

## EN BANC

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

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

### RESOLUTION

**PERALTA, C.J.:**

Before Us are the Manifestations<sup>[1]</sup> 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<sup>[2]</sup> 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<sup>[3]</sup> 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<sup>[4]</sup> 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.<sup>[5]</sup>

On December 16, 2017, Atty. Alisuag moved for reconsideration.<sup>[6]</sup> 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<sup>[7]</sup> 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.<sup>[8]</sup>

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.<sup>[9]</sup> In fact, he was able to file his motion for reconsideration.<sup>[10]</sup> He also received Resolution dated January 10, 2018 which denied his motion for reconsideration on March 5, 2018, as per Registry Receipt No. 12232.<sup>[11]</sup> Moreover, it also appears that all the subject