

EN BANC

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

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

R E S O L U T I O N

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