



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

DAUIN POINT LAND CORP., A.C. No. 11026
REPRESENTED BY RALPH
GAVIN HUGHES,

Complainant,

- versus -

Present:

CAGUIOA, J., *Chairperson,*
INTING,
GAERLAN,*
DIMAAMPAO, and
SINGH, JJ.

ATTY. RICHARD R. ENOJO,
PROVINCIAL LEGAL
OFFICER, PROVINCE OF
NEGROS ORIENTAL,

Respondent.

Promulgated:

November 29, 2023

Micabob

X-----X

DECISION

INTING, J.:

Before the Court is a disbarment Complaint¹ filed by Dauin Point Land Corp. (complainant), a corporation organized and existing under Philippine laws, against Atty. Richard R. Enojo (respondent), then Provincial Legal Officer of Negros Oriental, for the alleged violation of the Code of Professional Responsibility (CPR) and the Canons of Professional Ethics.

The Antecedents

Complainant, represented by Ralph Gavin Hughes, alleged the following:

* On official leave.

¹ *Rollo*, pp. 1-11.

On January 15, 2013, Ramon Regalado (Ramon), through his attorney-in-fact Merlinda A. Regalado (Merlinda), executed in favor of complainant a Deed of Absolute Sale² involving a 7,081-square-meter parcel of land referred to as Lot No. 394, located in District II, Dauin, Negros Oriental, and covered by Tax Declaration No. 99-07-002-00263 (subject property). The sale was for a consideration of PHP6,000,000.00.

On February 28, 2013, under the official letterhead of his office as Provincial Legal Officer, respondent sent a Letter³ to Rosabelle O. Sanchez (Sanchez), then Dauin Municipal Planning and Development Coordinator, rendering an unsolicited and improper legal opinion on complainant's application for a fencing permit involving the subject property. Respondent stated that a portion of the lot belongs to him as payment for the legal services he rendered to Ramon. Moreover, respondent expressed in the letter his objection and opposition to the fencing application because it was done without his consent, knowledge, and authority.

On April 24, 2013, Ananias M. Villacorta, the Regional Director of the Department of Interior and Local Government (DILG), Region VII wrote Sanchez a Letter⁴ stating that the opposition of respondent (on complainant's fencing application) was not only improperly filed but was also unsubstantiated.

Further, in response to the Letter⁵ of October 12, 2015 of Engineer Carmen A. Gaudiano, then Municipal Engineer of Dauin, Negros Oriental, respondent stated in his Letter⁶ dated October 26, 2015 that Lot No. 394 was the subject matter of a pending case and that its buyer (complainant) was to be blamed for purchasing a problematic lot without prior consultation from respondent's office.

In addition, using his public office to advance his private interests, respondent caused the Philippine National Police (PNP) of Dauin, Negros Oriental to send a Request for Conference⁷ dated November 10, 2015 to complainant's representatives to harass them.⁸

² *Id.* at 17-18.

³ *Id.* at 21.

⁴ *Id.* at 22-23.

⁵ *Id.* at 24-26.

⁶ *Id.* at 28.

⁷ *Id.* at 20.

⁸ *Id.* at 2-3.

In sum, complainant asserts that: *First*, respondent unlawfully claimed ownership of a property that he, in fact, did not own. Respondent used his public office to interfere with the legitimate sale of the subject property between private parties. *Second*, respondent harassed and threatened those parties, and influenced public officials to perform acts in violation of the rules and regulations of their offices and the law. And *third*, respondent committed these unlawful acts for his own private benefits, thereby preventing the lawful owners and possessors of the property from enjoying it.⁹

Meanwhile, in his Manifestation and Position Paper¹⁰ submitted before the Integrated Bar of the Philippines (IBP) – Commission on Bar Discipline, complainant averred that he filed before the Office of the Ombudsman (Ombudsman) administrative and criminal actions against respondent arising from the same unlawful acts as alleged in the present case. He pointed out that the Ombudsman has filed the corresponding Information against respondent before the Sandiganbayan after finding probable cause for violation of Section 3(a),¹¹ Republic Act No. 3019,¹² as amended, against the latter.

Notably, the Sandiganbayan found respondent guilty as charged.¹³ However, in the Decision¹⁴ dated April 6, 2022, in *People of the Philippines v. Enojo*, docketed as G.R. No. 252258, the Court acquitted respondent on the ground of reasonable doubt. The Court ruled that there is no adequate proof that respondent persuaded or influenced the police into sending a request for conference to complainant, among other persons.¹⁵

⁹ *Id.* at 43. Judicial Affidavit of Ralph Gavin Hughes.

¹⁰ *Id.* at 156–159.

¹¹ Section 3(a) of RA 3019 provides:

SECTION 3. Corrupt practices of public officers. — x x x

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

¹² Entitled “Anti-Graft and Corrupt Practices Act,” approved on August 17, 1960.

¹³ *Rollo*, pp. 160–200. In the Decision dated October 18, 2019, the Sandiganbayan imposed against respondent the indeterminate penalty of imprisonment of six (6) years and one (1) month, as minimum term, to eight (8) years, as maximum, with perpetual disqualification to hold public office. The Sandiganbayan Decision was penned by Associate Justice Rafael R. Lagos and concurred in by Associate Justices Maria Theresa V. Mendoza-Arcega and Maryann E. Corpus-Mañalac.

¹⁴ *Id.* at 206–219. Penned by Associate Justice Ramon Paul L. Hernando and concurred in by Senior Associate Justice Estela M. Perlas-Bernabe (now a former Member of the Court), and Associate Justices Rodil V. Zalameda, Ricardo R. Rosario and Jose Midas P. Marquez.

¹⁵ *People v. Enojo*, G.R. No. 252258, April 6, 2022.

In his Comment/Answer to the Complaint,¹⁶ respondent countered that: *One*, respondent merely requested for a conference with Merlinda, complainant, and the latter's counsel, Atty. Ligaya Rubio Violeta, at the Dauin PNP because the sale of the property included his share on it.¹⁷ *Two*, respondent wrote a letter to then Dauin Municipal Planning and Development Coordinator in his capacity as a co-owner of the subject land. *Three*, respondent did not engage in champerty as he did not shoulder the costs of litigation on an agreement that he would receive fees out of the proceeds of a judgment.¹⁸ And *last*, respondent's letter to the Municipal Engineer of Dauin was based on his legal knowledge and in his capacity as counsel for the owner of the subject property.¹⁹

Report and Recommendation of the IBP

In his Report and Recommendation²⁰ dated August 4, 2022, Investigating Commissioner Sherwin C. De Joya (Investigating Commissioner) recommended that respondent be suspended from the practice of law for a period of two (2) years.²¹ The Investigating Commissioner made these observations:

x x x [The] established facts clearly show[ed] that Respondent miserably failed to cope with the strict demands and high standards, not just of the public office he occupied at that time, but more importantly, that of the legal profession. Clearly, his act of exerting and flaunting his public office over matters which involved his claim over a private property that is being disputed speaks well of his integrity, or rather the lack thereof, to perform his duty as an officer of the court. x x x.

x x x x

x x x. Considering that the dispute involved matters which are outside his public office, he should have exercised prudence and caution in dealing with the same, knowing fully well of the influence and authority of the public trust he was given. He should have refrained from flaunting and sporting his position, and should have instead protected it from any form of suspicion and doubt, honesty and integrity being required at all times in a manner beyond reproach. Sadly, this was not the case here.

In addition, Respondent clearly had a conflict of interest when he replied to the letter dated 12 October 2015 sent by the Municipal Engineer of Dauin, Negros Oriental who sought legal advice over the disputed property. While acknowledging that it may have been within

¹⁶ *Rollo*, pp. 52–57.

¹⁷ *Id.* at 53.

¹⁸ *Id.* at 54.

¹⁹ *Id.* at 54–55.

²⁰ *Id.* at 242–249.

²¹ *Id.* at 249.

his authority to address the query as the Province of Negros Oriental's legal counsel, his involvement in the dispute necessitated the exercise of judgment and foresight, and Respondent should have properly referred the inquiry to his subordinates or to a different office or agency.²²

In the Resolution No. CBD-XXV-2022-10-34²³ dated October 14, 2022, the IBP Board of Governors resolved to approve and adopt the findings and recommendation of the Investigating Commissioner to impose upon respondent the penalty of a two-year suspension from the practice of law.

The IBP Board of Governors also noted the recent sanction meted out against respondent in A.C. No. 13211.²⁴ In that case, the Court found respondent negligent in the performance of his duties as counsel for therein complainant for which he was suspended from the practice of law for six months, with a stern warning that a repetition of the same or similar acts will be dealt with more severely.²⁵

Issue

For the Court's resolution is the issue of whether respondent must be held administratively liable as charged.

The Court's Ruling

The Court adopts and approves the findings and recommendation of the IBP Board of Governors, with modification as to the proper penalties to be imposed upon respondent.

It is settled that unless the contrary is established, a lawyer is presumed innocent of the charges against him or her. As such, the complainant has the burden of proof, or the duty to present evidence on the facts necessary to prove the charges by the amount of evidence required by law. More particularly, in an administrative case, the complainant has the burden to prove his or her accusations against respondent by substantial evidence, or "amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion."²⁶

²² *Id.* at 246, 248.

²³ *Id.* at 240–241. Signed by IBP National Secretary Doroteo Lorenzo B. Aguila.

²⁴ *Gajunera v. Enojo*, April 6, 2022.

²⁵ *Id.*

²⁶ *Parungao v. Atty. Lacuanan*, 872 Phil. 747, 759 (2020), citing *BSA Tower Condominium Corporation v. Atty. Reyes*, 833 Phil. 588, 594–595 (2018).

Here, complainant proved by substantial evidence that respondent committed the complained acts, and thus, the corresponding disciplinary action must be imposed upon him. Specifically, there are sufficient evidence proving that: (1) respondent used his public position to assert and advance his private interest over the subject property; and (2) despite his personal interests on said property, respondent rendered a legal opinion as Provincial Legal Officer involving the same property.

It is settled that as instruments in the administration of justice and vanguards of the Philippine legal system, lawyers are expected to observe and maintain a high standard of honesty, integrity, and fair dealing.²⁷ In this regard, under Rules 1.01²⁸ and 6.02²⁹ of the Code of Professional Responsibility (CPR), effective at the time of the filing of the instant disbarment complaint, a lawyer must *not* engage in any unlawful or deceitful conduct. Neither shall a lawyer in government service use one's public position to promote or advance his or her private interest.

To note, the CPR has already been repealed by A.M. No. 22-09-01-SC,³⁰ or the Code of Professional Responsibility and Accountability (CPRA). Significantly, Section 1³¹ of the General Provisions of the CPRA provides that the CPRA shall apply to all pending and future cases, unless there is a contrary opinion by the Court. Let it be noted too that the above-mentioned CPR Rules, which complainant cited as legal bases of its accusations against respondent, are also reflected in the following provisions of the CPRA:

CANON II

Propriety

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

²⁷ *Kayaban, Jr. v. Palicte III*, A.C. No. 10815, October 5, 2021.

²⁸ Rule 1.01, Canon I of the CPR provides:

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

²⁹ Rule 6.02, Canon VI of the CPR provides:

RULE 6.02 A lawyer in the government service shall not use his public position to promote or advance his private interests nor allow the latter to interfere with his public duties.

³⁰ *See* Code of Professional Responsibility and Accountability, General Provisions, Section 2.

³¹ Section 1 of the General Provisions of the CPRA provides:

SECTION 1. *Transitory Provision.* — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

SECTION 1. *Proper Conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

x x x x

SECTION 30. *No Financial Interest in Transactions; No Gifts.* — A lawyer in government shall not, directly or indirectly, promote or advance his or her private or financial interest or that of another, in any transaction requiring the approval of his or her office. x x x

As properly observed by the IBP Board of Governors, respondent failed to observe the foregoing standards.

First, respondent's use of his official letterhead as Provincial Legal Officer on a matter concerning his private affairs, *i.e.*, to communicate his objection as a co-owner to complainant's fencing application in relation to the subject land, is unjustified and in fact, it amounts to Gross or Grave Misconduct defined as follows:³²

Misconduct in office refers to "any unlawful behavior by a public officer in relation to the duties of his office, willful in character. The term embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act." In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest. Corruption as an element of grave misconduct consists in the act of an official or employee who **unlawfully or wrongfully uses his station or character to procure some benefit for himself or for another, contrary to the rights of others**, as in this case. x x x³³ (Emphasis in the original)

To be sure, respondent had no right to make use of his official letterhead as Provincial Legal Officer to oppose complainant's fencing application. He improperly used his public office in an attempt to influence and procure some benefit for himself at the expense of complainant. While the Court is mindful that respondent did not achieve the end he sought for, still, his inappropriate behavior cannot be condoned.

More, the Court notes the observation of the DILG Regional Director, Region VII that not only was the opposition of respondent to complainant's fencing application improperly filed but also, it was unsubstantiated. The DILG Regional Director opined:

³² See *Gabon v. Merka*, 677 Phil. 543, 548–551 (2011).

³³ *Id.* at 550–551.

With regard to the opposition made by [respondent], pursuant to his claim [that] Lot No. 394 belongs to him as payment for the legal service that he rendered as counsel for Mr. Ramon Regalado, one of the defendants in Civil Case No. CC-188 at the level of the Municipal Circuit Trial Courts in Dauin, Negros Oriental. [Respondent] attached [a] copy of a Deed of Extrajudicial Settlement of Estate and Partition including the same disputed Lot No. 394, to which he happens to be the Notary Public. There is no attachment, however, that would show in what manner and what mode of acquisition, the ownership of the disputed lot has been transferred in his name and whether or not such is not among those transactions prohibited by law. In short, the opposition of [respondent] is not only improperly filed, but unsubstantiated as well.³⁴

Second, respondent likewise committed Gross Misconduct when, in response to a query of the Dauin Municipal Engineer, he stated that the property in question is subject of a pending litigation and that its buyer (complainant) is to be blamed for purchasing a problematic lot *without prior consultation with respondent's office*. Respondent was not forthright in his letter-response that he has a personal claim on the very land that is subject of the query of the Municipal Engineer of Dauin, Negros Oriental. This omission clearly reflects the lack of propriety expected of respondent as a lawyer in the government service.

Moreover, taking into account Section 30³⁵ Canon II of the CPRA, respondent cannot even *indirectly* advance his private interest by giving a legal opinion on a land that he himself asserts a claim of ownership. Respondent's argument—that his response to the letter of the Municipal Engineer of Dauin was based on his legal knowledge—is unjustified as he implicitly promoted his private interests by rendering a legal opinion knowing fully well of his personal claim on the subject land.

Penalty

Under Section 33³⁶ of the CPRA, Gross Misconduct is included as a serious offense, and a lawyer found guilty thereof may be meted out the

³⁴ *Rollo*, p. 23.

³⁵ Section 30, Canon II of the CPRA provides:

SECTION 30. No Financial Interest in Transactions; No Gifts. — A lawyer in government shall not, directly or indirectly, promote or advance his or her private or financial interest or that of another, in any transaction requiring the approval of his or her office. Neither shall such lawyer solicit gifts or receive anything of value in relation to such interest. Such lawyer in government shall not give anything of value to, or otherwise unduly favor, any person transacting with his or her office, with the expectation of any benefit in return.

³⁶ Section 33, Canon VI of the CPRA provides:

SECTION 33. Serious Offenses. — Serious offenses include:

(a) Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct;

x x x x

following penalties under Section 37 of the same Code:

SECTION 37. *Sanctions.* —

(a) If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

- (1) Disbarment;
- (2) Suspension from the practice of law for a period exceeding six (6) months;
- (3) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
- (4) A fine exceeding P100,000.00.

x x x x

Further, Section 38, Canon VI of the CPRA provides for the modifying circumstances which may be appreciated in determining the appropriate penalty to be imposed. One of the aggravating circumstances therein enumerated is a “[f]inding of previous administrative liability where a penalty is imposed, regardless of nature or gravity.” At the same time, the following provisions of the CPRA are pertinent in the imposition of administrative penalties upon respondent:

SECTION 39. *Manner of Imposition.* — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. x x x

x x x x

SECTION 40. *Penalty for Multiple Offenses.* — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. x x x.

As earlier mentioned, respondent was previously found guilty of an administrative offense in A.C. No. 13211 and was meted out the penalty of suspension from the practice of law for six months, with a stern warning that a repetition of the same or similar acts will be dealt with more severely. Despite this, respondent committed in the present case two counts of Gross Misconduct for: (1) using his official letterhead on a matter concerning his private affairs; and (2) rendering a legal opinion to advance his personal interests.

Considering the factual milieu of the case and the pertinent provisions of the CPRA, the Court deems it proper to impose upon

respondent *separate penalties* for both counts per Section 40, Canon VI of the CPRA. More particularly, respondent is hereby sanctioned with: (1) the penalty of a two-year suspension from law practice for the *first* act of Gross Misconduct, as also recommended by the IBP Board of Governors; and (2) a fine in the amount of PHP100,000.50 for the *second* count of Gross Misconduct.

Indeed, as a lawyer in government service, respondent is expected to be a keeper of public faith and has a burden to exhibit a high level of social responsibility – even higher than that of members of the bar in private practice. “Lawyers in public office are expected not only to refrain from any act or omission which tend to lessen the trust and confidence of the citizenry in government but also uphold the dignity of the legal profession *at all times* and observe a high standard of honesty and fair dealing.”³⁷


WHEREFORE, the Court finds respondent Atty. Richard R. Enojo **GUILTY** of two counts of Gross Misconduct for violating Sections 1 and 30, Canon II of the Code of Professional Responsibility and Accountability. Accordingly, he is hereby **SUSPENDED** from the practice of law for a period of two (2) years for the first count and ordered to pay a **FINE** of PHP100,000.50 for the second count, with a **STERN WARNING** that a repetition of the same or similar acts in the future shall be dealt with more severely.

The suspension from the practice of law shall take effect immediately upon the receipt of respondent Atty. Richard R. Enojo of this Decision. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent Atty. Richard R. Enojo’s personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

³⁷ *Kayaban, Jr. v. Palicte III*, *supra* note 27. Italics supplied.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On official leave
SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

OM

