

FIRST DIVISION

[Adm. Case No. 6290, July 14, 2004]

ANA MARIE CAMBALIZA, COMPLAINANT, VS. ATTY. ANA LUZ B. CRISTAL-TENORIO, RESPONDENT.

R E S O L U T I O N

DAVIDE JR., CJ.:

In a verified complaint for disbarment filed with the Committee on Bar Discipline of the Integrated Bar of the Philippines (IBP) on 30 May 2000, complainant Ana Marie Cambaliza, a former employee of respondent Atty. Ana Luz B. Cristal-Tenorio in her law office, charged the latter with deceit, grossly immoral conduct, and malpractice or other gross misconduct in office.

On deceit, the complainant alleged that the respondent has been falsely representing herself to be married to Felicisimo R. Tenorio, Jr., who has a prior and subsisting marriage with another woman. However, through spurious means, the respondent and Felicisimo R. Tenorio, Jr., were able to obtain a false marriage contract,^[1] which states that they were married on 10 February 1980 in Manila.

Certifications from the Civil Registry of Manila^[2] and the National Statistics Office (NSO)^[3] prove that no record of marriage exists between them. The false date and place of marriage between the two are stated in the birth certificates of their two children, Donnabel Tenorio^[4] and Felicisimo Tenorio III.^[5] But in the birth certificates of their two other children, Oliver Tenorio^[6] and John Cedric Tenorio,^[7] another date and place of marriage are indicated, namely, 12 February 1980 in Malaybalay, Bukidnon.

As to grossly immoral conduct, the complainant alleged that the respondent caused the dissemination to the public of a libelous affidavit derogatory to Makati City Councilor Divina Alora Jacome. The respondent would often openly and sarcastically declare to the complainant and her co-employees the alleged immorality of Councilor Jacome.

On malpractice or other gross misconduct in office, the complainant alleged that the respondent (1) cooperated in the illegal practice of law by her husband, who is not a member of the Philippine Bar; (2) converted her client's money to her own use and benefit, which led to the filing of an estafa case against her; and (3) threatened the complainant and her family on 24 January 2000 with the statement "*Isang bala ka lang*" to deter them from divulging respondent's illegal activities and transactions.

In her answer, the respondent denied all the allegations against her. As to the charge of deceit, she declared that she is legally married to Felicisimo R. Tenorio, Jr. They were married on 12 February 1980 as shown by their Certificate of Marriage, Registry No. 2000-9108 of the Civil Registry of Quezon City.^[8] Her husband has no

prior and subsisting marriage with another woman.

As to the charge of grossly immoral conduct, the respondent denied that she caused the dissemination of a libelous and defamatory affidavit against Councilor Jacome. On the contrary, it was Councilor Jacome who caused the execution of said document. Additionally, the complainant and her cohorts are the rumormongers who went around the city of Makati on the pretext of conducting a survey but did so to besmirch respondent's good name and reputation.

The charge of malpractice or other gross misconduct in office was likewise denied by the respondent. She claimed that her *Cristal-Tenorio Law Office* is registered with the Department of Trade and Industry as a single proprietorship, as shown by its Certificate of Registration of Business Name.^[9] Hence, she has no partners in her law office. As to the estafa case, the same had already been dropped pursuant to the Order of 14 June 1996 issued by Branch 103 of the Regional Trial Court of Quezon City.^[10] The respondent likewise denied that she threatened the complainant with the words "*Isang bala ka lang*" on 24 January 2000.

Further, the respondent averred that this disbarment complaint was filed by the complainant to get even with her. She terminated complainant's employment after receiving numerous complaints that the complainant extorted money from different people with the promise of processing their passports and marriages to foreigners, but she reneged on her promise. Likewise, this disbarment complaint is politically motivated: some politicians offered to re-hire the complainant and her cohorts should they initiate this complaint, which they did and for which they were re-hired. The respondent also flaunted the fact that she had received numerous awards and citations for civic works and exemplary service to the community. She then prayed for the dismissal of the disbarment case for being baseless.

The IBP referred this case to Investigating Commissioner Atty. Kenny H. Tantuico.

During the hearing on 30 August 2000, the parties agreed that the complainant would submit a Reply to respondent's Answer, while the respondent would submit a Rejoinder to the Reply. The parties also agreed that the Complaint, Answer, and the attached affidavits would constitute as the respective direct testimonies of the parties and the affiants.^[11]

In her Reply, the complainant bolstered her claim that the respondent cooperated in the illegal practice of law by her husband by submitting (1) the letterhead of *Cristal-Tenorio Law Office*^[12] where the name of Felicisimo R. Tenorio, Jr., is listed as a senior partner; and (2) a Sagip Communication Radio Group identification card^[13] signed by the respondent as Chairperson where her husband is identified as "Atty. Felicisimo R. Tenorio, Jr." She added that respondent's husband even appeared in court hearings.

In her Rejoinder, respondent averred that she neither formed a law partnership with her husband nor allowed her husband to appear in court on her behalf. If there was an instance that her husband appeared in court, he did so as a representative of her law firm. The letterhead submitted by the complainant was a false reproduction to show that her husband is one of her law partners. But upon cross-examination, when confronted with the letterhead of *Cristal-Tenorio Law Office* bearing her

signature, she admitted that Felicisimo R. Tenorio, Jr., is not a lawyer, but he and a certain Gerardo A. Panghulan, who is also not a lawyer, are named as senior partners because they have investments in her law office.^[14]

The respondent further declared that she married Felicisimo R. Tenorio, Jr., on 12 February 1980 in Quezon City, but when she later discovered that their marriage contract was not registered she applied for late registration on 5 April 2000. She then presented as evidence a certified copy of the marriage contract issued by the Office of the Civil Registrar General and authenticated by the NSO. The erroneous entries in the birth certificates of her children as to the place and date of her marriage were merely an oversight.^[15]

Sometime after the parties submitted their respective Offer of Evidence and Memoranda, the complainant filed a Motion to Withdraw Complaint on 13 November 2002 after allegedly realizing that this disbarment complaint arose out of a misunderstanding and misappreciation of facts. Thus, she is no longer interested in pursuing the case. This motion was not acted upon by the IBP.

In her Report and Recommendation dated 30 September 2003, IBP Commissioner on Bar Discipline Milagros V. San Juan found that the complainant failed to substantiate the charges of deceit and grossly immoral conduct. However, she found the respondent guilty of the charge of cooperating in the illegal practice of law by Felicisimo R. Tenorio, Jr., in violation of Canon 9 and Rule 9.01 of the Code of Professional Responsibility based on the following evidence: (1) the letterhead of *Cristal-Tenorio Law Office*, which lists Felicisimo R. Tenorio, Jr., as a senior partner; (2) the Sagip Communication Radio Group identification card of "Atty. Felicisimo R. Tenorio, Jr.," signed by respondent as Chairperson; (3) and the Order dated 18 June 1997 issued by the Metropolitan Trial Court in Criminal Cases Nos. 20729 – 20734, wherein Felicisimo R. Tenorio, Jr., entered his appearance as counsel and even moved for the provisional dismissal of the cases for failure of the private complainants to appear and for lack of interest to prosecute the said cases. Thus, Commissioner San Juan recommended that the respondent be reprimanded.

In its Resolution No. XVI-2003-228 dated 25 October 2003, the IBP Board of Governors adopted and approved with modification the Report and Recommendation of Commissioner San Juan. The modification consisted in increasing the penalty from reprimand to suspension from the practice of law for six months with a warning that a similar offense in the future would be dealt with more severely.

We agree with the findings and conclusion of Commissioner San Juan as approved and adopted with modification by the Board of Governors of the IBP.

At the outset, we find that the IBP was correct in not acting on the Motion to Withdraw Complaint filed by complainant Cambaliza. In *Rayos-Ombac vs. Rayos*,^[16] we declared:

The affidavit of withdrawal of the disbarment case allegedly executed by complainant does not, in any way, exonerate the respondent. A case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant. What matters is whether, on the basis of the facts borne out by the record, the charge of deceit and grossly immoral