

SPOUSES DAVID AND MARISA WILLIAMS, COMPLAINANTS, VS. ATTY. RUDY T. ENRIQUEZ, RESPONDENT.

A.C. NO. 6353. February 27, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Atty. Rudy T. Enriquez stands charged with "unlawful, dishonest, immoral and deceitful acts in violation of the Code of Professional Responsibility and the Canons of Professional Ethics, and with conduct unbecoming an attorney." The charges are contained in the Joint Complaint-Affidavit for Disbarment^[1] filed by the spouses David W. Williams and Marisa B. Williams.

It appears that respondent is the counsel of record of the plaintiffs in Civil Case No. 13443^[2] pending before the Regional Trial Court, Branch 33, Dumaguete City where complainants are the defendants. According to the complainant-spouses, Marisa Williams bought the lot subject of the controversy. A Transfer Certificate of Title (TCT) was then issued in her favor, stating that she is "Filipino, married to David W. Williams, an American citizen."^[3] On January 8, 2004, respondent charged her with falsification of public documents before the Office of the City Prosecutor of Dumaguete City. The complaint was docketed as I.S. No. 2004-34.^[4]

The spouses Williams further alleged, thus:

21. That, in malicious violation of the rules governing the practice of law, Attorney Rudy T. Enriquez cited outdated material in his complaint-affidavit (Annex A-1) and in his comments to counter-affidavit (Annex A-2). He then knowingly applied this stale law in a perverse fashion to argue that Marisa Batacan Williams automatically lost her Filipino citizenship when she married an American, and was thus prohibited to own land in the Philippines, thereby making her guilty of falsification in the Deed she executed to buy property in Negros Oriental.

2.2. That in paragraph #1 of her counter-affidavit (Annex A-2) Marisa cites Article IV, Section 4 of the 1987 Constitution, which provides that she would not lose her citizenship when she married an American unless she renounced it in a specific act.

2.3 That, in reply, Attorney Enriquez, quotes more outdated law, declaring that her "act of marrying" her husband was equivalent to renouncing her citizenship. He also doggedly attempts to show that the 1987 Constitution supports his position, not Marisa's (Annex A-4).^[5]

Complainants pointed out that the respondent is a retired judge, who knows that the false charge (that Marisa Williams is an American) "will not prevail in the end."^[6]

In his "Comments by Way of Motion to Dismiss,"^[7] respondent enumerated matters which to his mind were evidence of the acts of falsification of complainant Marisa Williams. He insisted that the complaint for disbarment was a mere tactic to divert attention from the criminal charges against the complainants, and that the charges against him were bereft of any factual basis.

On December 1, 2004, the case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.[8] Forthwith, the IBP Commission on Bar Discipline scheduled the case for mandatory conference/hearing. However, only the respondent appeared. The parties were then directed to submit their verified position papers.

In their Position Paper, complainants claimed that respondent had maliciously and knowingly filed fabricated cases against them and that his acts were forms of attempted extortion. They also adopted their joint complaint-affidavit by way of incorporation, along with their other pleadings.

For his part, respondent maintained that complainant Marisa Williams was no longer a citizen of the Republic of the Philippines as a result of her marriage to David Williams.

In her Report and Recommendation dated June 10, 1995, Commissioner Rebecca Villanueva-Maala ruled that respondent was guilty of gross ignorance of the law and should be suspended for six (6) months. The IBP Commission on Bar Discipline adopted the foregoing recommendation in its Resolution No. XVII-2005-114 dated October 22, 2005, with the modification that respondent be "reprimanded, with a warning and advice to study each and every opinion he may give to his clients."

The Court agrees that respondent is administratively liable for his actuations. As found by the Investigating Commissioner:

There is no evidence shown by respondent that complainant Marisa Bacatan-Williams has renounced her Filipino citizenship except her Certificate of Marriage, which does not show that she has automatically acquired her husband's citizenship upon her marriage to him. The cases cited by respondent are not applicable in this case as it is clear that they refer to aliens acquiring lands in the Philippines.

The Bar has been integrated for the attainment of the following objectives: (a) elevate the standards of the legal profession, (b) improve the administration of justice, and (c) to enable the bar to discharge its public responsibility more effectively (In re: Integration of the Bar of the Philippines, 49 SCRA 22). In line with these objectives of the Integrated Bar, lawyers must keep themselves abreast of legal developments. To do this, the lawyer must walk with the dynamic movements of the law and jurisprudence. He must acquaint himself at least with the newly promulgated laws, the recent decisions of the Supreme Court and of the significant decisions of the Court of Appeals. There are other executive orders, administrative circulars, regulations and other rules promulgated by other competent authorities engaged in the administration of justice. The lawyer's life is one of continuous and laborious study, otherwise, his skill and knowledge of the law and related disciplines will lag behind and become obscure due to obsolescence (Canon 5, Code of Professional Responsibility.)[9]

As pointed out by the Investigating Commissioner, Canon 5 of the Code of Professional Responsibility requires that a lawyer be updated in the latest laws and jurisprudence.[10] Indeed, when the law is so elementary, not to know it or to act as if one does not know it constitutes gross ignorance of the law.[11] As a retired judge, respondent should have known that it is his duty to keep himself well-informed of the latest rulings of the Court on the issues and legal problems confronting a client.[12] In this case, the law he apparently misconstrued is no less than the Constitution,[13] the most basic law of the land.[14] Implicit in a lawyer's mandate to protect a client's interest to the best of his/her ability and with utmost diligence is the duty to keep abreast of the law and legal developments, and participate in continuing legal education programs.[15] Thus, in championing the interest of clients and defending cases, a lawyer must not only be guided by the strict standards imposed by the lawyer's oath, but should likewise espouse legally sound arguments for clients, lest the latter's cause be dismissed on a technical ground.[16] Ignorance encompasses both substantive and procedural laws.[17]

We find too harsh the recommended penalty of the Investigating Commissioner. It must be stressed that the power to disbar or suspend must be exercised with great caution. Only in a clear case of misconduct that seriously affects

the standing and character of a lawyer as an officer of the Court and member of the bar will disbarment or suspension be imposed as a penalty.[18] Pursuant to the IBP Commission on Bar Discipline's Guidelines for Imposing Lawyer Sanctions,[19] and considering further that this is respondent's first infraction, we find that the penalty of reprimand as recommended by the IBP Commission on Bar Discipline, will suffice.

We likewise note that in their pleadings in this case, the parties repeatedly invoked their arguments in their pending cases below. Thus, we find it unnecessary to rule over such arguments, which have yet to be determined on the merits in the courts a quo.

WHEREFORE, for gross ignorance of the law, Atty. Rudy T. Enriquez is REPRIMANDED and ADVISED to carefully study the opinions he may give to his clients. He is STERNLY WARNED that a repetition of a similar act shall be dealt with more severely.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 1-6.

[2] Entitled Francisco Briones Ventolero, et al. v. David W. Williams, et al. for "Declaration for Inexistence/Revocation of Deed; Declaration of Sole Heir and Sale; Legal Redemption; Cancellation and Annulment of Transfer Certificate of Title No. T-35430, Lot No. 2920-D, Psd-07-052555, Reconveyance and Damages."

[3] Rollo, p. 13.

[4] Id. at 8-11.

[5] Id. at 2-3.

[6] Id. at 5.

[7] Id. at 104-111.

[8] Id. at 261.

[9] Report and Recommendation dated June 10, 2005, pp. 3-4.

[10] CANON 5 – A LAWYER SHALL KEEP ABREAST OF LEGAL DEVELOPMENTS, PARTICIPATE IN CONTINUING LEGAL EDUCATION PROGRAMS, SUPPORT EFFORTS TO ACHIEVE HIGH STANDARDS IN LAW SCHOOLS AS WELL AS IN THE PRACTICAL TRAINING OF LAW STUDENTS AND ASSIST IN DISSEMINATING INFORMATION REGARDING THE LAW AND JURISPRUDENCE.

[11] *Bacar v. De Guzman, Jr.*, 338 Phil. 41 (1997), citing *Uy v. Dizon-Capulong*, A.M. No. RTJ-91-766, April 7, 1993, 221 SCRA 87.

[12] *Arquelada v. Philippine Veterans Bank*, 385 Phil. 1200, 1214 (2000).

[13] Section 4, Article IV of the Constitution provides:

Sec. 4. CITIZENS OF THE PHILIPPINES WHO MARRY ALIENS SHALL RETAIN THEIR CITIZENSHIP, UNLESS BY THEIR ACT OR OMISSION THEY ARE DEEMED, UNDER THE LAW, TO HAVE RENOUNCED IT.

[14] As aptly put by Chief Justice Artemio V. Panganiban in his Dissenting Opinion in the Court's Resolution

dated October 25, 1995 in G.R. No. 119976 (Marcos v. COMELEC), "the Constitution is not intended for lawyers to quibble over, nor to define legal niceties and articulate nuances about, in the ascertainment of its import. Its contents and words should be interpreted in the sense understood by the ordinary men and women who place their lives on the line in its defense and who pin their hopes for a better life in its fulfillment."

[15] Fajardo v. Dela Torre, A.C. No. 6295, April 14, 2004, 427 SCRA 125, 131, citing Rabanal v. Tugalde, A.C. No. 1372, June 27, 2002, 383 SCRA 484 and Cuevas v. Bais Steel Corporation, G.R. No. 142689, October 17, 2002, 391 SCRA 192.

[16] See Intengan v. Court of Appeals, 427 Phil. 293 (2002), where petitioner, through counsel, filed a "wrong information" for violation of Republic Act No. 1405. In denying the petition, the Court declared that petitioners were left with no remedy in law, as the filing of said information did not have the effect of tolling the prescriptive period, "for it is the filing of the complaint or information corresponding to the correct offense which produces that effect."

[17] Fajardo v. Dela Torre, supra, note 15, at 132, citing Intengan v. Court of Appeals, supra.

[18] Ramos v. Ngaseo, A.C. No. 6210, December 9, 2004, 445 SCRA 529, 537, citing Montano v. Integrated Bar of the Philippines, A.C. No. 4215, May 21, 2001, 358 SCRA 1, 9.

[19] According to Standard 3.0 of said Guidelines, the factors to be considered in imposing sanctions include (a) the duty violated; (b) the lawyer's mental state; (c) the actual or potential injury caused by the lawyer's misconduct; and (d) the existence of aggravating and mitigating factors. Under Standard 9.3, the "absence of a prior disciplinary record" is considered a mitigating factor.

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