REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **23 February 2022** *which reads as follows*:

"A.C. No. 8557 (*Rosa Yap Paras vs. Atty. Richard R. Enojo*). - Before the Court is a Complaint for Disbarment[1] filed by Rosa Yap Paras (complainant) against Atty. Richard R. Enojo (respondent) for committing acts in violation of the Lawyer's Oath and the Code of Professional Responsibility, as follows: (a) filing of a Petition for Relief from Judgment notwithstanding the finality of his client's conviction; (b) falsely claiming the existence of newly-discovered evidence; and (c) using abusive, offensive and improper language in the same petition.

After a review of the records, the Court resolves to **DISMISS** the complaint for lack of merit.

Respondent is the legal counsel of Atty. Justo J. Paras, whose conviction for the Crime of Falsification and Use of Falsified Documents (criminal case) was affirmed by this Court on 28 January 2009, and which became final and executory on 19 May 2009.[2] On 18 November 2009, respondent filed a Petition for Relief from Judgment and Suspension of Service of Sentence (Petition for Relief) with the Regional Trial Court (RTC) of Dumaguete, Branch 39, allegedly anchored on newly-discovered evidence.

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[1] *Rollo*, vol. 1, pp. 1-26.
[2] Id. at 29, Entry of Judgment, G.R. No. 185178 (*Justo J. Paras vs. People of the Philippines*).

In a Complaint for Disbarment dated 05 January 2010,[3] complainant claimed that respondent as a lawyer should have known the effect of a final and executory decision, and should not have filed any petition that would disturb the findings of the Supreme Court. Moreover, respondent allegedly used "scurrilous and offensive language" in the Petition[4] and Opposition to the Motion to Dismiss Petition for Relief from Judgment (Opposition to the Motion),[5] which tends to smear the honor and integrity of our judicial system, and insult the Supreme Court, in particular:

> "4. That acquisition of NEWLY DISCOVERED EVIDENCES would definitely render the claim of Private Complainant of criminal violation of her signature by sentenced accused as utterly malicious concoction, deliberately false and a brazen criminal lie for such newly discovered evidences consisting of certified photocopies of recorded public documents indubitably show that indeed her alleged falsified signatures are one or two of her genuine and true varying signatures which she utilized in her criminal ploy to gain for herself free governmental land grants by way of free patent awards which by statute are exclusively granted only to natural-born Filipinos, and of which she was disqualified as grantee for being only a Filipino citizen by election"[6]

and

> "3. That the UNVEILED EXTRINSIC FRAUD committed as visually demonstrated in the 'newly discovered evidence' is so base, outrageous and social order-destroying monstrous deception appearing to be calculatingly employed to approximate macabre success: (1) for the destruction of the life, liberty and reputation of accused; (2) in fooling and projecting as 'babes in the woods' our existing otherwise mature and discriminating judicial system; and (3) by gainfully achieving, through deplorable wrecking of the Government's program of lands for native settlers and therefrom surreptitiously and illegally owning free patented tracts of public lands as a consequence. Indeed, it is typical example of the so-called 'win-win' situation with the added bonus of 'killing-three-birds-with-one-stone strategy.'"[7]

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[3] Supra note 1.
[4] Id. at 30-35
[5] Id. at pp. 59-61.
[6] Id. at 31 (Petition for Relief).
[7] Id. at 60 (Opposition).

Complainant further averred that respondent committed deliberate falsehood when he claimed to have "new evidence" since the said new evidence was already put up as a defense in the criminal case, and already ruled upon with finality.

On the other hand, respondent countered that the Petition for Relief is an available remedy under Section 1, Rule 38, 1997 Rules of Civil Procedure, and that such remedy is resorted to after the finality of the assailed decision. According to respondent, the newly-discovered evidence relied upon in the Petition for Relief are the Free Patent Applications bearing complainant's signature, similar to the signature purportedly falsified by his client in the criminal case.[8] Thus, the filing of the Petition for Relief was not intended to show that the Supreme Court rendered a wrong and erroneous decision, but only to present newly-discovered evidence, which could warrant the reversal of the criminal conviction of his client.

The case was referred to the Integrated Bar of the Philippines (IBP). In the Commissioner's Report dated 12 December 2013, the IBP Investigating Commissioner recommended the dismissal of the disbarment complaint for lack of merit, but strictly warned respondent to be more cautious in the language used in his pleadings. The Investigating Commissioner found that respondent could not be faulted for filing the Petition for Relief, which is a remedy allowed under the law, and acknowledged that it was respondent's last-ditch effort to save his client. Whether said petition is meritorious, and whether the documents are "newly-discovered evidence" are within the sole judicial discretion of the RTC of Dumaguete City.

On the alleged use of improper language, the Investigating Commissioner opined that respondent should have softened and tempered some of the words in the Petition for Relief and Opposition to Dismiss. While his language was not considered abusive, offensive or improper in the contemplation of law, he was reminded to use respectful, gracious and dignified language in his pleadings.

On 18 April 2015, the IBP Board of Governors adopted with modification the Report and Recommendation of the Investigating Commissioner, dismissing the complaint but deleting the warning

[8] Said Free Patent Applications were annexed to complainant's initiatory pleading in the legal separation case she filed against Atty. Paras, and were only seen by Atty. Paras after his conviction.

imposed against respondent. Complainant moved for reconsideration, but the IBP denied her motion on 01 March 2017, "there being no new reason and/or new argument adduced to reverse the previous findings and decision of the Board of Governors."

The Court adopts the findings and recommendations of the IBP.

Respondent's actuations did not violate Canon 1, Code of Professional Responsibility, which provides:

> CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

Respondent's filing of a Petition for Relief, despite the finality of his client's conviction which was affirmed by this Court is neither illegal nor disrespectful towards the Court or the legal processes. We agree with the Investigating Commissioner's finding that the filing of a Petition for Relief by respondent is a remedy that is sanctioned by applicable rules, and was part of his efforts to advance his client's interest. Whether the "newly-discovered evidence" are new, and whether such Petition for Relief has merit are subject to the determination of the RTC of Dumaguete.

We also find that respondent's act was made pursuant to his duty under Canon 19, thus:

> CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

It must be recalled that respondent's client was convicted of falsification for having falsified complainant's signature. With the newly-discovered evidence, respondent sought to show that complainant used varying signatures, some of which bore a striking resemblance to the signatures which complainant claimed to have been forged by respondent's client. Indeed, a lawyer should present every remedy or defense authorized by the law in support of his client's cause, regardless of his own personal views. In the full discharge of his duties to his client, the lawyer should not be afraid of the possibility that he might displease the judge or the general public.[9]

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[9] *Atty. Fernando P. Perito vs. Atty. Bertrand A. Baterina, et al.*, A.C. No. 12631, 08 July 2020.

The "scurrilous and offensive language" allegedly used by respondent in the Petition for Relief and Opposition to the Motion was not intended to smear the honor and integrity of the Court or denigrate the judicial system. A careful reading of the same shows that the statements were not even directed against the High Court. Respondent's strong language was neither abusive, offensive nor improper in contemplation of law, and not enough to warrant administrative sanction.

The records show that respondent is but one of the lawyers caught in the crossfire between his client and the complainant, who are estranged husband and wife. As recounted by respondent, in another case between his client and complainant's family, the presiding judge suggested that the parties "put an end to the enmity between them and to cast into oblivion whatever bitterness they feel against each other" for "the longer the 'family feud' will continue, the deeper will the specter of 'hatred and animosity' be carved in their hearts and the greater is the possibility that innocent third persons will be caught in the crossfire."[10] Even the Supreme Court made a similar observation in an earlier administrative case between respondent's client and complainant, noting the "pervasive atmosphere of animosity" between respondent's client and complainant's counsels, reminding the parties to "avoid further squabbles and the unnecessary filing of administrative cases against each other."[11]

Considering the foregoing circumstances, and the fact that respondent's client is also a member of the legal profession whose livelihood and reputation were severely affected by the decision from which the relief is being sought, the Court understands the fervor by which respondent rallied his cause and spurred his emotional and passionate pleadings.

As a rule, this Court exercises the power to disbar with great caution. Being the most severe form of disciplinary sanction, it is imposed only for the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the bar.[12] There being no clear case of misconduct in the present case, the Complaint for Disbarment must necessarily be dismissed.

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[10] Respondent's Position Paper dated 15 June 2011.
[11] *Rosa Yap–Paras vs. Atty. Justo Paras*, A.C. No. 4947, 07 June 2007; citations omitted.
[12] *Yu vs. Palaña*, A.C. No. 7747, 14 July 2008.

WHEREFORE, the Complaint for Disbarment dated 05 January 2010 against Atty. Richard R. Enojo is **DISMISSED** for lack of merit.

Accordingly, the case is considered **CLOSED** and **TERMINATED**.

SO ORDERED."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court
31 AUG 2022

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