



Republic of the Philippines

Supreme Court

Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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TEODORA ALTOBANO-RUIZ,
Complainant,

A.C. No. 13132

Members:
GESMUNDO, *Chief Justice,*
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ, *and*
KHO, Jr.,
SINGH, *JJ.*

-versus-

ATTYS. WILFREDO A. RUIZ,
CHERRY ANNE DELA CRUZ, AND
FRANCISCO S. BENEDICTO, III,
Respondents.

Promulgated:

January 31, 2023

[Signature]

X-----X

DECISION

PER CURIAM:

Antecedents

In her complaint¹ before the Integrated Bar of the Philippines (IBP) - Commission on Bar Discipline (CBD), complainant **Teodora Altobano-Ruiz**

¹ *Rollo Vol. III, pp. 1-27.*

sought the disbarment of respondents **Attys. Wilfredo A. Ruiz (Atty. Ruiz), Cherry Anne Dela Cruz (Atty. Dela Cruz), and Francisco S. Benedicto III (Atty. Benedicto)** for violations of the Code of Professional Responsibility (CPR), specifically Canon 1² (Rules 1.01³ and 1.02⁴), Canon 7⁵ (Rule 7.03⁶), Canon 10⁷ (Rules 10.01⁸ and 10.03⁹), Canon 12¹⁰ (Rules 12.02¹¹ and 12.04¹²), Canon 17,¹³ Canon 18¹⁴ (Rules 18.02¹⁵ and 18.04¹⁶), and Canon 19¹⁷ (Rule 19.01).¹⁸

Respondents' violations allegedly took the form of *synchronized acts of harassment* all directed against her. She, thus, narrated that on June 4, 2008, she sued her husband respondent **Atty. Ruiz** for violation of Republic Act (RA) 9262, otherwise known as the Anti-Violence Against Women and Their Children Act (Anti-VAWC) and applied for a Permanent Protection Order (PPO).¹⁹ She accused Atty. Ruiz of inflicting on her physical violence, emotional stress, and economic abuse by depriving her and her children of support. The case was docketed **JDRC Case No. 7964-SJ**.²⁰

On September 10, 2008, the Regional Trial Court Branch 162, Pasig City ruled²¹ in her favor and granted her prayer for PPO, thus:²²

“WHEREFORE(,) judgment is hereby rendered granting the offended party Permanent Protection Order against acts of violence

² CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

³ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

⁴ Rule 1.02 - A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

⁵ CANON 7 - A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

⁶ Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

⁷ CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

⁸ Rule 10.01 - A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

⁹ Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

¹⁰ CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

¹¹ Rule 12.02 - A lawyer shall not file multiple actions arising from the same cause.

¹² Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

¹³ CANON 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

¹⁴ CANON 18 - A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.

¹⁵ Rule 18.02 - A lawyer shall not handle any legal matter without adequate preparation.

¹⁶ Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

¹⁷ CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

¹⁸ Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

¹⁹ *Rollo*, Vol. I pp. 39-55.

²⁰ *Id.* at 2.

²¹ *Id.* at 28-36; penned by Presiding Judge Cesar Pabel D. Sulit.

²² *Id.* at 28-36; NB. (This case was affirmed by the Court in G.R. No. 231619 in Decision dated November 15, 2021.)

Dec

pursuant to Republic Act No. 9262. Consequently, the following PERMANENT PROTECTION ORDERS are hereby issued to wit:

a. Prohibiting or enjoining the respondent from threatening to commit or committing, personally or through another, further acts of violence and abuses against the petitioner-applicant and their children, other family members and household members;

b. Prohibiting or enjoining the respondent, in person or through another, from harassing, stalking, annoying and pestering by phone or text messages or by any means of communication the herein petitioner-applicant, said children, other family members and household members;

c. Excluding the herein respondent from the present residence and from dwelling place of petitioner-applicant, regardless of ownership thereof, to shield and protect the latter and her children from the former;

d. Ordering herein respondent to stay away from the petitioner and her children at a distance of at least one thousand ([1,000] m.) meters, and to stay away from the residence, school, place of employment of the petitioner and that of their children and at such other places frequented by them, known and not known to the respondent;

e. Granting to petitioner-applicant custody and charge of their minor child[,] Lent Jarren, until further orders from this Court;

f. Ordering the respondent to absolutely desist and refrain from imposing any restraint on the personal liberty of petitioner-applicant their children and household members and from unlawfully taking from petitioner-applicant custody or charge of said minor child.

g. Ordering the respondent from further communicating in any form, e.g. landline phone, cell or mobile phone, fax machine, e-mail and other means, with the petitioner-applicant and their children in the latter's residence, office, school, and places frequented by them as mentioned earlier;

h. Ordering a law enforcement officer (Police) or barangay official to accompany either party to any residence, now or hereinafter, of either party, to supervise the removal of personal belongings in order to ensure the personal safety of the petitioner-applicant;

i. Directing the respondent to provide support to the petitioner and their child Leri Jaren and even their child Irel Mikhail, if still studying and unemployed equivalent to 50% [for the time being] of the income or salaries of the respondent from the following sources, to wit:

1. [his] monthly salaries as reflected in his income tax return for the years 2006 and 2007 of his law office, whichever is higher;
2. [his] monthly income from Benedicto Pormento & Ruiz Law Office; and

3. [his] monthly income from Novastar Consultancy and Trading, Inc..

to be withheld regularly by his employer or partnership/ companies and to automatically remit them directly to the offended party in person. Failure of said Law Office, Partnership or Company to remit and/or withhold, or any delay in the remittance of support to the offended party without justifiable cause, shall render the respondent or his employer, his Law Office, his partnership or his company, liable for indirect contempt of court;

j. Prohibiting the respondent from carrying or possessing any firearm or deadly weapon and to surrender the same if any, to this Court for appropriate disposition, and to revoke any and all licenses issued in his favor;

k. Directing the DSWD or any appropriate agency to prepare a program of intervention for the offended party that provides advocacy, crisis intervention, treatment, therapy, counseling, education, training and other social services that the petitioner-applicant and her children may need;

l. Requiring the respondent to receive professional counseling from agencies or persons who have demonstrated expertise and experience in anger control, management of alcohol, sex abuse, substance abuse and other forms of intervention, to stop violence in accordance with a program intervention approved by the Honorable Court.

The Court Sheriff, who may obtain the assistance of law enforcement officers is directed to cause the service of this judgment upon the respondent.

This judgment shall be immediately executory.

SO ORDERED.”²³ (Emphases supplied)

On March 4, 2013, the clerk of court issued the corresponding entry of judgment.²⁴

Subsequently, she sought to enforce the PPO, claiming she had not been receiving support for herself and their children, Leri Jarren and Iril Mikhail.²⁵ A corresponding writ of execution²⁶ was issued by the trial court on February 27, 2015.

But despite the writ of execution, Atty. Ruiz still refused to provide support. Worse, he attempted to hide his earnings and properties by executing jointly with his mistress Radelia C. Sy²⁷ a Memorandum of Agreement with

²³ Id. at 34-36.

²⁴ Id. at 76-78.

²⁵ Id. at 91-93.

²⁶ Id. at 25-27.

²⁷ Also referred to in the records as “Ms. Radelia C. Sy” and “Radella Sy”.

Undertaking (MAU)²⁸ dated January 16, 2012, and notarized on even date, viz.:

WHEREAS, the FIRST PARTY (Radela Sy) and the SECOND PARTY (Wilfredo) have been engaged for more than five (5) years and up to the present;

X X X X

WHEREAS, the FIRST PARTY and SECOND PARTY have decided to fix their properties from the fruit of their earnings from 2005 until they will be (sic) decided to get married, thus, they have entered into the following terms and conditions with respect to their real and personal properties with the knowledge and consent of their children as to the division of said properties, to wit:

1. The FIRST PARTY & SECOND PARTY who are presently paying the monthly amortization of one motor vehicle where the said car loan application was accommodated by the FIRST PARTY's son, JOHN PAUL C. SY, which is exclusively and personally used by the SECOND PARTY x x x;

X X X X

3. **That the FIRST PARTY and SECOND PARTY have agreed that all acquired and to be acquired real or personal properties shall be temporarily placed or registered under the name of the FIRST PARTY's son, JOHN PAUL C. SY with the knowledge and consent of the SECOND PARTY'S daughter, Irel Mikhail Ruiz;**
4. The FIRST PARTY and SECOND PARTY who have already acquired a house and lot located in Quezon City shall not be included in the division of properties since this will be their future conjugal dwelling;
5. **When the FIRST PARTY and the SECOND PARTY would decide to get married two (2) years after the dissolution of the Second Party's marriage**, they agreed to divide the real properties already acquired and still to be acquired which temporarily be placed under the name of the First Party's son x x x;
6. Two (2) years from the finality of the Decision of the Second Party's nullity of marriage to be filed before the Regional Trial Court, Pasay City, and automatically, after their weddings, the 50% share of the First and Second Party shall be considered as part of their Absolute Community Property;
7. The First Party's son, John Paul C. Sy has agreed to cooperate with the First and Second Party for purpose of filing the petition for the nullity of the marriage, under the following conditions, to wit:
 - 7.1 The First and Second Party shall not force him to either testify or drag his name before any Court, tribunal or quasi-judicial agency;

²⁸ Rollo, Vol. I, pp. 365-371.

7.2 The First Party and Second Party shall pay regularly for the monthly amortization of the motor vehicle loaned under his name;

7.3 Payment of regular allowance in the amount of [P]20,000.00;

X X X X

9. The **SECOND PARTY** has agreed with the **FIRST PARTY** to exclude his youngest son **Leri Jarren Ruiz** of any financial support or share from the fruits of their earnings provided the **FIRST PARTY** shall allow the **SECOND PARTY** for the visitation of his son when he desires.²⁹ (Emphases supplied)

In view of his continuous failure to provide support for his family, he not only violated his duties to his family, but likewise defied the lawful orders of the court.

Respondent **Atty. Dela Cruz**, on the other hand, is her former counsel in three (3) cases, namely **JDRC Case No. 7964-SJ** (Anti-VAWC Case), **Civil Case No. R-PSY-12-11185**³⁰ (Petition for Declaration of Nullity of Marriage filed by Atty. Ruiz), and **Criminal Case No. 10835-12**³¹ (Estafa case filed against her).

Atty. Dela Cruz conspired with Atty. Ruiz to allow the Anti-VAWC case to still go through preliminary investigation despite the latter's default in filing his answer. Although the trial court eventually ruled in her favor through the now final and executory PPO per Decision dated September 10, 2008, Atty. Dela Cruz refused to perform her duty and intentionally did not seek to implement or enforce the PPO on Atty. Ruiz.³²

Respondents' *synchronized acts of harassment* continued when Atty. Ruiz filed against her a petition for declaration of nullity of marriage (Civil Case No. R-PSY-12-11185). It was then that respondent **Atty. Benedicto**, too, got involved. He represented Atty. Ruiz in that case. He was a colleague of Atty. Ruiz and Atty. Dela Cruz at the Public Attorney's Office, and later on, became Atty. Ruiz's partner in the law firm **Benedicto Promento & Ruiz**.³³

She retained the services of Atty. Dela Cruz in the nullity case, but the latter continued to mishandle her case to her utter prejudice. For one, Atty. Dela Cruz misrepresented in open court that she had filed an Answer while in truth, she had not. Another, the PPO could not be enforced on Atty. Ruiz because Atty. Dela Cruz, together with Atty. Benedicto III conspired with Atty. Ruiz to hide his real whereabouts.³⁴

²⁹ Id. at 365-368.

³⁰ Id. at 70-75.

³¹ Id. at 283-286.

³² Id. at 3.

³³ Id. at 70-75.

³⁴ Id. at 3-4.

Atty. Ruiz subsequently filed three (3) criminal charges against her for adultery. One (1) got dismissed for lack of probable cause, while two (2) prospered and resulted in her indictment. Through respondents' conspiratorial schemes, she was deprived of the opportunity to counter the charges in the preliminary investigation thereof.³⁵

In 2012, things took a turn for the worse when a warrant of arrest for alleged estafa was issued on her just a month before the Bar examination she was set to take that year. She once again sought the assistance of Atty. Dela Cruz to defend her in the estafa case. But instead of actively working to have the case dismissed, Atty. Dela Cruz simply moved to defer the arraignment and had the case returned for preliminary investigation. Such negligence and mishandling of her case were part of respondents' collective plot against her.³⁶ Consequently, Atty. Dela Cruz violated the CPR for failing to perform her legal duties to her client.

Starting from the Anti-VAWC case and up until she filed the present disbarment cases, she has yet to receive financial support from Atty. Ruiz. She could not even get the judgment for support executed since Atty. Ruiz actively deceived the court by not disclosing his true whereabouts despite his appearance during the hearings. His acts show his moral depravity and willful intention to evade legal processes.³⁷

On the part of Attys. Dela Cruz and Benedicto, they connived with Atty. Ruiz by performing their respective roles in the *synchronized acts of harassment* against her, hence, they, too, should be disbarred.³⁸

In support of the foregoing allegations, complainant submitted a multitude of documents (Annex "A" to Annex "NNN-1"), among them, copies of the Decision dated September 10, 2008 of RTC Branch 162, Pasig City,³⁹ the trial court's orders,⁴⁰ the entry of judgment⁴¹ and the writ of execution⁴² all in JDRC No. 7964-SJ; and the MAU between Atty. Ruiz and his mistress, Radelia.⁴³

Respondents' Defense

Respondent **Atty. Wilfredo A. Ruiz** countered that the cases are mere harassment suits. These cases shared a common denominator – they were all allegedly filed only in retaliation for the adultery case he filed against

³⁵ Id.

³⁶ Id.

³⁷ Id. at 10-11.

³⁸ Id. at 5-7.

³⁹ *Rollo*, Vol. I pp. 28-36; NB. This case was affirmed by the Court in G.R. No. 231619 in Decision dated November 15, 2021.

⁴⁰ Id. at 56-59.

⁴¹ Id. at 76-78.

⁴² Id. at 25-27.

⁴³ Id. at 365-371.

complainant. While there was indeed a standing PPO against him, it did not automatically mean he should be disbarred.⁴⁴

True, he did not provide support to complainant and their minor child, Jarren – but only because she had been adulterous and because Jarren is not his biological child.⁴⁵ Hence, he justifiably refused to give support. Another reason was complainant herself failed to cause the execution of the PPO, which should have consequently been revoked by operation of law.⁴⁶

Respondent **Atty. Dela Cruz**, on the other hand, riposted that the allegations against her are *baseless, false, and malicious*. The same were mere products of *complainant's wild imagination*. Far from being negligent as counsel for complainant, she simply followed the regular procedure and available remedies under the rules. To be clear, the trial court had already declared Atty. Ruiz in default and allowed the presentation of evidence *ex parte*. Hence, contrary to complainant's belief, there was no more need to file a motion to declare him in default.⁴⁷

As for her supposed mishandling of complainant's other cases, she emphasized that her attorney-client relationship with complainant already got terminated after the Anti-VAWC case was resolved in 2008. To be sure, she had not spoken with complainant for four (4) years until the latter called her again relative to the petition for declaration of nullity of marriage filed against her (complainant). For that case, though, they merely had a conversation about the petition, but she was not engaged as complainant's lawyer. Too, she never represented complainant in the estafa case filed against the latter.⁴⁸

Finally, as for respondent **Atty. Benedicto**, he asserted that there were no grounds for him to be held administratively liable for violations of the CPR. He only represented Atty. Ruiz as a member of the legal profession. He did not circumvent any legal processes or commit any misrepresentation in court.⁴⁹

Report and Recommendation of the Integrated Bar of the Philippines - Commission on Bar Discipline (IBP-CBD)

In his Report and Recommendation⁵⁰ dated June 30, 2017, Investigating Commissioner Juan Orendain P. Buted recommended the **DISBARMENT** of **Atty. Ruiz**; and the **DISMISSAL** of the complaint against **Attys. Dela Cruz** and **Benedicto** for lack of merit, thus:

⁴⁴ Answer, *rollo*, Vol. II, pp. 421-422.

⁴⁵ *Rollo*, Vol. III, pp. 843-855.

⁴⁶ Id. at 855.

⁴⁷ Id. at 845-846.

⁴⁸ Id. at 845-847.

⁴⁹ Id. at 845.

⁵⁰ Id. at 839-865.

Respondent [Atty. Ruiz] violated the [Code] of Professional Responsibility when he refused to comply with the order of the court to provide support to complainant and their minor child pursuant to the writ of execution. He is expected to obey the laws of the land and promote respect for the law and legal processes (Cf. *Canon 1*). He impeded the execution of the judgment and misused court processes by filing motions to delay the execution of the Decision in JDRC Case No. 7964-SJ(Cf. *Canon 12.04*). He was far from being candid and fair to the courts, since he misrepresented his addresses. The Memorandum of Agreement and Undertaking between respondent and Radela C. Sy indicates that respondent consented to the simulation of contracts, the denial of support for his minor child, cohabitation with another woman, infidelity, concealment of conjugal assets and affront to the sanctity of marriage. Indeed, respondent engaged in unlawful, dishonest and deceitful conduct (Cf. *Canon 1*, Rule 1.01). His demeanor adversely reflects on his fitness to practice law (Cf. Rule 7.03).

The exercise of good morals is a continuing requirement for all members of the legal profession. Failure to comply with the Code of Professional Responsibility is ground for an administrative action against the erring lawyer which equates to penalties from something as light as being reprimanded, to that which carries the heaviest of administrative punishments which is disbarment. x x x

x x x x

On the other hand, this Office finds that the complainant had not sufficiently established the culpability of respondents Francisco Benedicto III and Cherry Anne Dela Cruz. The former merely acted as counsel for respondent Wilfredo, and there appears to be no conduct which violates the Code of Professional Responsibility. Similarly, Dela Cruz cannot be held liable. She ably represented complainant and in fact was able to cause the reversal of adverse resolutions against her and obtain favorable rulings in complainant's favor. Her method and trial technique were those which any competent lawyer would have employed on his client's behalf. The evidence against her is hardly sufficient to establish her culpability. All told, complainant has failed to prove the existence of conspiracy among the respondents.

WHEREFORE, the undersigned respectfully recommends that **Atty. Wilfredo Aberte Ruiz** be **DISBARRED** for having violated the aforementioned provisions of the Code of Professional Responsibility.

The undersigned recommends that the complaint against **Attys. Francisco Benedicto III** and **Cherry Anne Dela Cruz** be **DISMISSED** for lack of merit.

Respectfully submitted.

The investigating commissioner aptly formulated the core issue - whether respondents, all former lawyers of the Public Attorney's Office (PAO) *conspired to commit acts of violence* against complainant in violation of the CPR.⁵¹

⁵¹ Id. at 855.

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The investigating commissioner focused on three points, *first*, Atty. Ruiz's failure to provide support to complainant and their minor child despite the trial court's final and executory judgment and orders in JDRC Case No. 7964-SJ; *second*, his act of abandoning his family; and *third*, his act of cohabiting with another woman, not his lawful spouse.⁵² It was undisputed that despite the finality of the PPO dated September 10, 2008 in the Anti-VAWC case and the subsequent writ of execution issued on February 27, 2015, Atty. Ruiz had still invariably failed to give support to complainant and Jarren.⁵³

The investigating commissioner echoed the trial court's finding that there existed no valid reason for Atty. Ruiz's failure to provide support. On one hand, complainant's alleged infidelity, short of any final court order thereon was irrelevant to his obligation to give support to her and Jarren who is presumed to be a legitimate child, having been born during his marriage with complainant. Support should have been given as soon as the decision became final and executory.⁵⁴ Too, Atty. Ruiz *methodically provided the trial court with at least five (5) false addresses obviously to evade service of court processes on him* as he could not be found in *any* of them.⁵⁵ Further, the MAU exposes the intimacy between Atty. Ruiz and Radelia, who are living together as common law spouses despite the subsistence of his marriage with complainant. Their intention to place his earnings beyond complainant's reach *vis-à-vis* the writ of execution was evident from the terms and conditions of the said MAU. Worse, the same were obviously intended to deprive Jarren of receiving support from his father.⁵⁶

In sum, Atty. Ruiz engaged in unlawful, dishonest, and deceitful conduct which makes him unfit, nay, unworthy to remain as a member of the Bar.⁵⁷

Resolutions of the Integrated Bar of the Philippines - Board of Governors (IBP-BOG)

Under Resolution dated December 6, 2018, the IBP-BOG affirmed.

In his subsequent motion for reconsideration,⁵⁸ Atty. Ruiz asserted that *first*, the MAU was fabricated since it was allegedly executed on January 16, 2012, but his driver's license which was used as proof of his identity therein was issued only *post facto* on April 30, 2013⁵⁹; *second*, complainant herself was at fault for the delayed execution of the PPO which she sought beyond the five-year limit, hence, he cannot be blamed for supposedly impeding its

⁵² Id.

⁵³ Id.

⁵⁴ Id. at 854-859.

⁵⁵ Id. at 859-862.

⁵⁶ Id. at 862-864.

⁵⁷ Id. at 864-865.

⁵⁸ Id. at 866-880.

⁵⁹ Id. at 869.

process;⁶⁰ *third*, he did not disobey or disrespect the court when he purportedly did not follow its orders since he even sought to have the orders amended to conform with supervening events, *i.e.* the declaration of nullity of his marriage with complainant;⁶¹ and *finally*, it is not true that he failed to give support to complainant and Jarren since he even met with complainant after the dissolution of their marriage and they had a private arrangement for support. He in fact paid for Jarren's school expenses, gave allowances for his needs, and spent for home renovations.⁶²

To prove that he and complainant had already reconciled their differences, he pointed out that complainant herself filed a Motion to Revoke the PPO on June 26, 2018⁶³ which partially reads:

x x x After the petitioner and the respondents have settled all their respective dispute against each other, the petitioner finds respondent's sincerity in expressing his willingness to surrender all his unreasonable claims against the petitioner and her child Leri Jarren A. Ruiz. As a result, the respondent is now giving all the financial support unconditionally to their minor-child Leri Jarren A. Ruiz albeit the absence of the writ of execution.

x x x While respondent has started to give financial support to the petitioner aside from the school expenses of their minor-child Leri Jarren A. Ruiz, who is enrolled in a private school. Respondent also expressed to the petitioner his willingness to give her some financial support if she needs them particularly as intended to the best interest and welfare of their child, Leri Jarren A. Ruiz.⁶⁴

Consequently, the RTC Branch 162 of Pasig City supposedly revoked the PPO in its Order dated June 28, 2018.⁶⁵

Through its Extended Resolution⁶⁶ dated October 3, 2020, the IBP-BOG modified its earlier Resolution. It reduced the penalty of disbarment to suspension from the practice of law for one (1) year considering the evidence adduced by Atty. Ruiz that he already gave support to Jarren, the reason for the subsequent lifting of the PPO. It noted though that while Atty. Ruiz claims that the MAU was falsified, he did not present any document to substantiate it. He could have offered affidavits from the alleged persons involved in its preparation or a certification from the notary public to prove that the document was indeed fabricated. But he did not. Further, Atty. Ruiz was totally silent on the different addresses he provided the court during the Anti-VAWC proceedings, and the fact that he could not be found in any of them. This is an admission that he deliberately misled the court on his real whereabouts to evade the execution of the judgment for support. He supposedly presented

⁶⁰ Id. at 871-875.

⁶¹ Decision dated December 27, 2016 of the Regional Trial Court-Branch 113 of Pasay City; Id. at 975.

⁶² Id. at 878-879.

⁶³ Order, not attached in the *rollo*.

⁶⁴ Id.

⁶⁵ Id. at 879.

⁶⁶ Id. at 919-922; penned by Director Randall C. Tabayoyong.

evidence that he eventually gave support to complainant and Jarren precisely the reason for the lifting of the PPO.⁶⁷

The IBP-BOG, thus, concluded that although the schemes and misrepresentations of Atty. Ruiz cannot be brushed aside, to disbar him on the basis thereof is too harsh a penalty. Accordingly, the IBP-BOG deemed that a one (1)-year suspension from the practice of law is appropriate.

Our Ruling

Membership in the Bar is a privilege burdened with conditions. As a privilege bestowed by law through the Supreme Court, membership in the Bar can be withdrawn where circumstances concretely show the lawyer's lack of essential qualifications required of them,⁶⁸ including good moral character.

Indeed, good moral character is not only a condition precedent for admission to the legal profession, but it must also remain intact to maintain one's good standing in this exclusive and honored fraternity. There is perhaps no profession after that of the sacred ministry in which a high-toned morality is more imperative than that of law.⁶⁹

A high sense of morality, honesty, and fair dealing is expected and required of members of the Bar. They must conduct themselves with great propriety, and their behavior must be beyond reproach anywhere and at all times.⁷⁰ The Code of Professional Responsibility (CPR), which respondent vowed to uphold, clearly affirms this kind of conduct.⁷¹

Here, complainant accused respondents of conniving through their *synchronized acts of harassment* which supposedly prejudiced her and her child. These acts mainly consisted of hiding the whereabouts of Atty. Ruiz so he could continuously evade giving support to their child and maintain his illicit affair. She therefore charged them with violations of the CPR, *viz.*:

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Rule 1.02 - A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

x x x x

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or

⁶⁷ Id. at 840-841.

⁶⁸ See *Garrido v. Garrido*, 625 Phil. 347, 366 (2010).

⁶⁹ See *Tapucar v. Atty. Tapucar*, 355 Phil. 66, 72 (1998).

⁷⁰ See *Mendoza v. Atty. Diciembre*, 599 Phil. 182, 191 (2009).

⁷¹ See *Villarente v. Atty. Villarente, Jr.*, A.C. No. 8866, September 15, 2020.

private life, behave in a scandalous manner to the discredit of the legal profession.

X X X X

Rule 10.01 - A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

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Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

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Rule 12.02 - A lawyer shall not file multiple actions arising from the same cause.

X X X X

Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

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CANON 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

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Rule 18.02 - A lawyer shall not handle any legal matter without adequate preparation.

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Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

X X X X

Rule 19.01 - A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

In disbarment proceedings, the complainant bears the burden of proof to satisfactorily prove the allegations in his or her complaint. The quantum of proof necessary for a finding of guilt is substantial evidence, i.e., that amount

of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.⁷²

Here, complainant alleged conspiracy among respondents for their so called *synchronized acts of harassment*, but Investigating Commissioner Buted opined that complainant failed to establish the same by substantial evidence. According to him, **Atty. Dela Cruz** merely performed her duty as complainant's counsel, while **Atty. Benedicto**, too, simply acted as counsel for Atty. Ruiz in their respective cases.

Going now to **Atty. Ruiz**, he was charged with violation of the CPR for committing these acts: (1) he *methodically provided false addresses* to evade service of court processes, having used five (5) different addresses throughout the proceedings where he was not found in any of them;⁷³ (2) he executed a MAU with his alleged mistress Radelia with the intention of placing his earnings beyond complainant's reach – an arrangement obviously intended to deprive Jarren of his right to receive support from his father;⁷⁴ and (3) he refused to provide support for complainant and their child Jarren, which should have been given as soon as the trial court's ruling had become final.⁷⁵

The IBP Investigating Commissioner recommended his disbarment which the IBP-BOG initially adopted. The IBP-BOG, however, later modified its recommendation by reducing the penalty to one (1) year suspension. It accepted his defense that he had not been defiant of the trial court's orders since the trial court itself even lifted the PPO issued against him.

We agree with the Investigating Commissioner and the IBP-BOG's factual findings and initial recommendation of the disbarment of Atty. Ruiz. We also agree that there was no conspiracy among respondents, for complainant merely alleged the same without providing sufficient evidence of the same weight and substance.

Atty. Ruiz committed multiple immoral, deceitful, and dishonest acts.

The facts pertaining to the Permanent Protection Order (PPO) issued by the trial court and the obligation of Atty. Ruiz to give support to his minor child Jarren are borne in **G.R. No. 231619** entitled ***Wilfredo A. Ruiz v. AAA*** (November 15, 2021), thus:

⁷² *Atty. Aguirre v. Atty. Reyes*, A.C. No. 4355, January 8, 2020; See *Domingo-Agaton v. Atty. Cruz*, A.C. No. 11023, May 4, 2021.

⁷³ *Rollo* Vol. I, p. 9.

⁷⁴ *Rollo* Vol. III, pp. 862-864.

⁷⁵ *Rollo* Vol. I, pp. 17-22.

AAA applied for a protection order against her husband, Wilfredo Ruiz (Wilfredo), alleging physical, emotional, and economic abuse committed against her during their marriage.

On September 10, 2008, the Regional Trial Court granted AAA a Permanent Protection Order.

x x x x

As Wilfredo no longer appealed this Decision, it became final and executory on January 30, 2013.

On July 16, 2013, AAA filed a Motion for Execution on Support (Motion for Execution), alleging that Wilfredo still has not complied with the portion of the Permanent Protection Order pertaining to support despite the Decision being final and executory.

Wilfredo opposed this, arguing that the Permanent Protection Order has already been revoked by operation of law. He claimed that AAA no longer needed protection as she was already cohabiting with another man. He added that a petition to nullify their marriage was already pending.

On April 22, 2014, the Regional Trial Court issued an Order granting AAA's Motion for Execution and maintaining that the Permanent Protection Order shall be in force and effect.

x x x x

On February 27, 2015, the Regional Trial Court issued a Writ of Execution.

Wilfredo moved to stay or quash the Writ, but the Regional Trial Court denied this and even his subsequent Motion for Reconsideration.

In its October 3, 2016 Decision, the Court of Appeals affirmed the Regional Trial Court's ruling. It first ruled that AAA's Motion for Execution was timely filed within the five-year period under Rule 39, Section 6 of the Rules of Court. **As Wilfredo did not deny failing to provide support after the Permanent Protection Order had already been issued, the Court of Appeals found that he may not ignore the Writ of Execution.** (Emphasis supplied)

The Court thus made the following ruling relevant to the obligation of Atty. Ruiz to give support to the child:

Final and executory judgments are immutable and unalterable. They may no longer be amended by any court even to correct errors of law or fact. The doctrine of immutability of judgment ensures that all judicial controversies are determined with finality and shall not go on indefinitely.

x x x x

This Court notes that most of the reliefs granted under the Permanent Protection Order does not depend on whether a marriage between petitioner and respondent subsists. Respondent may still be entitled to the other reliefs even if she is no longer petitioner's wife, because the determining factor in the grant of the relief is whether the offended party was subjected to physical, sexual, psychological, or economic abuse. Thus, under Section 16 of Republic Act No. 9262, even if the charge against a respondent has been dismissed, a permanent protection order shall still be granted "as long as there is no clear showing that the act from which the order might arise did not exist." **It also does not depend on the subsistence of a marriage between the parties.**

x x x x

Respondent likewise alleged that petitioner filed the adultery case against her and **continues to work with his mistress to harass her.** This allegation presents the possibility that, contrary to petitioner's contention, the harm he committed against respondent has not ceased. x x x

x x x x

Thus, it cannot be assumed that respondent is already living in peace and free from the infliction of harm against her.

In any case, the adultery case filed against respondent does not affect her entitlement to the reliefs, especially since she has not been found guilty of the crime charged.

Furthermore, the grant of support in the Permanent Protection Order pertains to respondent *and her children with petitioner.* **Thus, while petitioner is no longer obligated to legally support respondent because their marriage was nullified, his obligation to provide support to his minor child CCC does not cease even if care and custody are no longer with respondent. Neither does it depend on petitioner's relationship with respondent.**

x x x x

Thus, as their father, petitioner still has the obligation to support CCC and even their other child [BBB], if still studying and unemployed.

WHEREFORE, the Petition is PARTIALLY GRANTED. The October 3, 2016 Decision and May 23, 2017 Resolution of the Court of Appeals in CA-G.R. SP No. 143344 is **MODIFIED.** The Writ of Execution issued by the Regional Trial Court on February 27, 2015 shall remain **VALID as to all reliefs granted under the Permanent Protection Order, except as to the grant of legal support in favor of respondent AAA.**

Respondent shall no longer be entitled to legal support from the time of the finality of the Decision declaring her marriage with petitioner void.

Petitioner shall likewise be liable for 6% interest for any delinquent support from the time of the issuance of the Permanent Protection Order, in accordance with *Nacar v. Gallery Frames.*

One

SO ORDERED. (Emphases and underscoring supplied; citations omitted)

To be sure, Atty. Ruiz is not to blame for pursuing his appeal from the Court of Appeals all the way to the Supreme Court insofar as the case for support is concerned. After all, this remedy is granted him by law. But what is deceitful, immoral, and dishonest was his abuse of court processes and misuse of his knowledge of the law so he could repeatedly evade the writ of execution for the child's support. Thus, for eight (8) long years, he systematically used bogus addresses throughout the trial court proceedings so court processes and services could not be legally served on him. As a lawyer he ought to understand what a writ of execution is and the final and immediately executory character of the order of support.

Atty. Ruiz used different bogus addresses to deceive the court and its legal processes; and unduly delayed the case, impeded the execution of a judgment, and misused court processes.

As found by the investigating officer, Atty. Ruiz did not even bother explaining the five (5) different addresses he used during the proceedings before the trial court and why he was not found in any of them whenever the court's sheriff went to these addresses to serve the writ of execution. As it turned out, these addresses were all spurious. Atty. Ruiz never denied this; nor the finding that he deliberately misled the court for the purpose of evading its duly issued decree for support and its consequent writ of execution.

Canon 1 commands every lawyer to obey laws and legal processes.⁷⁶

In *Andaya v. Atty. Tumanda*,⁷⁷ respondent therein borrowed money from complainant and issued unfunded checks to pay his loan. During the proceedings before the IBP, the Board of Governors noted respondent's *acts of repeatedly changing his address to evade his obligation and of failing to answer and participate in the proceedings*. He not only purposefully evaded his obligation to pay complainant, but also caused undue delay in the resolution of the case by using several addresses – none of which were his true place of residence.

The Court considered Atty. Tumanda's deliberate failure to settle his obligation despite repeated demands as gross misconduct, while his intentional evasion of court processes was an **aberrant behavior** that *lay bare the lawyer's lack of integrity and moral soundness* which the Court considered

⁷⁶ CANON 1 - A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law of and legal processes.

⁷⁷ A.C. No. 12209, February 18, 2020, 932 SCRA 417, 419-420.

as an **aggravating circumstance**. Thus, the IBP's initial recommendation of the penalty of suspension from the practice or law for one (1) year was increased to three (3) years, which the Court adopted.

Rule 12.04, on the other hand, ordains that “[a] lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.”

In *David v. Atty. Rongcal, et al.*,⁷⁸ the Court suspended respondent lawyers therein for one (1) year for causing undue delay in the execution of a final and executory judgment. Meantime, the Court imposed the ultimate penalty of disbarment on Atty. Rongcal for the same act, considering he had previously been found guilty of immorality.

Here, Atty. Ruiz abused his position as a lawyer as well as his knowledge of the law when he trivialized the authority of the court and undermined the rule of law with his deliberate and calculated acts to violate the CPR and the lawyer's oath – which incidentally he did not refute. More, his continued and intentional refusal to heed court orders also caused **undue delay** which **impeded** the execution of the trial court's judgments in violation of Rule 12.04 of the CPR.

Atty. Ruiz wantonly defied court orders and refused to provide support to his child, Jarren.

But nothing can compare to respondent's brazen arrogance when instead of admitting his fault in repeatedly evading the PPO and the writ of execution or simply complying therewith in good faith, he blamed complainant for not filing a motion to execute the order of support.

As ordained in **G.R. No. 231619**, Section 31⁷⁹ of the Rule on Anti-VAWC Law decrees that while a PPO may be appealed, such appeal *shall not stay the enforcement of the judgment*. In that case, the Court noted the supervening nullity of Atty. Ruiz's marriage to complainant, but emphasized that the rest of the relief granted under the PPO remains in full force and effect, including the support for Jarren.

⁷⁸ A.C. No. 12103, June 23, 2020, 939 SCRA 263, 275.

⁷⁹ SECTION 31. Healthcare Provider Response to Abuse – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:

- (a) properly document any of the victim's physical, emotional or psychological injuries;
- (b) properly record any of victim's suspicions, observations and circumstances of the examination or visit;
- (c) automatically provide the victim free of charge a medical certificate concerning the examination or visit;
- (d) safeguard the records and make them available to the victim upon request at actual cost; and
- (e) provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

Although in that case, the Court recognized that even a final and executory order of support may be modified depending on the circumstances, the PPO here is a *permanent one*, which “shall be effective until revoked by a court upon application of the person in whose favor the order was issued.”⁸⁰ And in that case, as here, it is complainant who may ask for the revocation of the PPO, not Atty. Ruiz.

To recall, the PPO was issued on September 10, 2008, but instead of complying therewith, he entered into the immoral and illegal MAU with his mistress Radelia in 2012, which contained a provision that deprives Jarren of his legally mandated support, *viz.*:

10. The SECOND PARTY has agreed with the FIRST PARTY to **exclude his youngest son Leri Jarren Ruiz of any financial support or share from the fruits of their earnings** provided the FIRST PARTY shall allow the SECOND PARTY for the visitation of his son when he desires x x x

Far from performing his duty as a good father to his child, Atty. Ruiz even had the audacity to exploit his knowledge of the law in an attempt to circumvent the PPO. Clearly, he is the one at fault here. Yet, when complainant sought to have the PPO executed in 2015 after not receiving anything from Atty. Ruiz, he turned the table around, making it appear as if he had done nothing wrong and it was complainant’s fault why *he did not provide support* for seven (7) long years. This is detestable **victim-blaming**.

But more than his abusive refusal to give economic support, Atty. Ruiz also caused complainant psychological and emotional suffering, giving the Court more reason to believe that he deserves to be sanctioned.

At any rate, his reprehensible acts do not end there. Atty. Ruiz continued to show his propensity to disobey the law by claiming he had no obligation to support Jarren who was purportedly not his biological child. He “bolstered” this argument by presenting the judicial decree of nullity of his marriage to complainant in his motion for reconsideration before the IBP-BOG.

The argument is totally baseless. For one, Jarren is his legitimate child, as children conceived or born during the marriage of the parents are legitimate.⁸¹ For another, the legitimate status of Jarren is not affected by the declaration of nullity of marriage between complainant and Atty. Ruiz under Article 54,⁸² in relation to Article 36⁸³ of the Family Code. Thus, he was and

⁸⁰ Sec. 16, Republic Act No. 9262.

⁸¹ FAMILY CODE, Article 164 - Children conceived or born during the marriage of the parents are legitimate x x x x.

⁸² FAMILY CODE, Article 54 - Children conceived or born before the judgment of annulment or absolute nullity of the marriage under Article 36 has become final and executory shall be considered legitimate. Children conceived or born of the subsequent marriage under Article 53 shall likewise be legitimate.

⁸³ Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (As amended by Executive Order 227).

may still be legally obliged to support his child Jarren despite the dissolution of his marriage with complainant. This is what we ordained in **G.R. No. 231619** – *while [Atty. Ruiz] is no longer obligated to legally support [complainant] because their marriage was nullified, his obligation to provide support to his minor child [Jarren] does not cease even if care and custody are no longer with [complainant]. Neither does it depend on [Atty. Ruiz's] relationship with [complainant].*⁸⁴

Besides, the PPO, including the order of support was issued on September 10, 2008, long before the decree of nullity of marriage was rendered on December 27, 2016 – more than eight (8) years later. So for eight (8) long years prior to December 27, 2016, respondent already violated, ignored, and evaded the PPO, including the order of support.

Atty. Ruiz entered into an immoral and illegal agreement.

He entered into an illegal agreement with Radelia by jointly executing with her the MAU dated January 16, 2012.⁸⁵ Through this instrument, Atty. Ruiz and Radelia, his mistress, stipulated among others, that they have been engaged to marry for five (5) years;⁸⁶ they will get married two (2) years after the declaration of nullity of his marriage with complainant;⁸⁷ the properties they have acquired and will acquire shall be temporarily placed under the name of Radelia's son, John Paul – and eventually distributed among them (50%) and their children (25% each);⁸⁸ and Jarren shall be excluded from receiving any financial support from their earnings; but Radelia will not deny Atty. Ruiz from visiting his son whenever he may wish to do so.⁸⁹

As aptly pointed out by the IBP-BOG, respondent vaguely assailed the authenticity of the MAU based alone on what he claimed was the natural tendency of complainant to fabricate documents. He added that his driver's license supposedly used for notarization was issued on April 30, 2013 while the document itself was executed and notarized earlier on January 16, 2012.

Atty. Ruiz cannot take cover from his lies. Records show that his license was actually issued on April 3, 2011 which means it was already existing when it was used for identification purposes by the notary public.⁹⁰ Also his unsubstantiated attack against the honesty of complainant cannot destroy the presumption of due execution and authenticity of the notarized MAU.

At any rate, the MAU contained terms and condition which are illegal, immoral and against public policy and order. It spoke volumes of his illicit

⁸⁴ *Ruiz v. AAA*, G.R. No. 231619, November 15, 2021.

⁸⁵ *Rollo*, Vol. 1, pp. 365-371.

⁸⁶ *Id.* at 366-367.

⁸⁷ *Id.* at 366.

⁸⁸ *Id.* at 366-367.

⁸⁹ *Id.* at 368.

⁹⁰ *Id.* at 371.

relationship with Radelia during the effectivity of his marriage with complainant; the fraudulent concealment of his properties under the name of John Paul Sy in order to repel the execution of the PPO, including the judicial order of support; and the exclusion of his child Jarren from receiving any financial support from him.

In *Asuncion v. Atty. Salvado*,⁹¹ the Court disbarred respondent therein after he was found guilty of violating the Lawyer's Oath and the CPR for preparing and entering into an illegal Memorandum of Agreement (MOA). Through the MOA, he promised to deliver a favorable antedated judgment annulling his client's marriage through his connections for a hefty sum. The Court ruled this to be an illegal act warranting his disbarment, especially considering that it was not an isolated incident.

In *Venzon v. Atty. Peleo III*,⁹² the Court disbarred respondent therein for his extramarital relations and failure to provide financial support to his minor child, among others, and decreed:

Respondent has repeatedly failed to give child support to his son, a minor. This is contrary to law. Under the Family Code, he as a parent is obliged to support and provide everything indispensable for his son's sustenance, dwelling, clothing, medical attendance, education, and transportation. Too, he has the duty to instruct his children according to right precepts and good example and to give them love, companionship, and understanding, as well as moral and spiritual guidance. **Respondent failed in this respect. Not only has he evaded his duty to support his son and deprived him of the love and affection he deserves from him as his father, he has also displayed an abusive and rude behavior toward his son's mother. He has, therefore, shown himself to be truly unbecoming of a member of the legal profession.** (Emphases supplied; citations omitted)

The assertions of Atty. Ruiz that he had complied with his duty to give support as purportedly shown by the lifting of the PPO per Order⁹³ dated June 27, 2018, and that he and complainant had already settled their differences and even agreed on the amount and kind of support he ought to give to Jarren, even if true, does not negate the multiple infractions he already committed over many years in the past. His abusive use of the legal processes, his deliberate and manipulative evasion of the legally issued orders of the court, his execution of the immoral and illegal MAU with his mistress Radelia, and brazen arrogance in mocking complainant for her inability to get him to give support to their child are indelible marks of his debauchery and unfitness to continue his membership in the Philippine Bar.

Indeed, for all his acts of defiance, arrogance, and patent irresponsibility relative to his duties to his family and his duties as a lawyer,

⁹¹ A.C. No. 13242 [Formerly CBD Case No. 15-4692], July 5, 2022.

⁹² A.C. No. 9354 [Formerly CBD Case No. 12-3655], August 20, 2019, 915 SCRA 31, 47.

⁹³ Not attached in the *rollo*.

respondent Atty. Ruiz is liable for violating Rules 1.01,⁹⁴ 10.2,⁹⁵ 7.03⁹⁶ of the CPR for committing economic abuse against Jarren for his refusal to provide support despite court orders and for immoral conduct for maintaining an illicit relationship with his mistress; and 10.01,⁹⁷ and 10.03⁹⁸ of the CPR for abusing his unique skills and knowledge as a lawyer to circumvent legal processes and escape liability.

Penalties

a. Violation of Rules 1.01, 1.02, and 7.03 of the CPR for Economic Abuse and Immoral Conduct

Economic Abuse

In *Moya v. Atty. Oreta*,⁹⁹ the Court disbarred respondent therein for immoral conduct, among others, for repeated violence, including economic violence against complainant and her children:

In recent years, domestic violence has begun to emerge from behind closed doors and drawn shades which have traditionally hidden it from public scrutiny. With its severity and pervasiveness now known, all elements of government must play its role to eradicate this social ill.¹⁰⁰ For its part, the Congress has enacted the VAWC law to guarantee protection to women and children who are among the most vulnerable sectors of society. But we too have a role to play in this lofty campaign. We are uniquely positioned to mold behavior and culture through the cases we resolve. With the prompt and proper resolution of domestic abuse cases, we send a strong message that acts of abuse against women and children will not be tolerated but condemned.

No person should be subjected to physical abuse. The VAWC law, nonetheless, gives special protection to women and children who are the “usual victims” of violence and abuse which flows from the unequal power relationship between women and men and the widespread gender bias and prejudice against women.¹⁰¹ The State’s policy of affording special protection to women and children who are victims of violence and child abuse is unequivocal and is a policy that the Court fully supports.¹⁰²

⁹⁴ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct; CPR, promulgated: June 21, 1988.

⁹⁵ Rule 1.02 - A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

⁹⁶ Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

⁹⁷ Rule 10.01 - A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

⁹⁸ Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

⁹⁹ A.C. No. 13082, November 16, 2021.

¹⁰⁰ *Lawyers and Domestic Violence: Raising the Standard of Practice*, John M. Burman, University of Wyoming College of Law; Michigan Journal of Gender and Law, Volume 9, Issue 2, 2003.

¹⁰¹ See *Garcia v. Drilon*, 712 Phil. 44, 144 (2013).

¹⁰² *Re: Recommendation of Victoria*, A.M. No. 12-7-15-SC, September 4, 2012.

x x x x

Verily, the protection of women and children extends to the cleansing of the ranks of lawyers with audacity to evade the duty to support one's family and even violate the directive of the court to do so, especially with deliberate intent and a systematic and unlawful ploy to conceal his properties beyond the reach of legal processes.¹⁰³

Indeed, lawyers and judges alike should be at the forefront in combatting domestic abuse and mitigating its effects. But rather than become a vanguard against violence on women and children, respondent chose to be its perpetrator. The Court, therefore, deems it proper to impose the supreme penalty of disbarment on respondent Atty. Ruiz for violating Rules 1.01, 1.03, and 7.03 of the CPR, for decisively and unapologetically depriving complainant and their child of support for at least eight (8) long years, nay, in violation of several judicial orders.

The noble legal profession is simply no place for abusers. The Court does not coddle violators of the VAWC law, nor does it allow them to tarnish its collective dignity. We have all vowed to uphold the protection of women and children when we took our sacred oath. This involves the imposition of administrative penalties, including the supreme penalty of disbarment, when our own officers of the Court violate this sworn duty.¹⁰⁴

Immoral Conduct

Maintaining an illicit relationship is an immoral conduct punishable by either suspension or disbarment depending on the circumstances of the case. For a lawyer to be disbarred on ground of immorality, the conduct complained of must be grossly immoral or so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree, or committed under such scandalous or revolting circumstances as to shock the common sense of decency.¹⁰⁵

In *Ferancullo v. Ferancullo*,¹⁰⁶ the Court decreed that the penalty for maintaining an illicit relationship may either be suspension or disbarment, depending on the circumstances of the case.

In *Ceniza v. Atty. Ceniza*,¹⁰⁷ respondent there got disbarred for violating Rules 1.01 and 7.03 of the CPR for abandoning his legitimate family in order to live with another married woman. In *Narag v. Atty. Narag*,¹⁰⁸ *Dantes v. Atty. Dantes*,¹⁰⁹ *Bustamante-Alejandro v. Atty.*

¹⁰³ See *Moya v. Atty. Oreta*, supra note 104.

¹⁰⁴ See *Moya v. Atty. Oreta*, supra note 104.

¹⁰⁵ See *Panagsagan v. Panagsagan*, A.C. No. 7733, October 1, 2019, 921 SCRA 180, 189.

¹⁰⁶ 538 Phil. 501(2006).

¹⁰⁷ 851 Phil. 372, 389-390 (2019).

¹⁰⁸ 353 Phil. 643 (1998).

¹⁰⁹ 482 Phil. 64 (2004).

Alejandro,¹¹⁰ and *Guevarra v. Atty. Eala*,¹¹¹ the Court resolved to disbar respondents for abandoning their legitimate spouses and maintaining illicit affairs.

Here, Atty. Ruiz left complainant and their children, maintained an illicit affair and brazenly recorded their unlawful relationship and agreements in a public document – and worse, concealed his properties beyond the reach of his family and the court. Thus, for the same reprehensible acts that have consistently warranted disbarment, he, too, must suffer the same fate. Ultimately, the deprivation or denial of financial support to the child is considered an act of violence against women and children.¹¹²

b. Violation of Rules 10.01¹¹³ and 10.03¹¹⁴ of the CPR for abusing his unique skills and knowledge as a lawyer to circumvent legal processes and escape liability

In *Sitaca v. Atty. Palomares, Jr.*,¹¹⁵ the Court found respondent therein liable for violating Rule 10.01 of the CPR and disbarred him for *indulging in deliberate falsehood* in presenting falsified documents in court.

In *Genato v. Atty. Mallari*,¹¹⁶ where respondent was likewise disbarred for violating Rule, 10.03 for deliberate disregard of the Rules of Court, the Court decreed:

Rule 10.03, Canon 10 of the Code of Professional Responsibility mandates all lawyers to observe the rules of procedure and not misuse them to defeat the ends of justice. To say that lawyers must at all times uphold and respect the law is to state the obvious, but this statement's profound importance can never be over-stressed. Considering that, of all classes and professions, lawyers are most sacredly bound to uphold the law, it is imperative that they also live by the law.

x x x It is imperative, therefore, that a lawyer must not only be knowledgeable of the law and the rules of procedure. He must by himself or herself abide by the law and rules, as well.

x x x x

Lamentably, many legal practitioners use their knowledge of the law to perpetrate misdeeds or to serve their selfish motives. Respondent was found to be one of these lawyers who has repeatedly deliberately abused court processes to fulfill his unlawful intentions and to harass fellow

¹¹⁰ 467 Phil. 139 (2004).

¹¹¹ 555 Phil. 713 (2007).

¹¹² Section 5 (e) of RA 9262; *Del Socorro v. Van Wilsem*, 749 Phil. 823, 839 (2014).

¹¹³ Rule 10.01 - A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

¹¹⁴ Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

¹¹⁵ A.C. No. 5285, August 14, 2019, 912 SCRA 540, 555.

¹¹⁶ A.C. No. 12486, October 15, 2019, 924 SCRA 271, 283-285.

lawyers and their clients as well as judges and court employees who do not actuate his bidding.

X X X X

The Court keenly notes that respondent has not disobeyed a lawful court order only on a single occasion. On the contrary, he has **repeatedly defied court issuances and abused processes** which should have otherwise been availed of only by litigants with genuine causes. **Respondent's circumvention of a lawful court order is aggravated by his use of his knowledge of law as a tool to perpetrate disrespect for court dispositions and his purpose to harass judges, court personnel, lawyers, and adverse parties alike. The misuse and abuse of court procedures by lawyers like respondent is abhorred.** (Emphases supplied)

In *Andaya v. Atty. Tumanda*,¹¹⁷ the Court considered respondent's *acts of repeatedly changing his address to evade his obligation and of failing to answer and participate in the proceedings* an aggravating circumstance.

c. Violation of Rule 12.04¹¹⁸ of the CPR for unduly delaying a case, impeding the execution of a judgment, and misusing court processes

A lawyer who delays the execution of a final and executory judgment subjects himself or herself to disciplinary action for willful violation of his or her duties as an attorney to act with all good fidelity to the courts, and to maintain only such actions consistent with truth and honor.¹¹⁹

In *David v. Atty. Rongcal, et al.*,¹²⁰ the Court decreed:

[I]t is therefore apparent that respondent lawyers **abused the legal process** when they filed frivolous motions with the **intent of delaying the execution of the MCTC Decision that had long been final and executory. It is a blatant disregard of the precepts of judicial process which ultimately resulted in the failure to administer justice on the part of David.**

Moreover, respondent lawyers' infraction was a clear defiance of their sworn duty under the Lawyer's Oath to obey the legal orders of a duly constituted author and to "delay no man for money or malice."

X X X X

All told, the Court finds respondent lawyers guilty of misconduct. Their act of filing frivolous motions which unduly delayed

¹¹⁷ A.C. No. 12209, February 18, 2020.

¹¹⁸ Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

¹¹⁹ *Balais-Mabanag v. Register of Deeds of Quezon City*, 631 Phil. 1, 20 (2010), citing *Foronda v. Atty. Guerrero*, 479 Phil. 636 (2004).

¹²⁰ A.C. No. 12103, June 23, 2020, 939 SCRA 263, 273-274.

the execution of a judgment that had long been final and executory is a clear violation of their Lawyer's Oath, Canons 1, 10 and 12, and Rules 10.03 and 12.04 of the CPR.

For unduly delaying the administration of justice, the Court deems it proper to mete out the penalty of suspension from the practice of law for a period of one year against Atty. Tario, Atty. Soriquez, Atty. Pomer, Atty. Santos-Layug, and Atty. Villanueva pursuant to current jurisprudence.

On the other hand, Atty. Rongcal should suffer a more severe penalty considering that he has been previously sanctioned for immorality in *Vitug v. Atty. Rongcal* docketed as A.C. No. 6313. Thus, the Court imposes upon him the penalty of disbarment. (Emphases supplied; citations omitted)

As shown, Atty. Ruiz also stubbornly refused to follow the court's orders and the trial court's decision which issued the PPO for years – aggravated by his repeated change of address to effectively evade execution of the court's issuances. Worse, it was not a mere refusal, but one that dragged on for at least eight (8) long years. These acts, standing alone, merit the ultimate penalty of **disbarment**, all the more when taken together.

Respondents Attys. Cherry Anne Dela Cruz and Francisco S. Benedicto III are not guilty of the charges against them

On the other hand, the complaint is **DISMISSED** as against respondents **Cherry Anne Dela Cruz and Francisco S. Benedicto III**, for lack of merit.

As the Investigating Commissioner correctly found, **Atty. Dela Cruz** merely performed her duty as complainant's counsel. She ably represented complainant and even obtained favorable rulings in complainant's favor in **JDRC Case No. 7964-SJ**. The strategies she used in the proceedings where she represented complainant were within the bounds of law and the rules. Unfortunately, though, complainant was unhappy with how her case was handled. As for Civil Case No. R-PSY-12-11185¹²¹ and Criminal Case No. 10835-12¹²² Atty. Dela Cruz did not even represent complainant in said cases making it impossible for her to have *mishandled* them, let alone, *conspired* with her co-respondents against complainant.

Vantage Lightning Philippines, Inc., et. al. v. Atty. Diño Jr.¹²³ is apropos:

¹²¹ *Rollo*, Vol. I pp. 70-75.

¹²² *Id.* at 283-286.

¹²³ A.C. No. 7389, July 2, 2019, citing *Dagala v. Quesada*, 722 Phil. 447 (2013).

[D]isciplinary proceedings against lawyers are only confined to the issue of whether or not the respondent-lawyer is still fit to be allowed to continue as a member of the Bar. In other words, the main concern in disbarment proceedings is **a lawyer's administrative liability. Matters which have no intrinsic link to the lawyer's professional engagement,** such as the liabilities of the parties which are purely civil in nature, **should be threshed out in a proper proceeding of such nature, not during administrative-disciplinary proceedings.** (Emphases supplied)

Verily, a lawyer cannot be held responsible for cases he or she had no hand in, and more so, for another's liability. As such, there is no basis to impose any administrative liability on Atty. Dela Cruz for the wrongdoings of Atty. Ruiz.

As for **Atty. Benedicto III**, he, too, simply acted as counsel for Atty. Ruiz in the latter's cases. Absent any showing that he committed punishable acts, proven with substantial evidence, he cannot be held liable for representing his client as deemed proper. For the right to counsel of an accused is guaranteed by our Constitution, our laws and our Rules of Court.¹²⁴

In any case, complainant failed to establish by substantial evidence the supposed conspiracy among respondents through what she alleges to be **synchronized acts of harassment.** As such, Attys. Dela Cruz and Benedicto III cannot suffer the same penalty imposed upon Atty. Ruiz. There is no reason for the Court to find them administratively liable as they merely performed their duties as lawyers. So must it be.

WHEREFORE, the complaint against respondents **Attys. Cherry Anne Dela Cruz and Francisco S. Benedicto, III** is **DISMISSED** for lack of merit.

On the other hand, the Court finds respondent **Atty. Wilfredo A. Ruiz** liable for:

- 1) **Economic abuse, emotional abuse, and gross immorality** in violation of Rules 1.01, 1.02, and 7.03 of the Code of Professional Responsibility;
- 2) **Committing falsehood and exploiting court processes to defeat the ends of justice** in violation of Rules 10.01 and 10.03 of the Code of Professional Responsibility; and
- 3) **Unduly delaying a case, impeding the execution of a judgment, and misusing court processes,** in violation of Rule 12.04 of the Code of Professional Responsibility.

¹²⁴ *People v. Serzo*, 340 Phil. 660, 663 (1997).

Accordingly, he is **DISBARRED** from the practice of law effective upon receipt of this Decision, and his name **ORDERED** stricken off the Roll of Attorneys.

Let a copy of this Decision be attached to respondent's personal records in the Office of the Bar Confidant.

Furnish copy of this Decision to the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for dissemination to all courts of the Philippines.

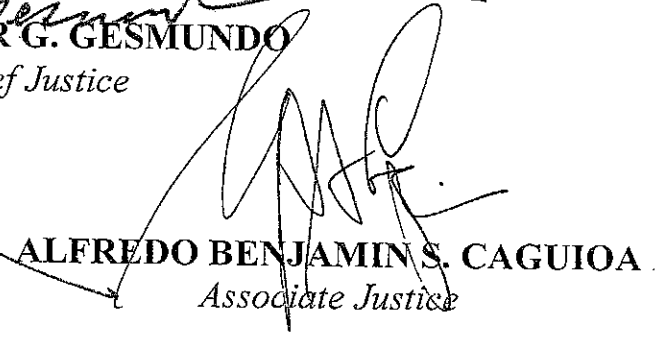
SO ORDERED.

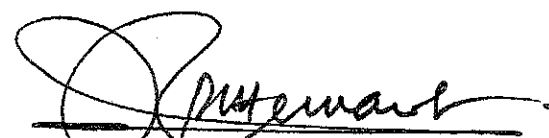


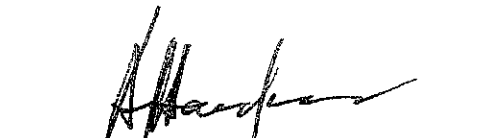
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice

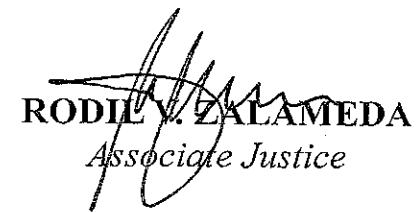

MARVIC M.V.F. LEONEN
Senior Associate Justice

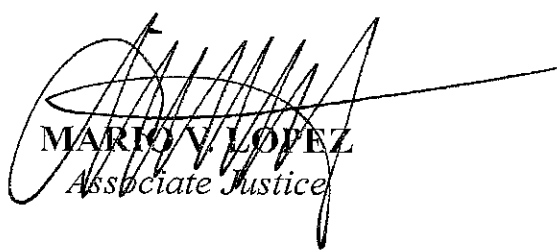

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

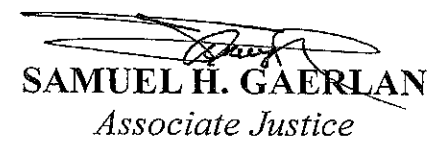

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

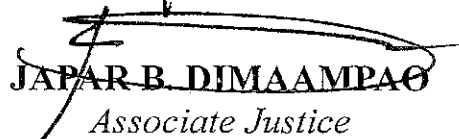

RODIL V. ZALAMEDA
Associate Justice


MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

