

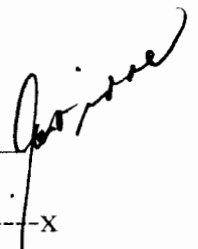
EN BANC

A.M. No. 09-5-2-SC – IN THE MATTER OF THE BREWING CONTROVERSIES IN THE ELECTION OF THE INTEGRATED BAR OF THE PHILIPPINES

A.C. No. 8292 – ATTYS. MARCIAL M. MAGSINO, MANUEL M. MARAMBA AND NASSER MAROHOMSALIC, Complainants, versus ATTYS. ROGELIO A. VINLUAN, ABELARDO C. ESTRADA, BONIFACIO T. BARANDON, JR., EVERGISTO S. ESCALON AND REYMUND JORGE A. MERCADO, Respondents.

Promulgated:

APRIL 11, 2013



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CONCURRING OPINION

LEONEN, J.:

I concur with the ponencia of Justice Jose Catral Mendoza and the concurring opinion of Justice Arturo Brion. In addition, I wish to put on record the following observations.

The statement of events from the main, concurring and dissenting opinions in this case accurately chronicle the crises of leadership of the Integrated Bar of the Philippines at various periods in its history. These leadership crises may have alienated many ordinary practitioners from either taking full advantage of the benefits of an integrated bar or wanting to participate in the democratic processes for choosing its leaders. We should start to take judicial notice of the existence of many other organizations of lawyers that now exist that do not experience these earthshaking struggles for power. For instance, there is the WILOCI, Philippine Bar Association, Alternative Law Group Network, Free Legal Assistance Group and many others.

Perhaps, there may be other ways to integrate the bar that will more effectively and efficiently meet its purposes, further democratize its leadership and will not consume so much time and energy on the part of the Court. For instance, lawyers may choose to join an existing organization which in turn will be part of a council or coalition that comprises the new integrated bar. I am sure that there may be other more creative suggestions coming from the present membership of the Integrated Bar of the Philippines. I am of the opinion that We should now engage the Integrated Bar of the Philippines to fundamentally rethink its structure.




Thus, in addition to the functions also mentioned by Justices Jose Catral Mendoza and Arturo Brion, the Committee on IBP Affairs should also have as its continuing mandate regular reviews of the alternative modalities to integrate our bar. In the spirit of inclusiveness, the members of the profession should be encouraged, under our supervision, to give full and unadulterated feedback and proposals. The IBP should submit to the Committee a viable and methodical plan to get these inputs. Perhaps it can even tap the law schools to assist in getting these feedback and proposals from their alumni. The IBP should then submit a Committee Report on the Views of the Profession on integrating the bar to this Court in order that future reforms will be properly guided.

We must remember that the present mode of integrating the bar was initiated by this Court in its per curiam Resolution dated January 9, 1973. Consistent with the views already expressed, I agree that it is also our duty to ensure that the organizational structure to accomplish the integration of the bar continues to be responsive.

In the meantime, I vote to:

- (1) DECLARE that the election for the position of Executive Vice President of the IBP for the 2011 to 2013 term open to all regions;
- (2) CREATE a Committee for IBP Affairs with the functions mentioned in the opinions of Justice Mendoza and Justice Brion and this reflection; and
- (3) AMEND sections 47 and 49, article VII of the IBP By-Laws as recommended in the main ponencia of Justice Jose Catral Mendoza.


MARVIC MARIO VICTOR F. LEONEN
Associate Justice