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thus giving rise to the fears of complainant, which We hold to be justified, that said answer was surreptitiously received by respondent after the period given by the trial court to the defendants to file their answer had expired, especially since, the original of said answer did not bear any proof of receipt of a copy thereof by complainant's counsel as of the date, December 19, 1973. (see page 11, *rollo*)

WHEREFORE, We find respondent AVELINO JOAQUIN, JR. guilty as charge and by way of penalty We hereby impose upon him a fine equivalent to his one month salary to be paid within ten (10) days from notice hereof, with a stern warning that any other misconduct in the future will be dealt with greater severity.

Let this be spread on respondent's personal record.

SO ORDERED.

Teehankee (Chairman), Makasiar, Martin, Fernandez, and *Guerrero, JJ.*, concur.

SECOND DIVISION

[A.C. No. 284. July 29, 1977]

HECTOR FULE, *ET AL.*, *petitioners*, *vs.* SOLON F. CORDERO, *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE PROCEEDINGS; DISMISSED DUE TO DEATH OF PARTY; CASE AT BAR.— The Solicitor General recommends that, in view of the death of respondent, Solon F. Cordero, on January 9, 1977 (as reported by Cordero's counsel) the instant petition should be dismissed as moot and academic.

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RESOLUTION

SANTOS, *J.*:

Respondent, Solon F. Cordero, a member of the Philippine Bar and Auxiliary Justice of the Peace of San Pablo City stands charged — by his first cousins, namely, Attorneys Hector C. Fule and Conrado C. Fule (brothers), the latter being the Justice of the Peace of Alaminos, Laguna — with violation of his attorney's oath, allegedly by blackmailing the Fule brothers.

The alleged blackmail consists in respondent's threat to file criminal and administrative charges against Conrado C. Fule for alleged falsification of public documents, namely, Daily Time Records, or Municipal Form No. 45 (A), if Hector C. Fule would not desist from pursuing his application for the position of solicitor in the Solicitor General's Office, Department of Justice, because respondent was himself interested in said position.[1] Despite the threats made by respondent, however, petitioner, Hector Fule, pursued his application for the position of solicitor in the Solicitor General's Office, and was, in fact, appointed solicitor.[2] Whereupon, respondent made good his threat and filed five (5) separate administrative charges with the Department of Justice and a criminal complaint on five (5) counts with the Office of the Provincial Fiscal of Laguna, against Conrado C. Fule, *i.e.*, Estafa Through Falsification of Public Documents, allegedly for having falsified daily time records or Municipal Form No. 45 (A), a form prescribed by the General Auditing Office for certification of services rendered by members of the judiciary, for the purpose of entitling them to the salaries claimed for a particular period of time.[3] A series of charges and countercharges were thereafter filed by respondent against petitioners and vice-versa, ranging from criminal cases to administrative charges, coupled with an exchange of unsavory vilifications.

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[1] *Rollo*, pp. 1-3.

[2] *Ibid*, pp. 36, 69, 78 & 129.

[3] *Ibid*, pp. 4-33.

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Due to the close inter-relationship of the events that had made up the case at bar and the aforementioned charges, the present administrative case filed by the Fule brothers against respondent had to await the developments and the outcome of the charges filed by him against Conrado C. Fule.[4] In due time, the criminal complaint filed against Conrado C. Fule by Solon F. Cordero was dismissed for insufficiency of evidence[5] by the Investigating Fiscal, after preliminary investigation, in a resolution dated October 11, 1960, which is now under appeal to the Secretary of Justice.[6] The administrative charges resulted in admonition to Municipal Judge Conrado C. Fule.[7]

After the issues in this case were joined, the same was referred to the Solicitor General for investigation, report and recommendation in a resolution of this Court dated June 9, 1961.[8] In pursuance thereof, the Solicitor General's Office — after suspension of this proceeding as adverted to above - submitted its Report and Recommendation dated June 14, 1977, consisting of two (2) pages. The Solicitor General recommends that, in view of the death of respondent, Solon F. Cordero, on January 9, 1977 (as reported by Cordero's counsel) the instant petition should be dismissed as moot and academic.[9]

WHEREFORE, let this administrative case be, as it is hereby, DISMISSED. The Solicitor General is directed to forward to this Court a copy of the death certificate of Atty. Solon F. Cordero. Let a copy of this resolution be entered in the Bar record of deceased respondent.

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

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[4] *Rollo*, pp. 44, 71 & 82.

[5] *Rollo*, pp. 56-69.

[6] Annex "4", *Rollo*, pp. 120-123.

[7] *Rollo*, p. 129.

[8] *Rollo*, p. 127.

[9] *Rollo*, pp. 129-130.