

SUSAN BASIYO AND ANDREW WILLIAM SIMMONS, COMPLAINANTS, VS. ATTY. JOSELITO C. ALISUAG, RESPONDENT.

A.C. No. 11543. July 28, 2020

Ponente: PERALTA, C.J.

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PERALTA, C.J.:

Before Us are the Manifestations[1] of Andrew Simmons (Simmons) dated July 18, 2018 and January 10, 2019, respectively, with regard to Atty. Joselito C. Alisuag's (Atty. Alisuag) non-compliance with the Court's directives pursuant to the Court's Decision[2] dated September 26, 2017.

To recapitulate, complainants Susan Basiyo and Andrew William Simmons filed an administrative complaint against Atty. Joselito C. Alisuag for deceit, falsification, and malpractice, in violation of the Code of Professional Responsibility, for his: (1) failure to file a case for which his professional services was rendered; (2) failure to render a complete accounting of the expenses incurred relative to the purchase of the subject property; and (3) failure to return the remaining unutilized money, after numerous demands.

In Resolution No. XX-2012-594[3] dated December 29, 2012, the Integrated Bar of the Philippines (IBP)-Board of Governors reversed the recommendation of the IBP-CBD to dismiss the complaint, and instead, found Atty. Alisuag guilty of deceit and falsification, and recommended his suspension from the practice of law for a period of two (2) years.

In the Court's Decision[4] dated September 26, 2017, the Court sustained the findings and recommendation of the IBP-Board of Governors. The Court found Atty. Alisuag's acts to be in violation of the provisions of the Code of Professional Responsibility when he failed to: (1) file the suit against Ganzon; (2) secure the required environmental permits, (3) refused to account for the amounts given to him by the complainants, and (4) return the remaining unutilized money given to him. The dispositive portion of the said Decision reads:

WHEREFORE, IN VIEW OF THE FOREGOING, the Court SUSPENDS Atty. Joselito C. Alisuag from the practice of law for two (2) years effective upon his receipt of this Decision, REVOKES his notarial commission, if presently commissioned, and PERPETUALLY DISQUALIFIES him from being commissioned as a notary public, ORDERS him to RENDER the necessary accounting of expenses incurred relative to the purchase of the property and RETURN to complainants Susan Basiyo and Andrew William Simmons the remaining unutilized amount within sixty (60) days from notice of this Decision, and WARNS him that a repetition of the same or similar offense, including the failure to render the necessary accounting and to return any remaining amount, shall be dealt with more severely.

Let copies of this decision be included in the personal record of Atty. Joselito C. Alisuag and entered in his file in the Office of the Bar Confidant.

Let copies of this decision be disseminated to all lower courts by the Office of the Court Administrator, as well as to the Integrated Bar of the Philippines for its guidance.

SO ORDERED.[5]

On December 16, 2017, Atty. Alisuag moved for reconsideration.[6] He claimed that complainants never demanded an accounting of the amounts paid, thus, he did not make one. He also shifted the blame to the brokers as the ones who did the estimates.

In a Resolution[7] dated January 10, 2018, the Court resolved to deny with finality Atty. Alisuag's motion for reconsideration as no substantial arguments were presented to warrant the reversal of the questioned Decision.

Subsequently, in the subject Manifestation dated July 18, 2018, Simmons averred that despite Atty. Alisuag's receipt of the Decision dated September 26, 2017, and the Resolution dated January 10, 2018, which denied his motion for reconsideration, Atty. Alisuag has yet to comply with the Court's Order.

On October 9, 2018, the Court resolved to require Atty. Alisuag to comment on Simmons' Manifestation.[8]

On January 10, 2019, in his Second Manifestation, Simmons averred that ten (10) months has already lapsed from the time Atty. Alisuag received the Court's decision on March 5, 2018, however, the latter still refused to comply with the Court's directive to render the necessary accounting of expenses. Thus, Simmons prayed that the Court impose a more severe penalty upon Atty. Alisuag.

RULING

In the instant case, there is no question that Atty. Alisuag utterly disrespected the lawful orders by the Court by ignoring the Decision dated September 26, 2017, to render the necessary accounting of expenses incurred relative to the purchase of the property, and to return to complainants the remaining unutilized amount given to him. Upon verification with the records, Atty. Alisuag received the said Court's Decision on December 1, 2017 as per Registry Receipt No. 4879.[9] In fact, he was able to file his motion for reconsideration.[10] He also received Resolution dated January 10, 2018 which denied his motion for reconsideration on March 5, 2018, as per Registry Receipt No. 12232.[11] Moreover, it also appears that all the subject manifestations of Simmons which reiterated Atty. Alisuag's non-compliance with the Court's directives, were, likewise, deemed received by the latter, as shown by the registry receipts. In a Resolution dated October 9, 2018, the Court required Atty. Alisuag to file his Comment on Simmons' Manifestation, which he also received on January 4, 2019 (sic), as per Registry Receipt No. 117063.[12] However, as per Report for Agenda dated November 22, 2019, Atty. Alisuag has yet to comply with the Court's directives. Clearly, Atty. Alisuag's obstinate refusal to comply with several Court's directives show a blatant disregard of the system he has vowed to support.

By his cavalier conduct, as shown by his repeated failure to comply with the Court's directives, Atty. Alisuag exhibited lack of respect for the authority of the Court. A resolution of this Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively.[13] His obstinate refusal to comply therewith not only betrays a recalcitrant flaw in his character; it also underscores his disrespect of our lawful orders which is only too deserving of reproof.[14]

As an officer of the court, it is a lawyer's duty to uphold the dignity and authority of the court. The highest form of respect for judicial authority is shown by a lawyer's obedience to court orders and processes. A lawyer who willfully disobeys a court order requiring him to do something may not only be cited and punished for contempt but may also be disciplined as an officer of the court.[15]

Any departure from the path which a lawyer must follow as demanded by the virtues of his profession shall not be tolerated by this Court as the disciplining authority. This is especially so, as in the instant case, where respondent deliberately defied the lawful orders of the Court, thereby transgressing Canon 11 of the Code of Professional Responsibility which requires a lawyer to observe and maintain the respect due the courts.[16]

A member of the Bar may be penalized, even disbarred or suspended from his office as an attorney, for violation

of the lawyer's oath and/or for breach of the ethics of the legal profession as embodied in the Code of Professional Responsibility. For the practice of law is "a profession, a form of public trust, the performance of which is entrusted to those who are qualified and who possess good moral character." The appropriate penalty for an errant lawyer depends on the exercise of sound judicial discretion based on the surrounding facts.[17]

Rule 138, Section 27 of the Rules of Court states:

SEC. 27. Attorneys removed or suspended by Supreme Court on what grounds. – A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

WHEREFORE, premises considered, Atty. Joselito C. Alisuag is hereby **SUSPENDED** from the practice of law for an additional period of one (1) year (from his original two [2] years suspension) and **WARNED** that a repetition of the same or similar offense will be dealt with more severely.

Atty. Joselito C. Alisuag is **DIRECTED** anew to **RENDER** the necessary accounting of expenses incurred relative to the purchase of the property and **RETURN** to complainants Susan Basiyo and Andrew William Simmons the remaining unutilized amount given to him, pursuant to the Decision dated September 26, 2017, within sixty (60) days from notice of this Decision.

Atty. Joselito C. Alisuag is **DIRECTED** to **INFORM** the Court of the date of his receipt of this Resolution, to determine the reckoning point when his suspension shall take effect.

Let copies of this Resolution be furnished all courts, the Office of the Bar Confidant and the Integrated Bar of the Philippines for their information and guidance. The Office of the Bar Confidant is **DIRECTED** to **APPEND** a copy of this Resolution to the record of respondent as member of the Bar.

SO ORDERED.

Perlas-Bernabe, Caguioa, Gesmundo, J. Reyes, Jr., Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, Lopez, Delos Santos, and Gaerlan, JJ., concur.
Leonen, J., on leave.

[1] Rollo, pp. 183-186; 191-193.

[2] Id. at 152-158

[3] Id. at 127.

[4] Supra note 2.

[5] Id. at 157-158.

[6] Id. at 163-167.

[7] Id. at 170.

[8] Id. at 188-189.

[9] Id. at 150.

[10] Supra note 6.

[11] Rollo, p. 170.

[12] Id. at 205.

[13] Ong v. Atty. Grijaldo, 450 Phil. 113 (2003).

[14] Id.

[15] Cuizon v. Atty. Macalino, 477 Phil. 569, 575-576 (2004).

[16] See Ong v. Grijaldo, supra note 13.

[17] Jimenez v. Atty. Francisco, 749 Phil. 551, 574 (2014).

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