



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 135-2004

**TO: THE COURT OF APPEALS,
SANDIGANBAYAN, COURT OF TAX
APPEALS, REGIONAL TRIAL COURTS,
SHARI'A DISTRICT COURTS,
METROPOLITAN TRIAL COURTS,
MUNICIPAL TRIAL COURTS IN CITIES,
MUNICIPAL TRIAL COURTS, MUNICIPAL
CIRCUIT TRIAL COURTS, SHARI'A
CIRCUIT COURTS, THE OFFICE OF THE
STATE PROSECUTOR, PUBLIC
ATTORNEY'S OFFICE AND THE
INTEGRATED BAR OF THE PHILIPPINES**

**SUBJECT: SUSPENSION FROM THE PRACTICE OF
LAW FOR SIX (6) MONTHS OF ATTY. ANA
LUZ B. CRISTAL-TENORIO**

For the information and guidance of all concerned, quoted hereunder is the Resolution of the First Division dated July 14, 2004 in Administrative Case No. 6290, entitled "Ana Marie Cambaliza vs. Atty. Ana Luz B. Cristal-Tenorio", to wit:

"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 Manila² and the National Statistics Office (NSO)³

¹ Rollo, 19.

² *Id.*, 9.

³ *Id.*, 10.

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 Tenorio⁴ and Felicisimo Tenorio III.⁵ But in the birth certificates of their two other children, Oliver Tenorio⁶ 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

⁴ *Id.*, 5.

⁵ *Id.*, 6.

⁶ *Id.*, 7.

⁷ *Id.*, 8.

⁸ *Id.*, 36.

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 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 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 Felisimo R. Tenorio, Jr., is listed as a senior partner; and (2) a Sagip Communication Radio Group identification card¹³ 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

⁹ Rollo, 37.

¹⁰ *Id.*, 38

¹¹ Rollo, 130

¹² *Id.*, 104

¹³ *Id.*, 106

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 Felicismo 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 Felicismo 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 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 Felicísimo 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 Felicísimo R. Tenorio, Jr., as a senior partner; (2) the Sagip Communication Radio Group identification card of "Atty. Felicísimo 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 Felicísimo 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.

¹⁴ TSN, 30 October 2000, 1-66

¹⁵ TSN, 30 October 2000, 1-66

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 conduct has been duly proven. This rule is premised on the nature of disciplinary proceedings. A proceeding for suspension or disbarment is not in any sense a civil action where the complainant is a plaintiff and the respondent lawyer is a defendant. Disciplinary proceedings involve no private interest and afford no redress for private grievance. They are undertaken and prosecuted solely for the public welfare. They are undertaken for the purpose of preserving courts of justice from the official ministrations of persons unfit to practice in them. The attorney is called to answer to the court for his conduct as an officer of the court. The complainant or the person who called the attention of the court to the attorney's alleged misconduct is in no sense a party, and has generally no interest in the outcome except as all good citizens may have in the proper administration of justice. Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of complainant or his withdrawal of the charges.

Hence, notwithstanding the Motion to Withdraw Complaint, this disbarment case should proceed accordingly.

The IBP correctly found that the charges of deceit and grossly immoral conduct were not substantiated. In disbarment proceedings, the complainant has the burden of proving his case

¹⁶ Adm. Case No. 2884, 349 Phil. 7, 15-16 (1998).

by convincing evidence.¹⁷ With respect to the estafa case which is the basis for the charge of malpractice or other gross misconduct in office, the respondent is not yet convicted thereof. In *Gerona vs. Datingaling*,¹⁸ we held that when the criminal prosecution based on the same act charged is still pending in court, any administrative disciplinary proceedings for the same act must await the outcome of the criminal case to avoid contradictory findings.

We, however, affirm the IBP's finding that the respondent is guilty of assisting in the unauthorized practice of law. A lawyer who allows a non-member of the Bar to misrepresent himself as a lawyer and to practice law is guilty of violating Canon 9 and Rule 9.01 of the Code of Professional Responsibility, which read as follows:

Canon 9 – A lawyer shall not directly or indirectly assist in the unauthorized practice of law.

Rule 9.01 - A lawyer shall not delegate to any unqualified person the performance of any task which by law may only be performed by a member of the Bar in good standing.

The term “practice of law” implies customarily or habitually holding oneself out to the public as a lawyer for compensation as a source of livelihood or in consideration of his services. Holding one's self out as a lawyer may be shown by acts indicative of that purpose like identifying oneself as attorney, appearing in court in representation of a client, or associating oneself as a partner of a law office for the general practice of law.¹⁹ Such acts constitute unauthorized practice of law.

In this case, Felicisimo R. Tenorio, Jr., is not a lawyer, but he holds himself out as one. His wife, the respondent herein, abetted and aided him in the unauthorized practice of the legal profession.

At the hearing, the respondent admitted that the letterhead of *Cristal-Tenorio Law Office* listed Felicisimo R. Tenorio, Jr., Gerardo A. Panghulan, and Maricris D. Battung as senior partners. She admitted that the first two are not lawyers but paralegals. They are listed in the letterhead of her law office as

¹⁷ *Adarne v. Aldaba*, Adm. Case No. 801, 27 June 1978, 83 SCRA 734.

¹⁸ Adm. Case No. 4801, 27 February 2003, 398 SCRA 148.

¹⁹ See RUBEN E. AGPALO, *THE CODE OF PROFESSIONAL RESPONSIBILITY FOR LAWYERS*, 75 (1st ed. 1991) (hereafter AGPALO).

senior partners because they have investments in her law office.²⁰
That is a blatant misrepresentation.

The Sagip Communication Radio Group identification card is another proof that the respondent assisted Felicisimo R. Tenorio, Jr., in misrepresenting to the public that he is a lawyer. Notably, the identification card stating that he is "Atty. Felicisimo Tenorio, Jr.," bears the signature of the respondent as Chairperson of the Group.

The lawyer's duty to prevent, or at the very least not to assist in, the unauthorized practice of law is founded on public interest and policy. Public policy requires that the practice of law be limited to those individuals found duly qualified in education and character. The permissive right conferred on the lawyer is an individual and limited privilege subject to withdrawal if he fails to maintain proper standards of moral and professional conduct. The purpose is to protect the public, the court, the client, and the bar from the incompetence or dishonesty of those unlicensed to practice law and not subject to the disciplinary control of the Court. It devolves upon a lawyer to see that this purpose is attained. Thus, the canons and ethics of the profession enjoin him not to permit his professional services or his name to be used in aid of, or to make possible the unauthorized practice of law by, any agency, personal or corporate. And, the law makes it a misbehavior on his part, subject to disciplinary action, to aid a layman in the unauthorized practice of law.²¹

WHEREFORE, for culpable violation of Canon 9 and Rule 9.01 of the Code of Professional Responsibility, respondent Atty. Ana Luz B. Cristal-Tenorio is hereby **SUSPENDED** from the practice of law for a period of six (6) months effective immediately, with a warning that a repetition of the same or similar act in the future will be dealt with more severely.

Let copies of this Resolution be attached to respondent Cristal-Tenorio's record as attorney in this Court and furnished to the IBP and the Office of the Court Administrator for circulation to all courts.

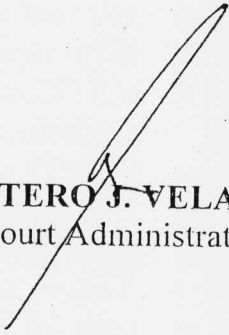
SO ORDERED."

²⁰ TSN, 30 October 2000, 52.

²¹ AGPALO, 69, 78.

Copy of the resolution was received by respondent on 9
August 2004.

12 November 2004.



PRESBITERO J. VELASCO, JR.
Court Administrator

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