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of cause of action — the complaint having been allegedly filed purely to harrass him and blacken his honor and integrity as a member of the Bar.[3]

Complainant was required to file his Reply to the Comment of respondent per letter dated May 31, 1977 of the Office of the Bar Confidant, but instead of a Reply, he informed this Court that he as no longer interested in further prosecuting this case which is moot and academic . . ."considering that respondent is already dead."[4]

WHEREFORE, in view of the death of respondent, Atty. Juanito B. Sagun, let this case be as it is hereby DISMISSED. Let a copy of this Resolution be attached to his record in the Roll of Attorneys.

Fernando (Chairman), Barredo, Antonio, Aquino, and *Concepcion, Jr., JJ.*, concur.

SECOND DIVISION

[Adm. Case No. 1656. July 29, 1977]

DOMINADOR N. CALAMBA II, *complainant, vs.* **ATTY. MARTIN V. DELGRA, JR.**, *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE PROCEEDINGS; DISMISSED DUE TO DEATH OF PARTY; CASE AT BAR.— On May 23, 1977, the Office of the Solicitor General received an 'Investigation Report' from Capt. Benjamin A. Ibones of the Cebu Metro Police District, to the effect that it was Atty. Martin

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[3] "Comment." *Rollo*, pp. 23-37.

[4] *Rollo*, p. 58.

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V. Delgra, Jr. who had died at Chong Hua Hospital, Cebu City, on February 7, 1977, and to which report was attached a certified true copy of death certificate of Atty. Martin V. Delgra, Jr. * * * [Wherefore], in view of the death of the respondent, Atty. Martin V. Delgra, Jr., it is respectfully recommended that case be dismissed and considered closed."

RESOLUTION

FERNANDO, *J.*:

A rather unique feature of this administrative complaint for immorality as well as malpractice filed against respondent Martin V. Delgra, Jr., was that complainant was a third party, not the alleged victim. The basis for the former was his relationship with a certain Francisca Cañada with whom he was alleged to have lived maritally for some time without benefit of clergy, as a result of which two children were born, her consent to such relationship being based on a promise of his loving her "until death" but which thereafter was conveniently forgotten. An affidavit was signed by her to that effect. It was apparently written by a person with more than just a cursory acquaintance with the English language. The malpractice complaint was based on the alleged acquisition through fraud by him of a parcel of land in Davao City. Respondent was required to answer. The charge of immorality he sought to meet by a retraction from Francisca Cañada, who in her affidavit, very likely prepared likewise for her, asserted: "that while Atty. Martin Delgra, Jr. and I were not lucky to be married, perhaps by the will of fate, I am still proud of him and grateful to him, especially that with his attention our two children, [Nimfa] and [Fe Luchi], have graduated from college with honors: [Nimfa] having graduated from Colegio de San Jose-Recoletos in April, 1970, with the degree of B.S.C., cum laude, and [Fe Luchi] from the University of San Carlos in March, 1975 with the degree of B.S.C., also cum laude, and the latter — by the grace of God, and with his father's attention — recently passed the Board for C.P.A."[1]

[1] Exhibit I, 1.

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There was a denial therein of the alleged acquisition through fraud of the parcel of land "for being unsubstantiated."

The matter was then referred to the Office of the Solicitor General for investigation, report and recommendation on May 27, 1977. Acting Solicitor General Vicente V. Mendoza[2] submitted his report and recommendation thus: "On February 17, 1977, the complainant, Dominador N. Calamba II, filed a motion to dismiss his complaint in the above-entitled case for the reason that the respondent, Atty. Martin V. Delgra, Jr., had died at Cebu City on February 7, 1977. On March 7, 1977, this Honorable Court issued a resolution referring the said motion to dismiss to the Solicitor General for appropriate action. On April 20, 1977, the Office of the Solicitor General sent a letter to the Chief of Police of Cebu City requesting him to conduct an investigation to ascertain whether it was Atty. Martin V. Delgra, Jr. who had reportedly died on February 7, 1977 and if so, to furnish our Office with a certified true copy of the death certificate of the said person. * * * On May 23, 1977, the Office of the Solicitor General received an 'Investigation Report' from Capt. Benjamin A. Ibones of the Cebu Metro Police District, to the effect that it was Atty. Martin V. Delgra, Jr. who had died at Chong Hua Hospital, Cebu City, on February 7, 1977, and to which report was attached a certified true copy of the death certificate of Atty. Martin V. Delgra, Jr. * * * [Wherefore], in view of the death of the respondent, Atty. Martin V. Delgra, Jr., it is respectfully recommended that the above-entitled case be dismissed and considered closed."[3]

WHEREFORE, the administrative complaint is dismissed. Let a copy of this resolution be entered on the bar record of the deceased respondent, the late Martin V. Delgra, Jr.

Barredo, Antonio Aquino Concepcion, Jr., and *Santos JJ.*, concur.

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[2] He was assisted by Assistant Solicitor General Nathanael P. de Pano, Jr. and Solicitor Francisco J. Bautista.

[3] Report and Recommendation, 1-2.