

FIRST DIVISION

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

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

R E S O L U T I O N

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 That, in malicious violation of the rules governing the practice of law, Attorney Rudy T. Enriquez cited outdated material in his complaint-affidavit (Annex A-1) and in his comments to counter-affidavit (Annex A-2).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2.3 That, in reply, Attorney Enriquez, quotes more outdated law, declaring that her "act of marrying" her husband was equivalent to renouncing her citizenship.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**