

An Ethical Compass for the Legal Profession*

I am deeply honored by the distinctive introduction delivered by Judge Irin Zenaida S. Buan of the Regional Trial Court of Angeles City. Instead of merely reciting the usual milestones in my life -- like date of birth, parentage, education and career developments -- Judge Buan chose to analyze what she perceived was my legal philosophy, which she had culled from some of my significant decisions and opinions in the Supreme Court. For this, I am grateful.

New Breed of Pampango Judges

Judge Buan personifies the new breed of young, competent, honest and dedicated magistrates in Pampanga.^[1] I assure you that many of us in the Supreme Court, not just I, have noticed the commendable performance of the judiciary in our native province. Every time the justices discuss the rising stars in the judicial firmament, Pampango magistrates always shine among the brightest.

Indeed, over the last one hundred years, Kapampangans have always distinguished themselves in the annals of the Philippine judiciary. Perhaps, the most revered among them is Chief Justice Jose Abad Santos, who chose martyrdom over collaboration with the Japanese invaders during World War II. He is honored by the Supreme Court with a bronze statue at the entrance of its main building. The only other magistrate given equal preeminence is Chief

Justice Cayetano Arellano, whose statue also graces our gate, for being the first Chief Justice of the Philippines.

When I joined the Supreme Court in 1995, seven of the fifteen members were Pampangeños. In fact, in the Third Division to which I was initially assigned, all the five members were *cabalens*; namely, Justices Florentino P. Feliciano, Florida Ruth P. Romero, Jose A. R. Melo, Jose C. Vitug and yours truly. Our group was then fondly called the “Lahar Division.”

Of the five original members of this Division, I am now the only survivor; the four others have reached the mandatory retirement age. Unfortunately, their replacements were not Kapampangans. I believe, however, that destiny awaits our young magistrates in Pampanga. One day soon, given time to ripen and mature, our present young outstanding judges will perpetuate the distinguished legacies of Chief Justice Abad Santos and the other esteemed Pampango justices.

May I also thank the president of the IBP-Pampanga Chapter, Atty. Josep Jepri M. Miranda, for inviting me to this induction ceremony. No less deserving of thanks is Atty. Jose Songco, who secretly told me in advance of Judge Buan’s unique introduction of me. Atty. Songco has made it his lifetime passion to help reform the judiciary and the legal profession in our province.

Yes, I gladly accepted the invitation of Atty. Miranda, no matter the distance and my busy schedule today, for a number of reasons. *First*, the occasion gives me the opportunity to

practice conversing in our royal dialect. *Second*, through great Kapampangan delicacies, it allows me to indulge my taste buds. *Third*, and most important, it reminds me of my special affinity with you, because of not only our common geographical origin, but also our professional kinship.

High Ethical Conduct

Today, in the midst of the present crisis of confidence and credibility facing our country and people, I would like to sound a call to ethics for the legal profession. Ethics embraces, among others, *fairness*, *candor* and *integrity* in the personal and professional lives of lawyers.

Fairness

Fairness means not merely fighting for an even-handed treatment of one's cause and case. It extends to a refusal to take *undue advantage* of the other side, being honorable in battle, and being scrupulous in the choice of legal weapons.

Immediately after passing the bar examinations in 1960, I became an associate in the law office of our then dean, Dr. Jovito R. Salonga. One early morning, Dean Salonga called me up at home to say that he was indisposed and to ask if I could substitute for him in that morning's trial at the then Court of First Instance of Pasay. Even if I knew very little about that inheritance case he was directly handling, I stood up gallantly when it was called that morning and I mumbled, "Ready for the defense, Your Honor."

Judge Angel Mojica, who was presiding, looked at me askance and asked suspiciously, “Where is Atty. Salonga? And young man, are you ready to continue the cross-examination of the plaintiff?”

“Your Honor, he called me up early this morning to say that he was indisposed. He told me that I should not ask for a postponement, because there is a standing agreement not to delay the case,” I nervously replied.

“Your Honor,” butted in Atty. Jose W. Diokno, the counsel for the plaintiff, “it is true that we agreed not to defer today’s hearing. But in fairness to our young *compañero*, and knowing that Atty. Salonga would not tell a lie about his health, I myself am now moving to postpone the hearing. Anyway, this case is scheduled to be heard two more times during the next two weeks.”

Addressing me, Judge Mojica boomed, “What do you say to that motion, counsel?”

“No objection, Your Honor,” I quickly answered.

This may have been a little incident in the checkered life of the late illustrious Atty. Jose W. Diokno, but it was a major one in mine. It showed me how a great advocate could demonstrate fairness to a young inexperienced lawyer who hardly knew the pending case; and who, at that point, would probably not have been able to cross-examine the plaintiff adequately. Atty. Diokno earned my immediate admiration and awe -- not only for his vaunted competence, but also for his genial sportsmanship in refusing to take undue advantage

of a young, nervous lawyer. I am certain that Judge Mojica, who is now in the Great Beyond, was impressed, too.

Candor

Candor refers to straightforwardness or forthrightness in admitting a weakness or even an error. Some lawyers are too proud to admit a mistake. *Matitigas ang mga ulo*.

There are also lawyers who insist on equating the *ratio decidendi* of a decision with a mere *obiter dictum*. Credibility goes up when a lawyer frankly admits that a statement in a decision is a mere *obiter* and may not be binding. And respect rises even more when the learned counsel explains why the *obiter* makes sense and should anyway be adopted as a doctrine.

But nothing erodes a lawyer's credibility more than the deliberate misquoting of a decision or, worse, the omission of certain words or sentences that qualify or restrict the sense of a ruling. Remember that the eagle-eyed magistrates can easily detect misquotations, out-of-context statements and misleading arguments.

A candid lawyer is a humble person -- not only one who is not afraid to admit an error or a shortcoming, but also one who rises from a mistake and more than makes up for it the next time around.

Integrity

Finally, by **integrity** I refer to honesty and truthfulness. A person with integrity acts in accordance with what is true and honest regardless of personal consequences. To act with integrity is to act with moral courage. It involves not only bravery in theoretical battle but also, *a priori*, purity of spirit and clarity of conscience. For only one who is pure of heart and clear of mind can act with integrity.

The Supreme Court, as you know, has embarked on a comprehensive reform program to address the many complaints of corruption, incompetence and delay in the delivery of justice. Many times these problems are brought about, or at least aggravated, by members of the bar.

I now take this occasion to call for your cooperation and assistance in eradicating these ills. As active practicing lawyers, you know who are the corrupt and the incompetent among the magistrates. You know which ones do not deserve to wear their majestic black robes.

Lawyers of integrity will never bribe a judge. Remember, corruption will take place only if it is abetted or tolerated by the bar. Integrity demands not only moral courage in denouncing the corrupt and the incompetent; it also calls for initiative in defending the decent and the competent from malicious, unreasonable and scurrilous attacks.

Just as there are dishonest judges, there are also unscrupulous lawyers who want to win at all costs. Worse, in an effort to earn more, there are lawyers who ask money from clients, allegedly to line the pockets of magistrates. Whether the money is actually used to bribe judges or merely to increase the lawyers' own earnings, such practice is reprehensible and should be condemned by all lawyers of integrity.

I also denounce most vehemently some lawyers' habit of harassing decent and competent judges by threatening them with administrative complaints. By such deplorable conduct, these unscrupulous attorneys are sometimes able to stymie or delay the promotion of deserving magistrates. The mere pendency of these baseless charges is enough to hinder the Judicial and Bar Council from processing a judge's otherwise deserving promotion.

The foregoing virtues of **fairness**, **candor** and **integrity** are just three of the ethical values enshrined in the Code of Professional Responsibility.

A Lawyer's Public Responsibility

A more fundamental concern underlies the public responsibility of lawyers. Knowing that they have specific tasks to perform in society, I must ask what kind of lawyers our people need in these times of crises and crossroads. To answer this question, there is a necessity to identify the *ends* or *goals* lawyers must serve and the proper *means* of achieving those ends. Today, I shall dwell on these questions, not only to refresh your minds of the oath you have solemnly taken, but also to breathe new life and vigor to that commitment.

In this connection, let me stress that during the term of Chief Justice Hilario G. Davide Jr., and consistent with the judiciary's reform program, the Supreme Court has become increasingly strict in enforcing the Code of Professional Responsibility. It has been uncompromising in disciplining lawyers who have fallen short of the ethical standards demanded by the Code.

The latest figures from the Office of the Bar Confidant of the Supreme Court show that from 1999 to 2004 (during Chief Justice Davide's term), a total of 463 lawyers have been disciplined by the Court for various infractions of the Code of Professional Responsibility.^[2] Of that number, 23 have been disbarred; 138, suspended; 155, fined; 57, reprimanded; and 50 others, admonished. Fourteen notarial commissions have also been suspended in the same period. Among the most common infractions reported were deceit, gross misconduct, grossly immoral conduct and negligence.^[3] To be sure, these cases reflect badly on the moral fiber of present-day lawyers. They are disturbing because of the ethical implications.

Allow me to cite three recent cases.

Three Recent Samples of Disciplinary Sanctions

In one case,^[4] a lawyer was haled to court by his own sister-in-law for allegedly depriving the coheirs of his wife of the estate left behind by his parents-in-law. The respondent was charged and found to have, among others, abetted his wife's perjury in a Deed of Extrajudicial Settlement of Estate; remained silent on the forgery of the complainant's signature in another Deed; and offered false testimony in a proceeding for the judicial reconstitution of title.

The Court held that the respondent was ethically and legally unfit to remain in the legal

profession. His acts constituted gross misconduct and violation of the lawyer's oath, for which he was disbarred.

Another interesting case^[5] stemmed from a disbarment complaint filed by a wife against her philandering husband because of his continuing cohabitation with another woman. The respondent, a former judge, had already been sanctioned by the Court a number of times for his immoral ways -- the same reason he was eventually dismissed from the judiciary. Even then, he refused to mend his ways.

Finding his obstinate and arrogant refusal to live by ethical and moral standards unacceptable, the Court iterated that after the priestly ministry, the legal profession was one vocation in which a high-toned morality was more imperative than knowledge of the law. Having lost moral ground as a member of the legal profession, the respondent was disbarred.

Still another case^[6] involved an attorney's willful and intentional falsehood. Here, the counsel purposely deceived the trial court by insisting that a Compromise Agreement was unenforceable, because a necessary signature was purportedly missing.

It was stressed that the duty of lawyers to protect the interests of their clients is secondary to the former's obligation to assist in the speedy and efficient administration of justice. Hence, lawyers' fidelity to their clients must always be made within the parameters of law and ethics; never at the expense of truth, the law, and the fair administration of justice.

***“Lawyering” with Ethics
and Moral Courage***

The need for morally upright lawyers and the primary responsibility of serving truth and justice reverberate in the cases cited. As the great Mr. Justice J. B. L. Reyes once exhorted, lawyers must always “keep their souls attuned to the demands of morality and honor, since a just cause cannot be protected or defended by dishonorable means.”^[7] Verily, the profession would be empty without a soul to guide it.

Indeed, an *ethical compass* is required of those who wish to reach the pinnacle of this noble vocation. So much of a lawyer’s professional life depends on ethical values and moral behavior, not just within the inner circles of professional associations, but also outside and beyond them.

A simple mariner’s compass is calibrated to point to the north at all times. From this direction, a captain is able to steer the ship to whatever port it is destined. By the same token, lawyers whose professional compass is always directed at high ethical conduct will always be able to discern the straight and narrow path to truth and justice.

In a society in constant flux such as ours, there is an ever growing temptation to cut corners for easy solutions. Sadly, some lawyers have become so adept at being legal technicians in defending their client’s causes that they have lost sight of the fact that their duty, *first and foremost*, is to serve the ends of justice; and that their primary fidelity is to the courts and secondarily only, to their clients. Worse, they have jumbled up the hierarchy of their responsibilities to mean their interests *first*, the interests of their clients *second*, and the interest of justice a far *third*. Society has the most to fear from this crop of lawyers who have

a wealth of legal knowledge, but a threadbare morality; they may turn out to be worse than the criminals they defend.

Ethics in the profession, therefore, cannot be overemphasized if lawyers must uphold their fidelity to truth and justice. Quality justice always begins with ethics. Without sound and firm ethical moorings to anchor the profession, attorneys are bound to drift in a vast sea of uncertainty and even of moral degeneracy.

Fidelity to Truth and to the Courts

What society needs during these times of perverted values is a fresh crop of ethical lawyers. Given their role in forming public opinion and determining important issues, it is necessary that they act according to the following hierarchy of values: fidelity to the courts *first* and to their own interests, *second*; to truth *first* and to their clients' causes, *second*.

Defenders with a strong and firm sense of right and wrong behave in accordance with what is true and honest regardless of personal consequences. Legal practitioners with personal integrity possess the moral courage to denounce a wrong and to promote the truth. Moral courage emboldens them to stand for their convictions against all odds; to carry on in spite of seemingly insurmountable opposition; and to be a beacon for the weak, the oppressed and the disadvantaged.

I now call on you to share in the efforts to reinvigorate the legal profession with an

energized ethical spirit. From your vantage point as officers of the IBP-Pampanga Chapter, you are in a position to initiate within the ranks the needed changes that can then radiate beyond the profession to society in general.

In the same manner that the Supreme Court monitors the performance of judges, it also keeps track of the conduct of lawyers. The names of the law firms and the counsels appearing for the parties are always indicated on the agenda of the Court. The specific arguments of attorneys of record -- especially when coached in elegant, ethical and respectful language -- often become a source of discussion among the justices. Counsels' reputation for ethics, truth and candor always comes in handy in sensitive controversies.

In the decisions I write, I take special care to mention the names of the opposing lawyers. Footnoted in all of my *ponencias* are the names of the attorneys who signed the memoranda of the parties and, sometimes, a brief comment on their work.

I have asked for a list of the members of the IBP-Pampanga Chapter. I will try to remember your names and, whenever the opportunity arises, I will always be happy to speak well of you -- especially your reputation for high ethical conduct and your dogged pursuit of justice, above all else. I only hope that you all uphold this ethical compass all throughout your careers.

As I close, let me congratulate you again on your induction and for selflessly giving yourselves to this task of rebuilding the profession upon unshakeable ethical foundations. Let all Pampangueños take pride that *cabalen* attorneys have no compass but ethics, no master but

law, no guide but honor, and no aim but justice.

Dacal pung salamat!

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Address I delivered during the induction of officers of the Integrated Bar of the Philippines-Pampanga Chapter, on July 29, 2005, at the Fortune Restaurant, San Fernando, Pampanga.

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Among these outstanding Pampanga magistrates are RTC Judges Bernardita Erum, Mylene Isip, Pamela Maximo, Adelaida Medina, Jonel Mercado, Angelica Quiambao, Josephine Rosario, Gerardo Santos and Divina Simbulan; MTC Judges Christine Capule, Veronica de Guzman, Rina de Jesus, Gemma Logronio, Concepcion Pangan, Mary Ann Rivera, and Joselito Salvador; and MCTC Judges Teodora Gonzales, Meredith Malig, Isidra Maniego and Magdalena Valderama.

[2]

The report is as follows:

**NUMBER OF LAWYERS DISCIPLINED BY THE SUPREME COURT
For the period 1999-2004**

PENALTY IMPOSED	1999	2000	2001	2002	2003	2004	TOTAL
DISBARRED	3	2	-	2	6	10	23
SUSPENDED	14	15	12	15	42	40	138
SUSPENDED NOTARIAL COMMISSION	-	3	-	2	6	3	14
REPRIMANDED	6	6	7	17	11	10	57
ADMONISHED	16	3	7	8	10	6	50
CENSURED	1	-	-	-	3	-	4
WARNED	1	1	-	3	3	2	10
FINED	15	25	23	20	36	36	155
ORDERED ARRESTED	3	-	2	-	2	5	12
TOTAL	59	55	51	67	119	112	463

[3]

Report of the Office of the Bar Confidant of the Supreme Court dated July 26, 2005, on the “Number of Lawyers Disciplined by the Supreme Court According to Infraction Committed (For the period 1999-2004).” The initial report focused on cases in which the Court had imposed the sanctions of disbarment, suspension from the practice of law, and suspension of notarial commissions. Under the broad category of gross misconduct were the cases involving violation of the attorney-client privilege, solicitation of clients, and misappropriation of client’s money and property.

[4]

Ting-Dumali v. Torres, 427 SCRA 108, April 14, 2004, per curiam.

[5]

Tapucar v. Atty. Tapucar, 355 Phil. 66, July 30, 1998, per curiam.

[6]

Heirs of the Late Herman Rey Romero v. Atty. Venancio Reyes Jr., AC No. 6192, June 23, 2005, per Panganiban, J.

[7]

“The Integrated Bar of the Philippines and the New Lawyers” in *JBL Ipse Loquitur: A Collection of Essays and Lectures by Justice Jose B. L. Reyes* (2002), Ruben F. Balane (ed.), p. 279.