

## EN BANC

[ A.C. No. 4256, February 13, 2004 ]

**JOVITA BUSTAMANTE-ALEJANDRO, COMPLAINANT, VS. ATTYS.  
WARFREDO TOMAS ALEJANDRO AND MARICRIS A. VILLARIN,  
RESPONDENTS.**

### D E C I S I O N

#### PER CURIAM:

This is an administrative case filed in 1994 by Jovita Bustamante-Alejandro charging respondents Atty. Warfredo Tomas Alejandro and Atty. Maricris A. Villarin with bigamy and concubinage.

Complainant alleged that respondent, Atty. Warfredo Tomas Alejandro, is her husband; that they were married on March 3, 1971 at Alicia, Isabela, as evidenced by their Marriage Contract;<sup>[1]</sup> that she bore him three (3) sons, namely, Dino, Eric, and Carlo, born in 1971, 1973, and 1978, respectively, as evidenced by their respective Certificates of Live Birth;<sup>[2]</sup> that respondent abandoned her and their children in 1990 to live with his mistress, respondent Atty. Ma. Cristina Arrieta Villarin,<sup>[3]</sup> at 27-C Masbate St., Quezon City; that respondents have since then been publicly representing themselves as husband and wife; that respondent Atty. Villarin gave birth to Paolo Villarin Alejandro on January 17, 1992 as a result of her immoral and scandalous relationship with complainant's husband whom she named as the father of her son in the latter's Certificate of Live Birth;<sup>[4]</sup> and, that in said Certificate of Live Birth, respondent Atty. Villarin identified herself as "Ma. Cristina V. Alejandro" having been married to Atty. Alejandro on May 1, 1990 at Isabela Province. Complainant alleged that she filed this administrative complaint when she learned that her husband has been nominated as a regional trial court judge. She insists that he is not fit to be a judge considering that he, and co-respondent Atty. Villarin, do not even possess the basic integrity to remain as members of the Philippine Bar.

We required respondent to comment on the administrative complaint in our Resolution dated July 4, 1994. When copies of our resolution and of the complaint and its annexes addressed to respondent Atty. Alejandro at 27-C Masbate St., Quezon City were returned unserved with notation "moved," we required complainant to submit the correct and present address of her husband.<sup>[5]</sup> No similar return of service with respect to respondent Atty. Villarin appears on the record.

In an *Ex-Parte Manifestation and Motion* dated December 5, 1994, complainant insisted that her husband's correct address remains to be 27-C Masbate St., Quezon City; that it was him who told the postman that he had already moved; and, that any subsequent service by mail will result in the same failure as respondent will

either refuse service or misrepresent a change of address again. Complainant therefore asked that copies of the complaint and Court resolution requiring comment be served personally upon her husband by the Court's process servers. We noted and granted the prayer.<sup>[6]</sup> However, when the Court's process server attempted to effect personal service on February 16, 1995, respondent Atty. Alejandro was allegedly out of the house and his house helper refused to accept service. Consequently we considered the copies as having been served upon respondent Atty. Alejandro in our Resolution of July 31, 1996,<sup>[7]</sup> and required him to show cause why he should not be disciplinary dealt with or held in contempt for his continued failure to file comment, and to file such comment, considering the considerable length of time that has lapsed since he has been first required to do so. Respondent Atty. Alejandro failed to comply. Hence, we fined him P1,000.00 and directed that he file the required explanation and comment on the administrative complaint.<sup>[8]</sup>

When copies of both resolutions were again returned unserved with postal notations "*moved*," we required complainant anew to submit the correct and present address of respondents, within ten (10) days from notice, under pain of dismissal of her administrative complaint.<sup>[9]</sup> In a handwritten letter dated September 10, 1998, complainant disclosed respondents' present address as "12403 Dunlop Drive, Houston, Texas."<sup>[10]</sup>

We referred this case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation, within ninety (90) days from notice, in our Resolution of March 17, 2003.

In a Report dated August 26, 2003, IBP Commissioner Milagros V. San Juan recommended that both respondents be disbarred on the following rationalization:

In its Resolution dated 31 July 1996, the Supreme Court (Second Division) ruled that respondent Atty. Alejandro was deemed served a copy of the instant administrative complaint and of the Court's Resolution dated 4 July 1994, by substituted service pursuant to Rule 1, Section 6 of the Rules of Court.

In the earlier Resolution of the Supreme Court dated 4 July 1994, respondents Atty. Alejandro and Atty. Villarin were directed to file their Comment on the instant Complaint within ten (10) days from notice of said Resolution. To date, no Comment has been filed by either respondent Atty. Alejandro or Atty. Villarin. x x x

Complainant submitted a photocopy of the Marriage Contract (Annex A of the letter-complaint) between herself and respondent Atty. Alejandro executed on 3 March 1971. Complainant also submitted photocopies of the Birth Certificates (Annexes B to D of the letter-complaint) of the children born out of her marriage to respondent Atty. Alejandro. These documentary evidence submitted by complainant clearly show that there was and is a valid and subsisting marriage between herself and respondent Atty. Alejandro at the time she filed the instant administrative complaint against said respondent, her husband.