



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**SPOUSES DAVID AND MARISA
WILLIAMS,**

Complainants,

- versus -

A.C. No. 7329

Present:

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
ABAD,* and
PEREZ, JJ.

ATTY. RUDY T. ENRIQUEZ,
Respondent.

Promulgated:
NOV 27 2013

DM Cabalag/Arjeto

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RESOLUTION

CARPIO, J.:

The Case

This is a complaint¹ dated 12 September 2006 filed by complainants Spouses David and Marisa Williams (Spouses Williams) against respondent Atty. Rudy T. Enriquez (Atty. Enriquez), a retired judge. The Spouses Williams charge Atty. Enriquez of dishonesty. In his 22 April 2008 Report,² Integrated Bar of the Philippines (IBP) Commissioner Ronald Dylan P. Concepcion (Commissioner Concepcion) found that Atty. Enriquez knowingly made untruthful statements in the complaint he filed against the Spouses Williams and recommended that he be suspended from the practice of law for one year. In its 5 June 2008 Resolution,³ the IBP Board of Governors adopted and approved the findings and recommendation of Commissioner Concepcion and, in its 26 June 2011 Resolution,⁴ denied Atty. Enriquez's motion for reconsideration.

* Designated acting member per Special Order No. 1619 dated 22 November 2013.

¹ *Rollo*, Vol. 1, pp. 2-3.

² *Id.*, Vol. V, pp. 37-40.

³ *Id.*, Vol. VII.

⁴ *Id.*

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The Facts

Josephine L. Verar (Verar) owned a 13,432-square meter parcel of land described as Lot No. 2920, situated in San Miguel, Bacong, Negros Oriental and covered by Transfer Certificate of Title (TCT) No. T-19723. Around June 2002, the Spouses Williams bought a 2,000-square meter portion of the property. The sale was annotated on TCT No. T-19723.

On 4 December 2002, Atty. Enriquez, representing his clients Desiderio B. Ventolero (Desiderio), Francisco B. Ventolero (Francisco), Ramon Verar (Ramon), Martin Umbac (Umbac), and Lucia Briones (Briones), filed with the Municipal Circuit Trial Court (MCTC), Bacong, Negros Oriental, a complaint⁵ against the Spouses Williams for forcible entry, which was docketed as Civil Case No. 390. The Spouses Williams failed to answer the complaint within the prescribed period. In its 5 May 2003 Decision,⁶ the MCTC held that:

In the case at bar, the defendant David Williams undisputedly received the summons and copy of the complaint on February 19, 2003. Pursuant to Section 6, Rule 70 of the Rules of Civil Procedure, as amended, defendant had until February 29, 2003 within which to file an answer to the complaint. But it was only on March 4, 2003 that said defendant actually filed his Answer. Under [Section 7], this Court is mandated to render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein.

x x x x

Through co-plaintiff Desiderio Briones Ventolero who has been tilling and plowing the said parcel of land since time immemorial, plaintiffs have been exercising the attributes of ownership thereof such as the right to possess, abuse and enjoy. Said lot is surrounded by a barbed wire fence nailed to bamboo posts (go-od) to prevent and deter animals from eating the seasonal corn plants and other improvement introduced therein by plaintiffs.

On May 23, 2002, in the presence of plaintiffs Desiderio Briones Ventolero and Francisco Briones Ventolero, defendant David Williams, an American national, without any authority of law and legal basis, destroyed the barbed wire fence that surrounded the subject property by means of force and violence, by tying it with a chain attached to his pick-up vehicle and dragged it away. Defendant also struck and ball-hammered the bamboo posts (go-od) and uprooted them. Not contented, and motivated by malice, defendant detached the "No Trespassing" signboard placed in the premises of the lot in question and handed it over to the Judge in open court. Although shaken with fear, plaintiff Francisco Briones Ventolero mustered enough courage to approach and ask defendant David Williams why he destroyed the fence. Williams angrily replied that he had bought the property.

⁵ Id., Vol. 1, pp. 4-13.

⁶ Id. at 35-40.

x x x x

In the case at bar, the plaintiffs have sufficiently established that they had been in prior possession of Lot 2920 subject of this case. They had been cultivating the same through plaintiff Desiderio Briones Ventolero since time immemorial until defendant David Williams, an American national, who claims to have bought the property, forcibly and violently destroyed on May 23, 2002 the barbed wire fence that surrounded the subject lot to protect plaintiffs' seasonal corn plants and other improvement from stray animals. Since then defendant Williams and his spouse, Marisa Bacatan, have been occupying a portion of said Lot No. 2920, thereby depriving plaintiffs of their physical possession and use thereof. For which reason, they have asked this Court to restore to them such possession.

Evidently, the plaintiffs, who had been in prior, peaceable, quiet possession of Lot 2920, had been ousted therefrom by the defendants through force on May 23, 2002 or within one (1) year from the filing of the Complaint on December 04, 2002. Thus, it behooves this Court to restore possession thereof to the plaintiffs.⁷

As a result of the forcible entry suit filed against them, the Spouses Williams filed the present complaint against Atty. Enriquez, charging him of committing falsehood and of misleading the MCTC. They alleged that Atty. Enriquez (1) falsely claimed that the property was covered by an OCT, not a TCT; (2) falsely claimed that Veran, not Verar, was the registered owner of the property; (3) falsely claimed that Desiderio, Francisco, Ramon, Umbac and Briones were the owners of the property; (4) falsely claimed that Veran was not the real owner but a trustee of Desiderio, Francisco, Ramon, Umbac and Briones; and (5) fraudulently withheld the pages of TCT No. T-19723 bearing the annotation of the sale of the 2,000-square meter portion of the property to the Spouses Williams.

In his comment⁸ dated 26 January 2007, Atty. Enriquez prayed that the complaint against him be dismissed because (1) the Spouses Williams had filed four other administrative cases against him; (2) Desiderio verified the complaint he filed against the Spouses Williams; (3) Francisco executed an affidavit of ownership over the property; (4) the MCTC decided Civil Case No. 390 in favor of Desiderio, Francisco, Ramon, Umbac and Briones; (5) the sale of the 2,000-square meter portion of the property to the Spouses Williams was invalid; and (6) the causes of action against him arose from the complaint he filed with the MCTC which was a privileged communication and, thus, unactionable.

In its 21 March 2007 Resolution,⁹ the Court referred the matter to the IBP for investigation, report and recommendation.

⁷ Id. at 36-39.

⁸ Id. at 28-31.

⁹ Id. at 51.

The IBP's Ruling

In his 22 April 2008 report, Commissioner Concepcion found that Atty. Enriquez knowingly made untruthful statements in the complaint he filed against the Spouses Williams and recommended that he be suspended from the practice of law for one year. Commissioner Concepcion stated that:

While respondent enumerates and discusses the merits of the pending cases filed by or against the complainants herein, the latter [sic] are not the concern of this Commission. It is unfortunate that he sidestepped the issue of this administrative case.

x x x x

After comparing the allegations in the complaint which the respondent filed with the MCTC and the attachments thereto, the following facts come to light:

1. The complaint in Civil Case No. 390 states that Desiderio Briones Ventolero, Francisco Briones Ventolero, Ramon Verar, Martin Umbac and Lucia Briones are the lawful owners in fee simple of Lot No. 2920 of the Bacong Cadastre of Bacong, Negros Oriental. It further claims that Josephine L. Veran in whose name Original Certificate of Title No. T-19723 was issued is the trustee for all the other co-heirs/co-owners.
2. However, it is very clear even from the copy of the Transfer Certificate of Title attached to the complaint that it is Josephine L. Verar who is the owner in fee simple of the property described in the said Transfer Certificate of Title (not Original Certificate of Title, as maintained by the respondent) No. T-19723. To claim a right thereunder under false declarations is indeed actionable.
3. It is likewise clear that respondent did not attach the other pages of the said TCT to the complaint which could have attested to the fact of purchase by the complainants of a portion of Lot No. 2920 and which could have proved crucial in the disposition of the case by the MCTC. The complete copy of the TCT attached by the complainants in their complaint is very telling in this case.

x x x x

It cannot be denied that respondent knew that Josephine L. Verar was not merely a trustee of the respondent's clients but the owner in fee simple; that the ownership is evidenced by the Transfer Certificate of Title T-19723 and not by any other Original or Transfer Certificate of Title; and that a 2,000-square meter portion was validly sold to the complainants herein.

Respondent thus knowingly made untruthful statements in his complaint with the MCTC. The fact that the complaint was verified by respondent's clients does not exculpate the respondent from liability.

Such misconduct of the respondent is a clear violation of his oath that he will do no falsehood nor consent to the doing of any in court. Respondent violated his oath when he resorted to deception.

RECOMMENDATION

Wherefore, premises considered, it is most respectfully recommended that respondent be suspended for a period of one (1) year from the practice of law with a warning that similar acts in the future would be dealt with more severely.¹⁰

In its 5 June 2008 Resolution, the IBP Board of Governors adopted and approved the findings and recommendation of Commissioner Concepcion and, in its 26 June 2011 Resolution, denied Atty. Enriquez's motion for reconsideration.

On 10 October 2011, Atty. Enriquez filed with the Court a petition¹¹ for review dated 19 August 2011 challenging the IBP Board of Governors' 5 June 2008 and 26 June 2011 Resolutions. In his 19 August 2011 petition, Atty. Enriquez raised as issues:

ASSIGNMENT OF ERRORS

1. That the Honorable Investigating IBP Commissioner CONCEPCION grossly erred when he ruled and [sic] pursuant to the JOINT-COMPLAINT-AFFIDAVIT that the Complaint in Civil Case No. 390, stating "the HRS. OF AUREA BRIONES" and CIRIACO VENTOLERO are the lawful owners in fee simple of LOT 2920, though registered in the name of JOSEPHINE L. VERAR under ORIGINAL CERTIFICATE OF TITLE NO. T-19723, is a "TRUSTEE for all the other co-heirs/co-owners" x x x;
2. That the Honorable IBP Commissioner CONCEPCION patently erred when he ruled "To claim a right thereunder FALSE DECLARATION is entirely actionable." x x x;
3. That [sic] the Honorable IBP Commissioner CONCEPCION patently erred when he ruled that Petitioner "did not attach the other pages of the said TCT in [sic] the Complaint which could have attested to the fact of purchase by the Complainants of a portion of LOT 2920 x x x[;]
4. That the Honorable IBP Investigating Commissioner CONCEPCION patently erred and without factual and legal basis [sic] when he unilaterally concluded that the allegations in the "Complaint (CIVIL CASE NO. 390) were false and that Petitioner knew them to be so. In other words the Respondent (Petitioners [sic]) MUST HAVE BEEN

¹⁰ Id., Vol. V, pp. 39-40.

¹¹ Id., Vol. VII.

MOVED BY MALICE or BAD FAITH.” x x x[;]

5. That IBP Investigating Commissioner CONCEPCION grossly erred and falsely concluded that Respondent (Petitioner) “knowingly made untruthful statement in his Complaint”.¹²

The Spouses Williams filed an opposition¹³ to Atty. Enriquez’s petition for review. They prayed that the petition be denied for being filed out of time.

The Issue

The main issue is whether Atty. Enriquez is guilty of dishonesty warranting his suspension from the practice of law.

The Court’s Ruling

The Court sets aside the recommendation of the IBP Board of Governors.

The IBP Board of Governors’ 5 June 2008 and 26 June 2011 Resolutions did not become final. Resolutions of the IBP Board of Governors are only recommendatory and always subject to the Court’s review. In *Ylaya v. Gacott*,¹⁴ the Court held that:

We remind all parties that resolutions from the IBP Board of Governors are merely recommendatory and do not attain finality without a final action from this Court. Section 12, Rule 139-B is clear on this point that:

Section 12. *Review and decision by the Board of Governors.*—

x x x x

(b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

The Supreme Court exercises exclusive jurisdiction to regulate the practice of law. It exercises such disciplinary functions through the IBP, but it does not relinquish its duty to form its own judgment. Disbarment proceedings are exercised under the sole jurisdiction of the Supreme

¹² Id.

¹³ Id.

¹⁴ A.C. No. 6475, 30 January 2013, 689 SCRA 452.

Court, and the IBP's recommendations imposing the penalty of suspension from the practice of law or disbarment are always subject to this Court's review and approval.¹⁵

In administrative cases, the only issue within the ambit of the Court's disciplinary authority is whether a lawyer is fit to remain a member of the Bar. Other issues are proper subjects of judicial action. In *Anacta v. Resurreccion*,¹⁶ the Court held that:

x x x Thus, it is imperative to first determine whether the matter falls within the disciplinary authority of the Court or whether the matter is a proper subject of judicial action against lawyers. If the matter involves violations of the lawyer's oath and code of conduct, then it falls within the Court's disciplinary authority. However, if the matter arose from acts which carry civil or criminal liability, and which do not directly require an inquiry into the moral fitness of the lawyer, then the matter would be a proper subject of a judicial action which is understandably outside the purview of the Court's disciplinary authority.¹⁷

On its face, the 12 September 2006 complaint filed by the Spouses Williams against Atty. Enriquez does not merit an administrative case. In order for the Court to determine whether Atty. Enriquez is guilty of dishonesty, the issue of ownership must first be settled. The Spouses Williams alleged that Verar was the owner of the property and that she sold a portion of it to them. On the other hand, Atty. Enriquez alleged that Desiderio, Francisco, Ramon, Umbac and Briones were the real owners of the property and that Verar was only a trustee. This was precisely the issue in Civil Case No. 390. Unfortunately, the MCTC was not able to make a definite ruling because the Spouses Williams failed to file their answer within the prescribed period.

The issue of ownership of real property must be settled in a judicial, not administrative, case. In *Virgo v. Amorin*,¹⁸ the Court dismissed without prejudice a complaint against a lawyer because it could not determine his fitness to remain a member of the Bar without delving into issues which are proper subjects of judicial action. The Court held that:

While it is true that disbarment proceedings look into the worthiness of a respondent to remain as a member of the bar, and need not delve into the merits of a related case, the Court, in this instance, however, cannot ascertain whether Atty. Amorin indeed committed acts in violation of his oath as a lawyer concerning the sale and conveyance of the Virgo Mansion without going through the factual matters that are subject of the aforementioned civil cases, particularly Civil Case No. 01-45798.¹⁹

¹⁵ Id. at 482.

¹⁶ A.C. No. 9074, 14 August 2012, 678 SCRA 352.

¹⁷ Id. at 365-366.

¹⁸ A.C. No. 7861, 30 January 2009, 577 SCRA 188.

¹⁹ Id. at 199.

The allegations that Atty. Enriquez wrote "OCT" instead of "TCT" but with the same number T-19723, and "Veran" instead of "Verar," are too trivial to give rise to administrative sanction. Besides, these mistakes could have been made inadvertently. Atty. Enriquez's failure to attach the pages of TCT No. T-19723 bearing the annotation of the sale to the Spouses Williams did not prejudice the Spouses Williams because in forcible entry the issue is the fact of prior possession, not ownership.

WHEREFORE, the Court **SETS ASIDE** the IBP Board of Governors' 5 June 2008 and 26 June 2011 Resolutions and **DISMISSES** without prejudice **A.C. No. 7329**.

SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

WE CONCUR:



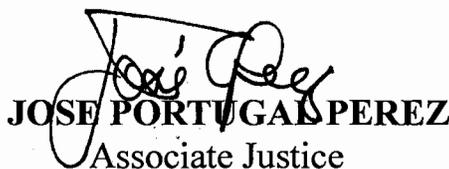
ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice