

CRISTINO G. CALUB, COMPLAINANT, VS. ATTY. ARBRAHAM A. SULLER, RESPONDENTS.

A.C. No. 1474. January 28, 2000

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PER CURIAM:

What is before the Court is a complaint for disbarment against respondent premised on grossly immoral conduct for having raped his neighbor's wife.

In the morning of January 20, 1975, while complainant was away, respondent Atty. Abraham A. Suller went to the complainant's abode in Aringay, La Union ostensibly to borrow a blade.

As the respondent was a friend of the family and a neighbor, the complainant's wife let him in. Thereafter, respondent began touching her in different parts of her body. When she protested, respondent threatened her and forced her to have sexual intercourse with him. At that moment, complainant returned home to get money to pay for real estate taxes. When he entered the house, he saw his wife and respondent having sexual intercourse on the bed.[1] She was kicking respondent with one foot while the latter pressed on her arms and other leg, preventing her from defending herself.

On January 23, 1975, complainant filed with the Municipal Court, Aringay, La Union a criminal complaint[2] for rape against respondent. The case was later remanded to the Court of First Instance, Agoo, La Union.

On June 3, 1975, Cristino G. Calub filed with the Supreme Court the instant complaint for disbarment against respondent Atty. Abraham A. Suller.[3]

On June 16, 1975, the Court required respondent to file an answer within ten (10) days from notice.[4]

On July 14, 1975, respondent filed his answer. He denied the accusation as a fabrication.[5]

On July 21, 1975, the Court referred the case to the Solicitor General for investigation, report, and recommendation.[6]

From 1975 until 1978, the Office of the Solicitor General conducted hearings where both parties appeared with their respective counsel. In a petition filed on November 6, 1978, respondent prayed for the suspension of proceedings pending final termination of Criminal Case No. A-420 pending with the Court of First Instance, La Union, Branch 3, Agoo.[7]

On December 11, 1978, the Court referred the petition to the Solicitor General, the case having been referred to him previously.[8]

In 1991, the investigation of the case was transferred to the Committee on Bar Discipline, Integrated Bar of the Philippines. On August 28, 1991 the latter sent notice of hearings to both parties.[9]

On January 23, 1992, the Committee issued an order terminating the proceedings and considering the case submitted for resolution as notice to complainant remained unserved while respondent failed to appear despite due

notice.[10]

On March 3, 1993, the Board of Governors, Integrated Bar of the Philippines issued a resolution recommending that the disciplinary penalty of suspension from the practice of law for a period of one (1) year be meted on respondent.[11]

The record discloses that the Court of First Instance acquitted respondent Suller for failure of the prosecution to prove his guilt beyond reasonable doubt. Such acquittal, however, is not determinative of this administrative case.

The testimonies of witnesses in the criminal complaint, particularly that of the complainant suffice to show that respondent acted in a grossly reprehensible manner in having carnal knowledge of his neighbor's wife without her consent in her very home.

"A lawyer may be disbarred or suspended for misconduct, whether in his professional or private capacity, which shows him to be wanting in moral character, in honesty, probity and good demeanor or unworthy to continue as an officer of the court." [12]

In this case, we find that suspension for one year recommended by the Integrated Bar of the Philippines is not sufficient punishment for the immoral act of respondent. The rape of his neighbor's wife constituted serious moral depravity even if his guilt was not proved beyond reasonable doubt in the criminal prosecution for rape. He is not worthy to remain a member of the bar. The privilege to practice law is bestowed upon individuals who are competent intellectually, academically and, equally important, morally.[13] "Good moral character is not only a condition precedent to admission to the legal profession, but it must also be possessed at all times in order to maintain one's good standing in that exclusive and honored fraternity." [14]

WHEREFORE, respondent Abraham A. Suller is DISBARRED from the practise of law. Let his name be stricken off the Roll of Attorneys.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

[1] TSN, March 19, 1975, pp. 1-23 in Criminal Case No. A-420.

[2] Criminal Case No. 1888 (Municipal Court), then it was docketed as Criminal Case No. A-420 after it was remanded to the Court of First Instance, Rollo, Vol. I, p. 3.

[3] Rollo, Vol. I, pp. 1-2.

[4] Rollo, Vol. 1, p. 9.

[5] Rollo, Vol. 1, pp. 10-11.

[6] Rollo, Vol. I, p. 13.

[7] Rollo, Vol. II, pp. 1-2.

[8] Rollo, Vol. II, p. 5.

[9] Rollo, Vol. III, p. 1.

[10] Rollo, Vol. III, p. 2.

[11] Rollo, Vol. III, p. 5-11.

[12] *Maligsa vs. Cabanting*, 272 SCRA 408, 414 (1997); *Mijares vs. Villaluz*, 274 SCRA 1 (1997)

[13] *Resurreccion vs. Sayson*, 300 SCRA 129, 137 (1998)

[14] *Docena vs. Limon*, 295 SCRA 262, 265-266 (1998)

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