



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**DAVID W. WILLIAMS,**  
Complainant,

**A.C. No. 6321**

Members:

-versus-

**LEONEN, S.A.J, Chairperson,**  
**LAZARO-JAVIER,**  
**LOPEZ, M.,**  
**LOPEZ, J., and**  
**KHO, JR., JJ.**

**ATTY. RUDY T. ENRIQUEZ,**  
Respondent.

Promulgated:

**JUL 26 2023**

x-----x

**DECISION**

**LAZARO-JAVIER, J.:**

**'The Case**

Through a Disbarment Complaint Against an Attorney<sup>1</sup> dated February 2, 2004, complainant David W. Williams, an American citizen, sought the disbarment of respondent Atty. Rudy T. Enriquez for allegedly committing unlawful, dishonest, immoral, and deceitful conduct unbecoming of a lawyer by allegedly filing malicious and unfounded suits against him involving a property in Negros Oriental covered by Transfer Certificate of Title (TCT) No. T-19723.

<sup>1</sup> *Rollo*, Vol. I, pp. 1-5.

By Resolution<sup>2</sup> dated March 17, 2004, the Court directed respondent to file his comment.

Instead of a comment, respondent filed his Motion to Dismiss<sup>3</sup> dated May 2, 2004. He argued that complainant was reckless and malicious in making the imputations against him.

Complainant filed his Opposition<sup>4</sup> to which respondent filed a Reply.<sup>5</sup>

By Resolution<sup>6</sup> dated July 28, 2004, the Court noted respondent's Motion to Dismiss, complainant's Opposition, and respondent's Reply. The case was referred to the Integrated Bar of the Philippines (IBP) for investigation and recommendation.

During the pendency of this case, respondent filed a Petition for Contempt against complainant, who, in turn, filed a Motion to cite the IBP-Board of Governors (BOG) in indirect contempt.

#### *A. Proceedings in the Disbarment Case*

##### **Proceedings before the Investigating Commissioner**

Following the Court's referral of the case to the IBP, Investigating Commissioner Salvador B. Hababag (Commissioner Hababag) issued a Notice of Mandatory Conference<sup>7</sup> dated October 4, 2004 and ordered the parties to appear on November 25, 2004. Thereafter, by Order<sup>8</sup> dated November 26, 2004, Commissioner Hababag directed the parties to submit their respective verified position papers.

In his Position Paper<sup>9</sup> dated December 10, 2004, complainant alleged that respondent, who was a former judge, accepted as contingent fee 1/6 of Lot 2920 in San Miguel, Bacong, Negros Oriental. The lot was covered by TCT No. T-19723. Respondent's clients were the five heirs of Aurea Briones (Aurea), the former owner of the subject lot. Respondent's services were engaged for the purpose of recovering the property. Respondent drafted a falsified Declaration of Heirship and Partition dated January 14, 2002, which

---

<sup>2</sup> *Id.* at 95.

<sup>3</sup> *Id.* at 96-100.

<sup>4</sup> *Id.* at 135-144.

<sup>5</sup> *Id.* at 159-164.

<sup>6</sup> *Id.* at 169.

<sup>7</sup> *Id.* at 171.

<sup>8</sup> *Id.* at 173.

<sup>9</sup> *Id.* at 175-192.

divided the lot into six shares. On May 28, 2002, respondent filed a baseless malicious mischief case against him involving the lot. A few months later, respondent offered to drop the case if his wife would buy the one-sixth share for PHP 250,000.00 in cash. He rejected the offer and respondent, in turn, filed five more baseless cases against him.<sup>10</sup>

Records with the Register of Deeds of Negros Oriental showed that for the past 60 years, Aurea applied for an Original Certificate of Title (OCT) over the lot in 1941 through a cadastral proceeding. Aurea claimed she acquired her share from her father, Lucas Briones. Eventually, Aurea was issued OCT No. 17264. The lot was Aurea's paraphernal property.<sup>11</sup>

In 1977, Aurea sold the lot through a Deed of Absolute Sale to her granddaughter Josephine Verar (Josephine). Aurea executed the deed without the conformity of her husband, Ciriaco Ventolero (Ciriaco), the lot being her exclusive paraphernal property. Ciriaco died way back in the 1950s. The tax declarations also indicated that the whole 13,432-square meter lot was owned by Aurea alone.<sup>12</sup>

After Josephine's death, ownership of the lot transferred to her 13-year-old son, Orlando Verar Rian, Jr. (Orlando). Orlando was taken in by his grandmother, Francisca Ventolero Verar (Francisca), who was Josephine's mother and Aurea's daughter. Orlando found out that he owned the lot when Francisca died in 2001. In June 2001, Orlando sold three portions of the lot, with a total area of 11,432 square meters. With the help of the two buyers, Orlando petitioned for reconstitution of Josephine's title, the same having been lost. Orlando retained only 2,000 square meters, along the southeast corner of the lot.<sup>13</sup>

The trial court directed the issuance of a new duplicate TCT No. 047485 in Josephine's name. At that time, there were already three existing copies of the title: a) the original copy with the Register of Deeds; b) the presumably lost duplicate TCT in Josephine's name; and c) the new duplicate TCT issued under the directive of the court. Thereafter, in September 2001, Orlando and his buyers had the lot surveyed and subdivided it into four parts, to wit: Lot 2920-A, Lot 2920-B, Lot 2920-C, and Lot 2920-D. The Department of Environment and Natural Resources (DENR) approved the subdivision plan.<sup>14</sup>

While Orlando was making arrangements on the lot, Aurea's relatives went to respondent and offered him 1/6 of the original area of the lot as payment. They stole Josephine's original copy of the deed of absolute sale she executed and her copy of TCT No. 19723 from Francisca's personal effects.

---

<sup>10</sup> *Id.* at 175.

<sup>11</sup> *Id.* at 176.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 177-178.

<sup>14</sup> *Id.* at 178.

Aurea's relatives insisted that the deed of absolute sale was actually a mortgage because Francisca thought so and the selling price was grossly inadequate. These were respondent's bases for drafting the Declaration of Heirship and Partition, which subdivided the lot into six parts, namely, Lot 2920-A, Lot 2920-B, Lot 2920-C, Lot 2920-D, Lot 2920-E, and Lot 2920-F. Lot 2920-F, located at the southeast portion of the property, was assigned to respondent.<sup>15</sup>

The Declaration of Heirship was unregistered and unnotarized after its execution on January 14, 2002. In March 2002, his (complainant's) wife, Marisa Bacatan Williams, was approached to buy a 1,000-square meter portion, known as Lot 2920-D per the DENR-approved survey and Lot 2920-F in the Declaration of Heirship. She was shown a copy of the DENR-approved Subdivision Plan No. PSD-07-052555. After ascertaining that the designated lot was vacant and upon ocular inspection, his wife agreed to purchase the lot.<sup>16</sup>

On April 10, 2002, his wife bought the 2,000-square meter portion and gave Orlando a deposit, pending verification of some documents including Orlando's petition for issuance of new title. After the replacement title was issued, his wife again conducted an ocular inspection and noticed a marker hidden behind some bushes. The marker was inside the lot she purchased. His wife withheld payment until the matter was resolved.<sup>17</sup>

After learning that a wife of an American had bought the 2,000-square-meter portion, respondent gave his uneducated clients money to buy barbed wire and construct a fence around said portion. On May 16, 2002, complainant and his wife noticed that someone had started putting up new bamboo posts. On May 23, 2002, complainant again visited his wife's portion and saw Francisco Ventolero (Francisco) and Desiderio Ventolero, both heirs of Aurea, stringing barbed wire around the property. Francisco claimed they were instructed by respondent to do so. He confronted respondent at the latter's office and respondent claimed he was merely protecting his clients' rights. After taking a picture of the fence, complainant pulled it down.<sup>18</sup>

The same day, May 23, 2002, respondent brought the Declaration of Heirship to Dumaguete City and had it notarized there. This was done in bad faith. As further evidence of respondent's bad faith, one of the five heirs, Francisco, using the fictitious surname Briones, filed a Complaint for malicious mischief against him before the Municipal Circuit Trial Court (MCTC) in Bacong. The Complaint was docketed as Criminal Case No. 3051. It was respondent who drafted the complaint-affidavit.<sup>19</sup>

---

<sup>15</sup> *Id.* at 178–179.

<sup>16</sup> *Id.* at 179–180.

<sup>17</sup> *Id.* at 180.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 181.

Complainant's wife informed Orlando that they were backing out of the deal. After some negotiations, Orlando agreed to a reduced price and for complainant's wife to shoulder the expenses in fighting respondent. His wife was eventually issued a new TCT over Lot 2920-D and named as co-owner. A Deed of Confirmation of Sale was issued by complainant's wife and Orlando while the owner of the back portion of Lot 2920-D executed an Extrajudicial Partition and Waiver with Sale, all to settle the survey problem. Yet, respondent still managed to use the two deeds to accuse complainant's wife of cheating the Bureau of Internal Revenue (BIR) of taxes due.<sup>20</sup>

Respondent knew that his client's correct surname was Ventolero but misrepresented it as Briones. This violated Canons 1.01, 1.02, and 10.01 of the Code of Professional Responsibility. While the malicious mischief case was pending, respondent sent the Lupon Tagapamayapa of San Miguel to see complainant. The lupon said that the disputed lot was actually owned by respondent as his legal fees, and respondent offered to drop the malicious mischief case for PHP 250,000.00. As proof of respondent's claim, the lupon presented the Declaration of Heirship and Partition.<sup>21</sup>

The Declaration of Heirship was riddled with infirmities: a) in the "whereas" clause, Aurea was identified as the owner of Lot 2920; b) Lot 2920 was registered in Josephine's name and she held it in trust for the other heirs of Aurea; c) it declared that Aurea died during the Second World War, but in truth, she actually died in 1998, six years after Josephine's death; d) Aurea's estate passed to the five heirs named therein; and e) Lot 2920 was undivided and undisposed.<sup>22</sup>

Complainant even brought the Declaration of Heirship to the National Bureau of Investigation (NBI) but he was told that he had to shoulder the cost of a sting operation against respondent and his clients. He angrily warned the lupon that he would file counter-charges against them if they did not leave him and his wife alone.<sup>23</sup>

The transcript of the malicious mischief case revealed that Francisco himself was under the impression that he did not co-own Lot 2920. It was Francisco who carried around the Declaration of Heirship to the other alleged co-heirs for their signatures. The signatories did not personally appear before the notary public, Atty. Rodrigo V. Icao. Respondent even led Francisco, on redirect, to say that their sketch/subdivision plan was already pending approval from DENR.<sup>24</sup>

---

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 182–183.

<sup>22</sup> *Id.* at 183–184.

<sup>23</sup> *Id.* at 184.

<sup>24</sup> *Id.* at 185.

On December 5, 2002, respondent filed a Complaint for forcible entry, docketed as Civil Case No. 390, against them. To support the Complaint, respondent attached the stolen copy of Josephine's TCT No. T-17264. Respondent even has custody of Josephine's original certificate of title. In the Complaint, respondent backtracked from his initial narration that Aurea died during the Second World War. This time, respondent asserted that Aurea was cheated when she sold the lot to Josephine in 1977. Respondent even alleged that his clients were co-owners, when in fact, they had already subdivided the lot into six parts.<sup>25</sup>

On June 30, 2003, he (complainant) filed a falsification case against respondent and his clients pertaining to the Declaration of Heirship. The prosecutors found probable cause to file this Complaint.<sup>26</sup>

In respondent's 3<sup>rd</sup> Amended Complaint (docketed as Civil Case No. 3443 and filed on May 6, 2004) to annul complainant wife's Deed of Sale, he (respondent) changed his theory once again and claimed that Lot 2920 was the conjugal property of Aurea and her husband, Ciriaco. Respondent even verified the complaint himself as plaintiff and party-in-interest. Respondent further attached to the Complaint the Declaration of Heirship.<sup>27</sup>

Eventually, he (complainant) was acquitted in the malicious mischief case.<sup>28</sup>

In his Position Paper<sup>29</sup> dated December 2, 2004, respondent averred that he was an IBP member of good standing and a retired member of the judiciary. Complainant, being a foreigner, allegedly had a deep-seated mentality that Filipinos can be maligned. When complainant lost in the forcible entry case, he chastised, in his pleadings, the judge for being biased against him. Complainant even criticized his clients for their backward and awkward writing in the preparation of documents. Complainant's arrogance and hostility does not merit his stay in the Philippines. Complainant even wrote an article in the Washington Press, published on August 2, 2004, describing the Philippines as "*inefficient, corrupt, poor, dysfunctional, only semi-democratic. It has a grand pretensions but rarely delivers.*" The article was accompanied by a mocking cartoon of General Douglas McArthur.<sup>30</sup>

Complainant's accusations were absolutely malicious, groundless, and irrelevant. After complainant lost in the forcible entry case, he did not hesitate

---

<sup>25</sup> *Id.* at 186.

<sup>26</sup> *Id.* at 190.

<sup>27</sup> *Id.* at 333-340.

<sup>28</sup> *Id.* at 190.

<sup>29</sup> *Id.* at 213-222.

<sup>30</sup> *Id.* at 215.

to destroy his (respondent) character and reputation out of vengeance. These accusations were embodied in various pleadings, signed, and prepared by complainant.<sup>31</sup>

Complainant used his wife to file harassment suits against him. One such case was Administrative Case No. 6353 filed before the Court. The issues raised in said Complaint were the same as here. The present case was likewise filed to harass him.<sup>32</sup>

In his Supplement to Position Paper<sup>33</sup> dated December 22, 2004, respondent further averred that complainant's allegations were mere speculations and fabrications. Complainant supposedly took advantage of his clients' indigency in order to take hold and grab Lot 2920. On May 23, 2002, complainant forcibly entered the lot and destroyed the surrounding fence.

Thereafter, the parties submitted the following pleadings: 1) complainant's Manifestation<sup>34</sup> dated January 10, 2005; 2) complainant's Motion to Render Judgment and Urgent Comments<sup>35</sup> dated January 21, 2005; 3) respondent's Comments/Manifestation<sup>36</sup> dated January 14, 2005; 4) respondent's Reply to Complainant's Comments<sup>37</sup> dated January 28, 2005; and 5) complainant's Second Motion to Resolve<sup>38</sup> dated February 11, 2005.

### **Report and Recommendation of the Investigating Commissioner**

By his Report and Recommendation<sup>39</sup> dated November 2, 2005, Commissioner Hababag recommended respondent's suspension:

We therefore, respectfully recommend that the respondent be suspended for one (1) year with warning that similar acts in the future would merit severe penalty.<sup>40</sup>

Commissioner Hababag found that respondent knowingly made a false statement and suppressed material facts in preparing the Declaration of Heirship and Partition. These statements were: 1) Josephine only held the lot in trust for the heirs of Aurea; 2) Aurea died during World War II and left the lot to be inherited by her heirs; and 3) the lot was undivided, uncommitted,

---

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 220.

<sup>33</sup> *Id.* at 258–261.

<sup>34</sup> *Id.* at 279.

<sup>35</sup> *Id.* at 281–284.

<sup>36</sup> *Id.* at 294–296.

<sup>37</sup> *Id.* at 298–304.

<sup>38</sup> *Id.* at 440–441.

<sup>39</sup> *Id.* at 359–363.

<sup>40</sup> *Id.* at 363.

and undisposed—available for enjoyment of all of Aurea's heirs. Respondent, as an officer of the court and a former judge, had the duty to disclose the truth of the facts narrated to him. The facts he narrated in the Declaration of Heirship were a perversion of the truth and were designed to deprive the true heir and owner of the lot of their rights over it. Further, respondent himself was a signatory and a party to the Declaration of Heirship, thus, he is liable for any offense that attaches to the execution of such document. Even assuming that respondent was merely acting as counsel, his role aggravated his culpability.<sup>41</sup>

### Report and Recommendation of the IBP-BOG

By its first Resolution<sup>42</sup> dated May 26, 2006, the IBP-BOG adopted the findings against Atty. Enriquez but modified the penalty, thus:

*RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's opprobrious acts in knowingly making false statement and/or in suppressing material facts or information tends to undermine and discredit the legal profession, Atty. Rudy T. Enriquez is hereby **SUSPENDED** from the practice of law for two (2) years with **Warning** that similar acts in the future would merit severe penalty.<sup>43</sup>*

In his Motion for Reconsideration<sup>44</sup> dated August 14, 2006, respondent insisted that contingent fees are allowed. The matters raised by complainant were still *sub judice*. He also substantially reiterated his arguments in his Position Paper.

In his Supplement to Motion for Reconsideration<sup>45</sup> dated September 1, 2006, respondent manifested that the prosecution found probable cause to indict complainant of malicious mischief and that the Regional Trial Court (RTC), Branch 44, Dumaguete City had affirmed MCTC's ruling finding complainant to have forcibly entered the subject lot.

---

<sup>41</sup> *Id.* at 361–363.

<sup>42</sup> *Id.* at 358.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 365–375.

<sup>45</sup> *Id.* at 444–445.

In turn, complainant filed his Opposition to Motion for Reconsideration<sup>46</sup> dated September 8, 2006 and Urgent Opposition to Supplement<sup>47</sup> dated September 14, 2006.

By his Petition for Contempt and Motion to Dissolve Report and Recommendation<sup>48</sup> dated September 22, 2006, respondent claimed that complainant violated the rules on confidentiality of disciplinary proceedings against lawyers, when complainant sent a copy of the IBP Commissioner's Report and Recommendation to his client Francisco and the Office of the City Prosecutor of Dumaguete City, as an attachment in I.S. Case No. 2006-0450. Because of such breach of confidentiality, the IBP's resolution should be dissolved.

In his Addendum to Petition to Dissolve and Motion for Contempt<sup>49</sup> dated December 2, 2006, respondent manifested that complainant had attached the IBP's Report and Recommendation to his appeal, docketed as Civil Case No. 13404, before RTC, Branch 44, Dumaguete City, regarding the forcible entry case against him (complainant).

Respondent filed his Reply to Opposition<sup>50</sup> dated October 13, 2006.

By its second Resolution<sup>51</sup> dated July 23, 2010, the IBP-BOG denied respondent's Motion for Reconsideration:

RESOLVED to DENY Respondent's Motion for Reconsideration there being no cogent reason to disturb the Resolution, and Resolution No. XVII-2006-275 of the Board of Governors dated 26 May 2006 is hereby AFFIRMED.

Undaunted, respondent again sought a reconsideration *via* a Motion for Reconsideration (To The Second Resolution No. XIX-2010-403) dated November 19, 2010.

### **Proceeding before the Court**

By Resolution<sup>52</sup> dated September 5, 2011, the Court treated respondent's second Motion for Reconsideration as a petition for review and directed complainant to file his comment within 10 days from notice.

---

<sup>46</sup> *Id.* at 459-464.

<sup>47</sup> *Id.* at 510-511.

<sup>48</sup> *Id.* at 505-506.

<sup>49</sup> *Id.* at 560-562.

<sup>50</sup> *Id.* at 513-517.

<sup>51</sup> *Id.*, Vol. IV, p. 1351.

<sup>52</sup> *Id.*, Vol. V, p. 1553.

In the interim, the following were noted by the Court by its Resolution<sup>53</sup> dated December 14, 2011: 1) respondent's Manifestation to Notice dated April 6, 2011; 2) IBP Director Alicia A. Riso-Vidal's Indorsement dated April 11, 2011; 3) complainant's Motion to Resolve with Additional Evidence of Respondent's Bad Faith dated April 11, 2011; and 4) respondent's Comment/Opposition to Motion to Resolve with Additional Evidence of So-Called Bad Faith dated April 21, 2011.

Eventually, complainant filed his Comments<sup>54</sup> dated March 7, 2012, informing the Court that they have lost faith in the Philippine legal system. He further stated: "*The file [in] this case is almost a foot thick, Anything we say now will just be a rehash.*"

By Resolution<sup>55</sup> dated June 20, 2012, the Court directed respondent to file his reply within 10 days from notice.

In his Ex Parte Motion to Dismiss<sup>56</sup> dated July 1, 2012, respondent sought the dismissal of the Complaint due to complainant's failure to file his comment. Later, in his Reply with Motion to Dismiss<sup>57</sup> dated September 14, 2012, respondent criticized complainant's one-paragraph "Comments."

### ***B. The Contempt Proceedings***

By his Petition for Contempt and Motion to Dissolve Report and Recommendation<sup>58</sup> dated September 22, 2006, respondent averred that complainant should be cited in contempt for violating the confidentiality of administrative proceedings against lawyers by furnishing a copy of the IBP's Report and Recommendation to the Office of the City Prosecutor of Dumaguete City in I.S. Case No. 2006-0450. Additionally, by his Addendum to Petition to Dissolve and Motion for Contempt<sup>59</sup> dated December 2, 2006, respondent manifested that complainant had attached the IBP's report and recommendation to his appeal, docketed as Civil Case No. 13404, before RTC, Branch 44, Dumaguete City, regarding the forcible entry case against him (complainant), again violating the confidentiality rule.

Through his Comments on Petition for Contempt with Comments on the Addendum to Petition to Dissolve and Motion for Contempt<sup>60</sup> dated October 2, 2007, complainant denied sending a copy of the IBP's Report and

---

<sup>53</sup> *Id.* at 1827.

<sup>54</sup> *Id.* at 1829.

<sup>55</sup> *Id.* at 1831.

<sup>56</sup> *Id.* at 1832-1833.

<sup>57</sup> *Id.* at 1836-1837.

<sup>58</sup> *Id.*, Vol. II, pp. 505-506.

<sup>59</sup> *Id.* at 560-562.

<sup>60</sup> *Id.* at 890-892.

Recommendation to Francisco or to anyone. He did submit copies of the Report and Recommendation to local courts and tribunals investigating the validity of the Declaration of Heirship. He felt it was his duty to inform the tribunals that the Declaration of Heirship had already been determined to be fraudulent by the IBP. Besides, respondent already waived confidentiality when he took out of context words and sentences contained in various pleadings. Respondent then perversely interpreted these words and sentences in order to strengthen and support his false claims of malicious prosecution.

Meanwhile, complainant, by his Manifestation with Motion to Hold IBP Board of Governors in Contempt of Court<sup>61</sup> dated July 14, 2009, accused the IBP of purposely delaying justice. He and his wife had previously filed *Williams v. Atty. Enriquez*,<sup>62</sup> wherein the Court found respondent guilty of gross ignorance of the law, reprimanded and advised him to carefully study his cases, and sternly warned him that a repetition of the same act would be dealt with more severely. Because respondent failed to change his behavior, they filed a Petition for indirect contempt in August 2007. The matter was referred to the IBP for investigation and report but the IBP has not submitted the same despite the lapse of the 30-day mandated period.

Subsequently, complainant, through his Urgent Supplement to Manifestation<sup>63</sup> dated July 13, 2009, stated that he made an honest mistake in filing his Motion to cite the IBP-BOG in contempt.

### Issues

1. Should complainant be cited in contempt for alleged breach of the rule on confidentiality of administrative proceedings against lawyers?
2. May complainant avail of the present administrative case to invalidate the Declaration of Heirship and Partition affecting the subject property?

### Ruling

***Complainant did not breach  
the rule of confidentiality***

---

<sup>61</sup> *Id.*, Vol. III, pp. 1074–1083.

<sup>62</sup> 518 Phil. 372 (2006) [Per J. Callejo, First Division].

<sup>63</sup> *Rollo*, Vol. III, pp. 1108–1110.

Respondent's Petition for Contempt and Motion to Dissolve Report and Recommendation<sup>64</sup> dated September 22, 2006 and Addendum to Petition to Dissolve and Motion for Contempt<sup>65</sup> dated December 2, 2006 seek to make complainant liable for contempt since he allegedly violated the rule of confidentiality when he furnished the Office of the Prosecutor of Dumaguete and the RTC, Branch 44, Dumaguete, copies of the IBP's Report and Recommendation, albeit a disbarment proceeding. On this score, we reckon with *Atty. Guanzon v. Atty. Dojillo*,<sup>66</sup> thus:

It must also be pointed out that the confidentiality in disciplinary actions for lawyers is not absolute. It is not to be applied, under any circumstance, to all disclosures of any nature. **The confidentiality rule requires only that proceedings against attorneys be kept private and confidential. The rule does not extend so far that it covers the mere existence or pendency of disciplinary actions.** Thus, Atty. Dojillo, in attaching the subject documents to his client's Answer, did not per se violate the confidentiality rule as the purpose was to inform the court of its existence.

Moreover, the subject documents become part of court records which are protected by A.M. No. 03-06-13-SC,[12] to wit:

## CANON II

### CONFIDENTIALITY

SECTION 1. Court personnel shall not disclose to any unauthorized person any confidential information acquired by them while employed in the Judiciary, whether such information came from authorized or unauthorized sources.

Confidential information means information not yet made a matter of public record relating to pending cases, as well as information not yet made public concerning the work of any justice or judge relating to pending cases, including notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers.

The notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers that a justice or judge uses in preparing a decision, resolution or order shall remain confidential even after the decision, resolution or order is made public.

SEC. 2. Confidential information available to specific individuals by reason of statute, court rule or administrative

<sup>64</sup> *Id.*, Vol. II, pp. 505–506.

<sup>65</sup> *Id.* at 560–562.

<sup>66</sup> 838 Phil. 228 (2018) [Per J. Peralta, Second Division].

policy shall be disclosed only by persons authorized to do so.

SEC. 3. Unless expressly authorized by the designated authority, court personnel shall not disclose confidential information given by litigants, witnesses or attorneys to justices, judges or any other person.

SEC. 4. Former court personnel shall not disclose confidential information acquired by them during their employment in the Judiciary when disclosure by current court personnel of the same information would constitute a breach of confidentiality. Any disclosure in violation of this provision shall constitute indirect contempt of court.

Thus, in view of the above-quoted policies, even if Atty. Dojillo attached said subject documents to Garcia's Answer and Counter-Affidavit filed before the courts, the same remains private and confidential. In fact, even after the decision, resolution, or order is made public, such information that a justice or judge uses in preparing a decision, resolution, or order shall remain confidential.<sup>67</sup> (Emphasis supplied)

In fine, complainant, who furnished the Office of the City Prosecutor and RTC, Branch 44, both of Dumaguete City with the IBP Report and Recommendation for respondent's suspension from the practice of law, cannot be said to have violated the rule of confidentiality of the administrative case against respondent. Notably, there were related cases pending before these two tribunals affecting complainant and respondent that involved the same property. Consequently, respondent's Petition to cite complainant in contempt must fail.

As for the Manifestation with Motion to Hold IBP Board of Governors in Contempt of Court<sup>68</sup> dated July 14, 2009, complainant's Urgent Supplement to Manifestation<sup>69</sup> dated July 21, 2009, clarifying that the filing of the said Manifestation was due to inadvertence, hence, he wanted it deemed withdrawn, is NOTED. Consequently, the same is deemed withdrawn and ordered stricken from the records.

***The administrative complaint cannot substitute for a civil action for annulment of the Declaration of Heirship and Partition***

---

<sup>67</sup> *Id.* at 234–235

<sup>68</sup> *Rollo*, Vol. III, pp. 1074–1083.

<sup>69</sup> *Id.* at 1108–1110.

Based on the allegations in the Complaint and complainant's Position Paper, what he seeks is the invalidation of the Declaration of Heirship and Partition<sup>70</sup> dated January 14, 2002, viz.:

DECLARATION OF HEIRSHIP AND PARTITION

KNOW ALL MEN BY THESE PRESENTS:

This deed made and entered into by and between –

1. The HRS. OF FRANCISCA BRIONES VENTOLERO [r]epresented by RAMON VERAR, of legal age, single, Filipino, a resident of Bacong, Negros Oriental;
2. The HRS. OF VALERIANA BRIONES VENTOLERO, Represented by MARTIN UMBAC, of legal age, widower, Filipino, a resident of Bacong, Negros Oriental;
3. FRANCISCO BRIONES VENTOLERO, of legal age, married to Floresta Kilat, Filipino, a resident of Bacong, Negros Oriental;
4. LUCIA BRIONES, of legal age, married, Filipino, a resident of Bacong, Negros Oriental;
5. DESIDERIO BRIONES VENTOLERO, of legal age, single, Fili[p]ino, a resident o[f] Bacong, Negros Oriental;
6. ATTY. RUDY T. ENRIQUEZ, of legal age, married, Filipino, a resident of Poblacion, Dauin, Negros Oriental, the legal counsel;

all the others to be hereinafter referred to as the HEIRS.

WITNESSETH

WHEREAS, the deceased AUREA BRIONES is the registered owner in fee simple of a parcel of land known as –

LOT NO. 2920, CAD. 212 , of the CADASTRAL SURVEY of Bacong, Negros Oriental , L.R.C. Cadastral Record No. 846, originally registered on June 3, 1941, under ORIGINAL CERTIFICATE OF TITLE NO. 17264, now covered by Transfer Certificate of Title No. T-19723 , in the name of Josephine L. Veran as a trustee for all the other co-heirs situated at San Miguel, Bacong, Negros Oriental, bounded on the N., by Lot 2921; on the SE., by the PROVINCIAL ROAD; on the SW., by Lots 2916, 2917, 3162, and 3161; and on the NW., by lots 3161 and 2191, with an area of 13,432 square meters, more or less.

WHEREAS, the deceased AUREA BRIONES died ab intestato in San Miguel, Ba[c]ong, Negros Oriental, during the SECOND WORLD WAR, leaving no known debts or any

<sup>70</sup> *Id.* at 955–957.

obligation that maybe chargeable against the estate leaving the entire estate to be inherited by the above-named lawful HEIRS;

WHEREAS, the above-described parcel of land has remained UNDIVIDED, UNCOMMITTED and UNDISPOSED and for the best interest of the above-named lawful heirs they have agreed to SETTLE, DIVIDE[,] and PARTITION the estate and ADJUDICATE unto themselves their respective shares/partition pursuant to the SKETCH PLAN hereto attached and marked as ANNEX "A" and made an integral part hereof, in accordance with SECTION 1, RULE 74 of the Rules of Court, however subject to the liabilities imposed by S[ection] 4, R[ule] 74 of the Rules of Court in the following manner.

...

6. LOT NO. 2920-A shall be allocated unto and in favor of ATTY. RUDY T. ENRIQUEZ;<sup>71</sup>

...

Though complainant seeks to have respondent disbarred for allegedly drafting the foregoing document and filling it up with the so-called false statements of fact, the real subject of the complaint is the invalidation of the Declaration of Heirship itself. By directly challenging respondent's credibility and fitness to be a member of the Bar, complainant seeks to indirectly have the document declared as void.

*Melad-Ong v. Sabban*<sup>72</sup> explains the nature of disbarment proceedings:

Disbarment proceedings are *sui generis*. The procedural requirements observed in ordinary civil proceedings do not strictly apply in disbarment cases.[30] Disciplinary proceedings are matters of public interest and the only basis for judgment is the proof or failure of proof of the charges. In *Re Almacen*, the Court held:

Neither purely civil nor purely criminal, this proceeding is not — and does not involve — a trial of an action or a suit, but is rather an investigation by the Court into the conduct of its officers. x x x Public interest is its primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney.

<sup>71</sup> *Id.* at 955–956.

<sup>72</sup> A.C. No. 10511. January 04, 2022 [*Per Curiam, En Banc*].

Thus, unlike in civil proceedings, issues in disbarment cases are not limited by the issues agreed or stipulated by the parties or ordered by the trial court. Further, a disbarment case is not instituted for the restitution of the complainant but rather for the determination of the fitness of the lawyer to remain as an officer of the Court. Hence, limiting the issue to respondent's participation in the loss of the property of the complainant is not proper in a disciplinary proceeding.<sup>73</sup> (Emphasis supplied)

Indeed, the filing of an administrative case is not an alternative to the other judicial remedies provided by law, and neither is it complementary or supplementary to such actions.<sup>74</sup> Consequently, the Complaint should be dismissed as the Court has no jurisdiction to take cognizance of, or much less, resolve the same for being civil in nature.

**ACCORDINGLY**, the Court:

- 1) **DENIES** the Petition for Contempt and Motion to Dissolve Report and Recommendation dated September 22, 2006 and Addendum to Petition to Dissolve and Motion for Contempt dated December 2, 2006;
- 2) **DEEMS AS WITHDRAWN AND STRICKEN FROM THE RECORDS** the Manifestation with Motion to Hold IBP Board of Governors in Contempt of Court dated July 14, 2009; and
- 3) **DISMISSES** the present Disbarment Complaint Against an Attorney dated February 2, 2004.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

---

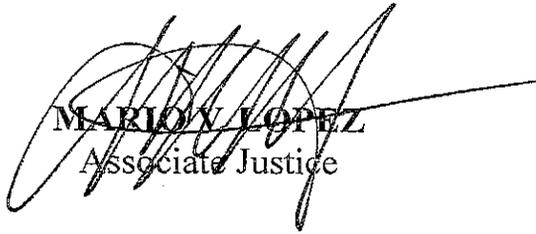
<sup>73</sup> *Id.*

<sup>74</sup> See *Monticalbo v. Maraya, Jr.*, 2011, 664 Phil. (2011) [Per J. Mendoza, Second Division].

**WE CONCUR:**



**MARVIC M. V. F. LEONEN**  
Senior Associate Justice  
Chairperson



**MARION LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice



