

EN BANC

[A.C. No. 4334, July 07, 2004]

**SUSAN CUIZON, COMPLAINANT, VS. ATTY. RODOLFO MACALINO,
RESPONDENT.**

D E C I S I O N

PER CURIAM:

The saga of a client's one decade-long travails caused by a recalcitrant lawyer who defrauds his client and flouts the directives of the highest court of the land must deservedly end in tribulation for the lawyer and in victory for the higher ends of justice. The opening verses of the narrative may have been composed by the lawyer, but it is this Court that will have to, as it now does, write *finis* to this sordid tale, as well as to the lawyer's prized claim as a member of the Bar.

This administrative case against respondent Atty. Rodolfo Macalino was initiated by a letter-complaint^[1] dated October 27, 1994 filed by Susan Cuizon with the Office of the Court Administrator charging the respondent with Grave Misconduct.

The antecedents^[2] are as follows:

The legal services of the respondent was sought by the complainant in behalf of her husband Antolin Cuizon who was convicted for Violation of Dangerous Drug Act of 1972. When the spouses had no sufficient means to pay the legal fees, the respondent suggested that he be given possession of complainant's Mitsubishi car, which was delivered to the respondent. Later respondent offered to buy the car for Eighty Five Thousand Pesos (P85,000.00) for which he paid a down payment of Twenty Four Thousand Pesos (P24,000.00). After the sale of the car, respondent failed to attend to the case of Antolin Cuizon, so complainant was forced to engage the services of another lawyer.

The respondent was required to comment on the complaint lodged against him as early as December 5, 1994.

On December 29, 1995 the respondent was ordered to show cause why he should not be meted with disciplinary action or declared in contempt for failure to comply with the order of the court, to comment on complaint.

On June 17, 1996, for failure to comply with the previous orders of the court, a fine of Five Hundred Pesos (P500.00) was imposed upon him and the order requiring him to file his comment on the complaint was reiterated.

On July 24, 1996 respondent paid the Five Hundred Pesos (₱500.00) fine imposed on him, however he failed to fully comply with the order of the court.

On December 5, 1996 the Supreme Court received a letter from Antolin Cuizon informing the court that the respondent again committed another infraction of the law by issuing a check against a closed account.

On February 12, 1997 the Supreme Court issued a resolution increasing the imposed fine on respondent in the amount of Five Hundred Pesos (₱500.00) to One Thousand Pesos (₱1,000.00) and again the order requiring the respondent to file his comment was reiterated.

On November 13, 1997 the cashier of the Disbursement and Collection Division issued a certification that the imposed fine of One Thousand Pesos (₱1,000.00) has not been paid by the respondent.

On December 10, 1997 the Supreme Court issued a warrant of arrest directing the National Bureau of Investigation to detain the respondent until further Orders from the Court.

On February 23, 1998, Allen M. Mendoza Intelligence Agent of the NBI of San Fernando, Pampanga rendered a Report and Return of the Service of Warrant of Arrest to the effect that the warrant could not be served for reason that the subject is no longer residing at his given address.

On April 22, 1998 the court again issued another resolution requesting the complainants to furnish the court with the correct and present address of the respondent.

In compliance with this directive, the complainant reported that the respondent had not changed his residence. In fact, upon the information given by his own son, the respondent comes home at midnight and leaves at dawn.^[3]

In the *Resolution*^[4] dated July 27, 1998, the Court resolved to consider the *Resolution* of December 10, 1997 finding the respondent guilty of contempt of court and ordering his imprisonment until he complies with the *Resolution* of February 12, 1997, requiring him to pay a fine of ₱1,000.00 and to submit his comment on the instant administrative complaint served on the respondent by substituted service. The Court likewise declared the respondent to have waived his right to file his comment on the administrative complaint and referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

The Investigating Commissioner forthwith filed her *Report and Recommendation*^[5] dated October 27, 1998 finding the respondent unfit to remain a member of the Bar and recommending that he be disbarred. The IBP adopted the *Report and Recommendation* with the modification that the respondent instead be suspended from the practice of law for three (3) years.^[6]

In its *Resolution*^[7] dated July 19, 2000, the Court resolved to return the case to the IBP which, in turn, remanded the case to the Investigating Commissioner for further