Supreme Court E-Library

disappointed husband, and impulsive at that due to his youthful years (only about 29 years old then); . . . ."

In view of the foregoing, the Solicitor General recommends that the respondent be reprimanded only which we hereby do.

SO ORDERED.

Aquino, Concepcion Jr., Guerrero, De Castro and *Escolin, JJ.*, concur.

Barredo, (Chairman), I concur in the conclusion that complainant's charge has not been proven. I reserve my vote as to whether or not a lawyer who enters into a contract contrary to law, morals and public policy should only be censured.

SECOND DIVISION

[Adm. Case No. 1182. July 30, 1982]

ISABELO C. ORIJUELA, complainant, *vs.* TEMISTOCLES AYSON ROSARIO, respondent.

SYNOPSIS

Respondent was charged with dishonesty for selling to the complainant the rights, titles and interest that his client had over a lot and two houses under the administration of the Land Tenure Administration for a total of ₱10,110.00 when the records of said office show that there was only an unpaid account of P3,694.78 and only ₱2,803.40 was paid thereon by the respondent for the account of his client, resulting in the accumulation of interest and insecurity to the title of the complainant to the said land. Respondent denied having received the total amount claimed and alleged that the complainant did not deliver to him the entire amount for the payment of the lot and two houses. While the case was under investigation by the Office of the Solicitor General, respondent's nephew moved for the dismissal of the disbarment case in view of the respondent's death. No objection thereto having been registered, a dismissal of the case was recommended.

The Supreme Court adopted the recommendation and dismissed the complaint for disbarment.

Supreme Court E-Library

SYLLABUS

LEGAL ETHICS; ATTORNEYS; DISHONESTY; COMPLAINT FOR DISBARMENT; DISMISSAL THEREOF IN VIEW OF RESPONDENT'S DEATH.— Where pending the investigation of the complaint, a nephew of respondent informed the Office of the Solicitor General that the respondent had died, presented a xerox copy of the death certificate and requested for the dismissal of the complaint and complainant did not object thereto, the recommendation that the case be dismissed is adopted and the complaint for the disbarment of the respondent, now deceased, is dismissed.

DECISION

FERNANDO, *C.J.*:

The basis for this administrative complaint for dishonesty against respondent Temistocles Ayson Rosario, then a member of the Philippine Bar, was that as "attorney-in-fact of a certain Bill Soriano, [he] sold to complainant Isabelo Orijuela, whatever rights, titles or interest which said Bill Soriano had over a lot and two (2) houses situated at the Ana Sarmiento Estate, Malate, Manila, under the Administration of the Land Tenure Administration (now Land Authority); that complainant paid a total of ₱10,110.00 to respondent as consideration therefor (pars. 3, 4, 5, 6, Complaint); that as of February 23, 1962, at the time of the said contract, the unpaid account of Bill Soriano with the Land Authority was only ₱3,694.78 (pars. 11, 12, Complaint); that the records of the Land Authority, however, shows that on March 11, 1962, only the sum of ₱2,003.40 was paid thereon by respondent for the account of Bill Soriano; that this act of respondent resulted in the accumulation of interest and insecurity to the title of complainant to the said land."[1] The answer of respondent was a denial of his having received a total of ₱10,110.00. It was alleged by him that complainant did not deliver the entire amount for the payment of the lot and two (2) houses.

---

[1] Report of Solicitor General, 1-2.

Supreme Court E-Library

The complaint was then referred to the Solicitor General for report and recommendation. It was set for hearing. Evidence was then presented by complainant. At the latter stage thereof, a nephew of respondent, a certain Attorney Jose Cabangon, informed the Office of the Solicitor General that respondent had passed away. More specifically, to quote from the Report of the Solicitor General: "Atty. Jose Cabangon, took the witness stand, testified on respondent's death, presented a xerox copy of the death certificate, Exhibit 1 . . . and moved to dismiss the instant complaint. Counsel for complainant did not object to the presentation of said Exhibit 1 and to the dismissal of the case. . . . ."[2]

From the above recital it is quite apparent, as mentioned in such Report, that the case has become moot and academic. The recommendation necessarily is that the instant case be dismissed.

WHEREFORE, as recommended, the complaint for disbarment of respondent Temistocles Ayson Rosario, now deceased, is dismissed.

Barredo, Aquino, Concepcion Jr., Guerrero, Abad Santos, De Castro and *Escolin, JJ.*, concur.

SECOND DIVISION

[Adm. Case No. 2343. July 30, 1982]

FACUNDO LUBIANO, complainant, *vs.* JOEL G. GORDOLLA, respondent.

SYNOPSIS

Complainant Lubiano charged respondent Gordolla for his failure to observe the standard expected of him as a member of the Bar, imposed by the Canons of Professional Ethics, when, in a motion for reconsideration

---

[2] *Ibid*, 2.