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SECOND DIVISION

[A.C. No. 8319. September 16, 2015]
(Formerly CBD Case No. 11-2887)

DAVID WILLIAMS, *complainant, vs*. **ATTY. RUDY T. ENRIQUEZ,** *respondent*.

[A.C. No. 8329. September 16, 2015]
(Formerly CBD Case No. 11-2888)

SPOUSES DAVID and MARISA WILLIAMS, *complainants*, *vs*. **ATTY. RUDY T. ENRIQUEZ**, *respondent*.

[A.C. No. 8366. September 16, 2015]
(Formerly CBD Case No. 11-2889)

SPOUSES DAVID and MARISA WILLIAMS, ***c****omplainants, vs*. **ATTY. RUDY T. ENRIQUEZ**, *respondent*.

SYLLABUS

1. LEGAL ETHICS; ATTORNEYS; COUNSELS ARE CONSISTENTLY WARNED NOT TO ABUSE THE COURT PROCESSES, SPECIFICALLY, BY FORUM SHOPPING WHICH RESULTANTLY CLOGS THE COURT DOCKETS AND CAN RESULT IN CONFLICTING RULINGS.— In a long line of cases, this Court has held that forum shopping exists when, as a result of an adverse opinion in one forum, a party seeks a favorable opinion (other than by appeal or certiorari) in another, or when he institutes two or more actions or proceedings grounded on the same cause, on the gamble that one or the other court would make a favorable disposition. An important factor in determining its existence is the vexation cause to the courts and the parties-litigants by the filing of similar cases to claim substantially the same reliefs. This Court has consistently warned counsels not to abuse the court processes, specifically, by forum shopping which resultantly clogs the court dockets and can result in conflicting rulings. In previous cases willful and deliberate forum shopping has been made punishable either as direct or indirect contempt of court.

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2. ID.; ID.; PENALTY OF SUSPENSION FROM THE PRACTICE OF LAW SHALL BE IMPOSED WHERE THE COUNSEL ENGAGES IN FORUM-SHOPPING AND ABUSES JUDICIAL PROCESS.— The Court agrees with the recommendation of the IBP. The conclusion of culpability reached by the IBP-CBD, together with the elucidation found in the November 8, 2006 Order of RTC Judge Maxino, in **Civil Case No. 390** (also referred to as Civil Case No. 13404) and the May 27, 2008 Decision of MCTC Judge Tangente-Laguda in **Civil Case No. 521-B,** clearly warranted the imposition of the recommended disciplinary sanction against Atty. Enriquez. As correctly observed by the IBP, Atty. Enriquez did not deny the allegation that he engaged in forum-shopping. x x x As a retired judge, Atty. Enriguez should know that a lawyer's primary duty is to assist the courts in the administration of justice. Any conduct that tends to delay, impede or obstruct the administration of justice contravenes this obligation. In engaging in such malpractice, Atty. Enriguez violated Canon 12 of the Code of Professional Responsibility which directs lawyers to obey the laws of the land and to promote respect for the law and the legal processes. He also disregarded his duty to assist in the speedy and efficient administration of justice, and the prohibition against unduly delaying a case by misusing court processes. For all his reprehensible actions, the Court deems it appropriate to suspend Atty. Enriguez for six (6) months from the practice of law. This penalty serves to emphasize the seriousness of the Court in dealing with such contemptible abuse of judicial process.

D E C I S I O N

MENDOZA, *J.*:

Before the Court are three (3) administrative cases – A.C. No. 8319, A.C. No. 8329 and A.C. No. 8366 – filed by Spouses David and Marisa Williams *(Spouses Williams)* against Atty. Rudy T. Enriquez *(Atty. Enriquez)* which were ordered consolidated by the Court on March 1, 2010[1] and referred to

[1] SC Resolution, dated 1 March 2010, consolidating the following cases:

a) A.C. No. 8366, *Spouses David and Marisa Williams v. Atty. Rudy T. Enriquez,*

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the Integrated Bar of the Philippines *(IBP)* Commission on Bar Discipline *(CBD)* on November 15, 2010 for investigation, report and recommendation.[2]

In the separate Report and Recommendation,[3] both dated August 4, 2011, the IBP- CBD recommended the dismissal of A.C. No. 8319 and A.C. No. 8366 for lack of merit. Concurring with the recommendations, the IBP Board of Governors dismissed both complaints, first in its September 20, 2012 Resolution,[4] and second, in its February 13, 2013 Resolution.[5] As no motion for reconsideration on petition for review was filed, the Court, in its November 26, 2014 Resolution,[6] declared these cases, A.C. No. 8319 and A.C. No. 8366, closed and terminated.

Hence, the Court shall limit its discussion on A.C. No. 8329.

The Factual Antecedents

Spouses Williams filed a Complaint-Affidavit [7] for disbarment, dated June 26, 2009, against Atty. Enriquez for 1] violation of the rule on forum shopping; and 2] purposely filing a groundless, false and unlawful suit.

Spouses Williams alleged that in December 2002, a complaint for forcible entry, docketed as Civil Case No. 390,[8] was filed against them before the Municipal Circuit Trial Court, Valencia-Bacong, Negros Oriental *(MCTC),* by Desiderio Briones Ventolero, Francisco Briones Ventolero, Ramon Verar, Martin

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b) A.C. No. 8319, *David Williams v. Atty. Rudy T. Enriquez,*

c) A.C. No. 8329, *Spouses David and Marisa Williams v. Atty. Rudy T. Enriquez, Rollo* (A.C. No. 8329), p. 83.

[2] SC Resolution, dated 15 November 2010; *id*. at 204.

[3] *Rollo* (A.C. No. 8319), pp. 199-202; *rollo* (A.C. No. 8366), pp. 425-427.

[4] *Rollo* (A.C. No. 8319), p. 198.

[5] *Rollo* (A.C. No. 8366), p. 424.

[6] *Rollo* (A.C. No. 8319), pp. 205 to 206.

[7] *Rollo*, (A.C. No. 8329), pp. 2-15.

[8] Annex "A" of the Complaint-Affidavit, *id*. at 16-25.

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Umbac, and Lucia Briones *(plaintiffs)*, where Atty. Enriquez acted as their counsel. The case involved a parcel of land, Lot No. 2920, situated in San Miguel, Bacong, Negros Oriental. The MCTC resolved the case in favor of the plaintiffs, and on appeal, the Regional Trial Court of Negros Oriental, Branch 44, in Dumaguete City *(RTC-Br.44)* affirmed the decision.[9] While the case was under reconsideration, Judge Candelario V. Gonzales of RTC-Br.44 inhibited himself and the case was re-raffled and assigned to RTC, Branch 32 *(RTC-Br. 32),* presided by Judge Roderick A. Maxino *(Judge Maxino)*. On November 8, 2006, RTC-Br. 32 *reversed* and *set aside* the MCTC decision and dismissed the complaint for forcible entry against Spouses Williams.[10]

Spouses Williams also alleged that during the pendency of Civil Case No. 390, Atty. Enriquez instructed Paciano Ventolero Umbac *(Paciano)* to use death threats to chase off their caretaker and then to illegally invade Lot 2920 and destroy an old house owned by their predecessor/vendor, Orlando Verar Rian, Jr. *(Orlando);* that as a result, Marisa Williams *(Marisa)* and Orlando filed Civil Case No. 502-B for forcible entry against Paciano where a decision was rendered in their favor and a writ of execution was issued ordering Paciano to vacate the property. According to Spouses Williams, Atty. Enriquez, who was representing himself as the counsel of the plaintiffs, was nothing more than the leader of a group of usurpers, squatters and would be extortionists who were trying to punish them because they refused an earlier demand for a cash payoff.

Spouses Williams further claimed that Atty. Enriquez subsequently drafted a new complaint for forcible entry, falsely alleging that Marisa and Orlando together with two hired goons forcibly entered Lot 2920 and ejected Paciano by throwing rocks at him and hitting various parts of his body; that the two goons wrecked the old house; and that Paciano was the owner of Lot 2920 by way of successional rights from

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[9] *Id*. at 144-152.

[10] *Id*. at 27-39.

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his grandparents, Aurea and Ceriaco Ventolero. Spouses Williams added that Atty. Enriquez, in order to prevent another administrative case, instructed Paciano to file the case for forcible entry on his own and he would thereafter take over as counsel of record; and that Paciano, under the direction of Atty. Enriquez, filed the complaint for forcible entry, docketed as Civil Case No. 521-B.

On May 27, 2008, the MCTC dismissed the subsequent suit on the ground of *litis pendentia*. It found that in **Civil Case No. 390** and **Civil Case No. 521-B,** there was an "almost word-for-word similarity" in the two complaints; that both involved the same subject matter; that the plaintiffs in the two suits shared the same cause of action as both claimed prior physical possession; and that the parties in the two cases shared a community of interest.[11]

Spouses Williams asserted that although Atty. Enriquez did not sign the complaint in Civil Case No. 521-B, there was proof that he drafted it and participated in the filing of the case considering that (1) Paciano was illiterate, spoke no English, and could not possibly draft the complaint without the help of Atty. Enriquez; (2) the complaints in Civil Case No. 390 and Civil Case No. 521-B were identical, (3) the person who marked the annexes in Civil Case No. 390 and Civil Case No. 521-B had identical handwriting with that of Atty. Enriquez; and (4) the Answer to Counterclaim in Civil Case No. 521-B was prepared, verified and filed by Atty. Enriquez.

Lastly, Spouses Williams informed the Court that they previously filed an administrative case, docketed as A.C. No. 7329, against Atty. Enriquez for knowingly making untruthful statements in the complaint in Civil Case No. 390 and that the IBP suspended him for a period of one *(1)* year. The Court, however, in its Resolution,[12] dated November 27, 2013, set aside the IBP Resolution and dismissed the administrative case.

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[11] *Id*. at 53-54.

[12] 710 SCRA 620.

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In his Comment,[13] Atty. Enriquez countered that he was merely representing the heirs of Aurea Briones Ventolero who were defending their title over Lot 2920.

At the IBP Level

In its Report and Recommendation,[14] dated August 4, 2011, the IBP-CBD found that Atty. Enriquez failed to squarely refute the charge of forum shopping and recommended that he be suspended from the practice of law and as a member of the Bar for six (6) months.

In its Resolution,[15] dated February 13, 2013, the IBP Board of Governors adopted and approved the report and recommendation of the IBP-CBD finding Atty. Enriquez liable for violation of the rule on forum-shopping.

The Court's Ruling

The Court agrees with the recommendation of the IBP.

The conclusion of culpability reached by the IBP-CBD, together with the elucidation found in the November 8, 2006 Order of RTC Judge Maxino, in **Civil Case No. 390** (also referred to as Civil Case No. 13404) and the May 27, 2008 Decision of MCTC Judge Tangente-Laguda in **Civil Case No. 521-B,** clearly warranted the imposition of the recommended disciplinary sanction against Atty. Enriquez. As correctly observed by the IBP, Atty. Enriquez did not deny the allegation that he engaged in forum-shopping. Atty. Enriquez knew that in Civil Case No. 390, the MCTC decision was *reversed* and *set aside* on appeal and the complaint for forcible entry was dismissed against Spouses Williams. He, nonetheless, drafted another complaint for forcible entry involving Lot 2920 and prodded Paciano, also an alleged heir of Aurea and Ceriaco Ventolero, to file Civil Case No. 521-B, against Spouses Williams. Even if Atty. Enriquez did not sign the complaint in Civil Case No. 521, he could still be held administratively liable because he obviously wrote the complaint

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[13] *Rollo* (A.C. No. 8329), pp. 88-107.

[14] *Id*. at 209-211.

[15] *Id*. at 208.

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as could be gleaned from the similarity of the words and phrases used in the complaint in Civil Case No. 390. Atty. Enriquez likewise prepared and verified the answer to the counterclaim in Civil Case No. 521-B, another proof that he knew and actively participated in the litigation of Civil Case 521-B. Doubtless, this undesirable practice violated his oath as a member of the Bar and transgressed the known virtues and values which the legal profession demands from its members.

In a long line of cases, this Court has held that forum shopping exists when, as a result of an adverse opinion in one forum, a party seeks a favorable opinion (other than by appeal or certiorari) in another, or when he institutes two or more actions or proceedings grounded on the same cause, on the gamble that one or the other court would make a favorable disposition.[16] An important factor in determining its existence is the vexation caused to the courts and the parties-litigants by the filing of similar cases to claim substantially the same reliefs.[17]

This Court has consistently warned counsels not to abuse the court processes, specifically, by forum shopping which resultantly clogs the court dockets and can result in conflicting rulings.[18] In previous cases, willful and deliberate forum shopping has been made punishable either as direct or indirect contempt of court.

As a retired judge, Atty. Enriquez should know that a lawyer's primary duty is to assist the courts in the administration of justice. Any conduct that tends to delay, impede or obstruct the administration of justice contravenes this obligation.[19] In engaging in such malpractice, Atty. Enriquez violated Canon 12 of the Code of Professional Responsibility which directs lawyers to obey the laws of the land and to promote respect for the law and the legal processes. He also disregarded his duty to assist in the speedy and efficient administration of

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[16] *Benguet Electric Cooperative, Inc. v. Flores*, 350 Phil. 889, 898-899 (1998).

[17] *Lim v. Montano*, 518 Phil. 361, 369 (2006).

[18] *Id*. at 371.

[19] *Id*.

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justice,[20] and the prohibition against unduly delaying a case by misusing court processes.[21] For all his reprehensible actions, the Court deems it appropriate to suspend Atty. Enriquez for six (6) months from the practice of law. This penalty serves to emphasize the seriousness of the Court in dealing with such contemptible abuse of the judicial process. Thus, in the case of *Flores v. Chua*,[22] the Court held:

> A lawyer shall at all times uphold the integrity and dignity of the legal profession. The bar should maintain a high standard of legal proficiency as well as honesty and fair dealing. A lawyer brings honor to the legal profession by faithfully performing his duties to society, to the bar, to the courts and to his clients. To this end a member of the legal fraternity should refrain from doing any act which might lessen in any degree the confidence and trust reposed by the public in the fidelity, honesty and integrity of the legal profession.

WHEREFORE, Atty. Rudy T. Enriquez is guilty of violating Canon 12 of the Code of Professional Responsibility and is **SUSPENDED** from the practice of law for a period of Six (6) Months. He is **STERNLY WARNED** that a repetition of the same or similar act will be dealt with more severely.

Atty. Enriquez is **DIRECTED** to inform the Court of the date of his receipt of this decision to determine the reckoning point of the effectivity of his suspension.

Let a copy of this decision be made part of his records in the Office of the Bar Confidant, and copies be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts.

SO ORDERED.

Carpio (Chairperson), del Castillo, Perez,[*] and *Leonen, JJ.,* concur.

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[20] Canon 12, Code of Professional Responsibility.

[21] Rule 12.04 of Canon 12, Code of Professional Responsibility.

[22] 366 Phil. 132, 154 (1999).

[*] Designated Acting Member in lieu of Associate Justice Arturo D. Brion, per Special Order No. 2191, dated September 16, 2015.