required respondent to explain why he failed to disclose the pendency of Criminal Case No. XV-INV-13G-06821 in his application to take the 2013 Bar Examinations and to submit a certification of the status of the case, if still pending, or order of dismissal, if already dismissed.

On August 14, 2014, respondent submitted his Verified Compliance¹¹ wherein he explained that he was not able to declare Criminal Case No. XV-INV-

³ *Id.* at 6.

⁴ *Id.* at 6-8.

⁵ *Id.* at 9-11, 12-13, 14-15 and 16-19.

⁶ *Id.* at 20.

⁷ *Id.* at 21.

⁸ *Id.* at 22.

⁹ *Id.* at 23-24.

¹⁰ *Id.* at 31-32.

¹¹ *Id.* at 34-37.

13G-06821 in his application because, at the time of filing of his Petition to Take the 2013 Bar Examinations on July 12, 2013, he was not yet aware of the existence of the case. He further averred that he only received a copy of the *subpoena*¹² in relation to the case on August 15, 2013, or more than a month after he filed his application to take the bar examinations.¹³

Thus, in its Resolution¹⁴ dated September 23, 2014, the Court required respondent to submit a copy of the order of dismissal in Criminal Case No. XV-INV-13G-06821 as well as Prosecutor's and Court's clearances, and additional certifications of good moral character.

On November 14, 2014, the Court received respondent's Second Verified Compliance¹⁵ dated November 7, 2014 wherein respondent submitted the following documents:

- (a) Order of Dismissal in Criminal Case No. XV-INV-13G-06821;¹⁶
- (b) Clearance from the Quezon City Regional Trial Court dated October 22, 2014;¹⁷
- (c) Clearance from the Quezon City Metropolitan Trial Court dated October 27, 2014;¹⁸
- (d) Prosecutor's Certifications¹⁹ dated October 20, 2014 showing the dismissal of:
 - (1) XV-03-INV-13K-12145 to 46;
 - (2) XV-03-INV-13D-03569;
 - (3) XV-03-INV-13F-6059*;
 - (4) XV-03-INV-13F-05581;
 - (5) XV-03-INV-13E-04905;
- (e) Certification of Good Moral Character dated November 13, 2014 issued by Pasig City Councilor Hon. Richard C. Eusebio;²⁰

¹² *Id.* at 49.

¹³ *Id.* at 34-35.

¹⁴ *Id.* at 58.

¹⁵ *Id.* at 65-67.

¹⁶ *Id.* at 68.

¹⁷ *Id.* at 69.

¹⁸ *Id.* at 70.

¹⁹ *Id.* at 71-73.

* It should be XV-03-INV-13F-06052, not 6059, per the Resolution dated November 25, 2013 issued by Assistant State Prosecutor Rolando G. Ramirez. *Id.* at 14-15.

²⁰ *Id.* at 74.

- (f) Certification of Good Moral Character dated November 12, 2014 signed by Atty. Carlos G. Buendia;²¹
- (g) Certification of Good Moral Character dated November 13, 2014 signed by Atty. Paul Nicomedes L. Roldan;²²
- (h) Certification of Good Moral Character dated April 25, 2014 signed by Atty. Ma. Venarisse V. Verga;²³
- (i) Certification of Good Moral Character dated April 25, 2014 signed by Associate Dean Viviana Martin-Paguirigan;²⁴
- (j) Certification of Good Moral Character dated April 26, 2014 signed by Rev. Fr. Noel B. Magtaas, OSJ;²⁵
- (k) Testimonial of Good Character dated April 29, 2014 signed by Atty. Gregorio S. Daproza, Jr.;²⁶ and
- (l) Certification of Good Moral Character signed by Atty. Voltaire P. Agas.²⁷

Per the Resolution²⁸ dated March 10, 2015, the Court referred respondent's Second Verified Compliance to the OBC for evaluation, report, and recommendation. The OBC, however, recommended that respondent's Petition to Take the Lawyer's Oath be held in abeyance in view of the other criminal charges still pending against him before the Office of the City Prosecutor of Quezon City.²⁹ The Court adopted the OBC's recommendation in its Resolution³⁰ dated November 16, 2015.

Three years later, respondent filed his Verified Second Motion most respectfully praying that [respondent] be allowed to take his Lawyer's Oath and sign the Roll of [Attorneys]³¹ dated October 3, 2018 before the OBC wherein he notified the Court of the dismissal of *all* the criminal charges filed against him.³² In his motion, he averred that while he was able to completely wipe out all the cases

²¹ *Id.* at 75.

²² *Id.* at 76.

²³ *Id.* at 77.

²⁴ *Id.* at 78.

²⁵ *Id.* at 79.

²⁶ *Id.* at 80.

²⁷ *Id.* at 81.

²⁸ *Id.* at 85.

²⁹ *Id.* at 132-133.

³⁰ *Id.* at 134.

³¹ *Id.* at 152-156.

³² *Id.* at 152-153.

filed against him by complainant, he feared that a new round of fabricated criminal complaints will be forthcoming to further prevent him from becoming a full-fledged lawyer.³³

Report and Recommendation of the OBC

In its Report³⁴ dated October 28, 2019, the OBC recommended that:

Hence, in view of the dismissal of the cases filed against him and finding the attestations made in his favor to be credible and sincere, we are inclined to recommend the granting of respondent's prayer for admission to the Philippine Bar as we see no other cogent reason or ground to rule otherwise. In allowing respondent to take the lawyer's oath, we recognize that respondent is not intrinsically of bad moral fiber. On a final note, we are also giving respondent the benefit of the doubt that he is morally fit to become a member of the Philippine Bar and that the certifications made in his favor truly reflect his good moral character. With that, we are convinced that he possesses the same as a prerequisite for admission to our noble profession.

WHEREFORE, premises considered, it is respectfully recommended that ANTHONY R. DE ZUZUA[R]REGUI be ALLOWED to take the Lawyer's Oath and Sign the Roll of Attorneys on a date set by the Court upon payment of the appropriate legal fees.³⁵

Thus, the Court, in its Resolution³⁶ dated November 19, 2019, resolved, upon the OBC's recommendation, to allow respondent to take the Lawyer's Oath and sign the Roll of Attorneys.

Upon his payment of the required fees,³⁷ respondent's oath-taking was scheduled on January 20, 2020, at 4:30 p.m., before Associate Justice Andres B. Reyes, Jr.³⁸ However, before respondent could take the Lawyer's Oath, the Court received a Letter³⁹ dated January 8, 2020 from complainant stating his strong objection to allow respondent to take the oath "due to questionable moral integrity, honesty and uprightness,"⁴⁰ given the 10 criminal cases still pending against him before the Office of the City Prosecutor of Quezon City, viz.:

- (a) Criminal Case No. XV-03-INV-14F-05666 for Falsification of Public Documents;

³³ *Id.* at 153.

³⁴ *Id.* at 194-200.

³⁵ *Id.* at 199-200.

³⁶ *Id.* at 201-202.

³⁷ *Id.* at 204-205.

³⁸ *Id.* at 211.

³⁹ *Id.* at 212-214.

⁴⁰ *Id.* at 212.

- (b) Criminal Case No. XV-03-INV-14F-05667 for Falsification of Public Documents;
- (c) Criminal Case No. XV-03-INV-15D-04249 for *Estafa* thru Falsification of Public Documents;
- (d) Criminal Case No. XV-03-INV-16B-62233 for 59 counts of *Estafa*;
- (e) Criminal Case No. XV-03-INV-16S-10647 for *Estafa* thru Falsification of Public Documents;
- (f) Criminal Case No. XV-03-INV-16J-10252 for *Estafa*;
- (g) Criminal Case No. XV-03-INV-16J-10509 for Falsification of Public Documents;
- (h) Criminal Case No. XV-03-INV-17J-08273 for violation of Presidential Decree No. 1096, or the National Building Code of the Philippines;
- (i) Criminal Case No. XV-03-INV-17G-06688 for *Estafa*; and
- (j) Criminal Case No. XV-03-INV-19F-05312 for *Estafa*.

Consequently, the Court, thru Chief Justice Diosdado M. Peralta, *suspended* respondent's scheduled oath-taking until the Court *En Banc* has decided on the matter.⁴¹

In his Letter⁴² dated January 19, 2020 addressed to the Chief Justice, respondent explained that nine out of the 10 criminal cases mentioned in complainant's Letter had already been dismissed for lack of probable cause, but the 10th case is still pending as it was just recently filed in 2019.⁴³ He averred that the new case had been purposely instituted by complainant to further delay his oath-taking. He prays that he finally be allowed to take the Lawyer's Oath and sign the Roll of Attorneys as the numerous criminal complaints filed by his uncle against him are mere harassment suits specifically designed to prevent him from becoming a full-fledged lawyer.⁴⁴

⁴¹ *Id.* at 218.

⁴² *Id.* at 221-224.

⁴³ *Id.* at 222.

⁴⁴ *Id.* at 222-223.

The Court's Ruling

Section 2 of Rule 138 of the Rules of Court provides:

SEC. 2. *Requirements for all applicants for admission to the bar.* — Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and a resident of the Philippines; and must produce before the Supreme Court satisfactory evidence of good moral character, and that no charges against him, involving moral turpitude, have been filed or are pending in any court in the Philippines.

In this case, respondent's admission to the Philippine Bar has long been held in abeyance due to the criminal cases pending against him before the Office of the City Prosecutor of Quezon City. Per the *rollo*, it appears that all criminal charges against him has been dismissed *except* for the most recent one filed in 2019. The timing of the filing of this case, however, is highly suspect as it came just as the other criminal charges against respondent were dismissed on June 28, 2018,⁴⁵ January 4, 2019,⁴⁶ and October 15, 2019.⁴⁷ Thus, it can no longer be denied that the manifest intention of complainant in successively filing these criminal cases against respondent is to prevent him from taking the Lawyer's Oath and signing the Roll of Attorneys—the last two steps needed to be undertaken by respondent to become a full-fledged lawyer.

The dismissal of all the other criminal charges against respondent, coupled with the various certifications of good moral character in his favor, is sufficient for the Court to conclude that respondent possesses the moral qualifications required of lawyers. Though it is true that the practice of law is not a right but a privilege, the Court will not unjustifiably withhold this privilege from respondent, who has clearly shown that he is both intellectually and morally qualified to join the legal profession.⁴⁸ And so, after almost six years of waiting, the Court finally grants respondent's prayer for admission to the Philippine Bar.

WHEREFORE, the Court resolves to:

- (a) **NOTE** the Letter dated January 19, 2020 and the Report dated January 21, 2020 of the Office of the Bar Confidant; and

⁴⁵ *Id.* at 225-236, 242-246, 254-259, and 260-265.

⁴⁶ *Id.* at 266-269.

⁴⁷ *Id.* at 248-253, 270-274, and 275-279.

⁴⁸ See *In Re: Petition to Sign in the Roll of Attorneys, Michael A. Medado*, 718 Phil. 286, 291 (2013).


- (b) **ALLOW** Anthony de Zuzuarregui to take the Lawyer's Oath and sign the Roll of Attorneys on a date set by the Court and upon payment of the appropriate legal fees, if any.

Complainant Enrique Javier de Zuzuarregui and his counsel, Atty. Nicholas A. Aquino, are severely **WARNED** not to file any more frivolous criminal complaints against respondent under pain of contempt.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

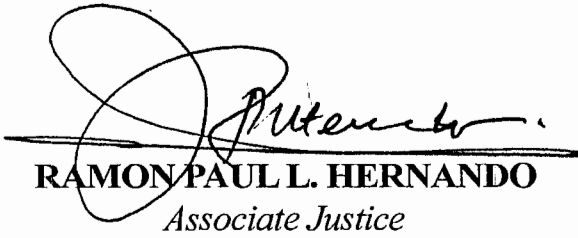

MARVIC M. V. F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

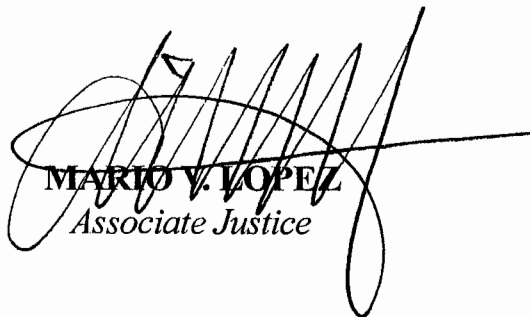
(On leave)
JOSE C. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

(On special leave)
ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO V. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

