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IT IS SO ORDERED.

Reyes, J. B. L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, and *Villamor, JJ.,* concur.

Makasiar, J., did not take part.

[Adm. Case No. 898. February 24, 1971]

JOSEFINA M. ORTEGA, *complainant, vs.* Atty. ERNESTO F. RIVERA, *respondent.*

SYLLABUS

LEGAL ETHICS, DISBARMENT; PROCEEDINGS CONTINUE DESPITE DESISTANCE OF THE COMPLAINANT; EXCEPTION.— Malpractice or the unprofessional conduct of a lawyer being impressed with public interest, the respondent in a case of disbarment may still be proceeded against despite the desistance of the complainant. But considering that complainant in this case, Josefina M. Ortega, on whose testimony the successful prosecution of the instant case hinges, does not wish to press her suit further, the undersigned do not believe that the allegation of the complaint against the respondent can be substantiated.

RESOLUTION

CONCEPCION, *C.J.:*

Petitioner Josefina M. Ortega seeks the disbarment of respondent Ernesto F. Rivera upon the ground that, having had carnal knowledge of her, under promise of marriage, in consequence of which she became pregnant, respondent refused to marry her.

In his answer, respondent denied having courted and proposed or promised marriage to petitioner, or having had any intimacy with her or caused her to be pregnant.

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The matter having been referred, for investigation, report and recommendation, to the Solicitor General, the latter submitted his report stating:

"This case was originally set for investigation on May 20 and 26, 1970 but both hearings were cancelled upon the written motion of the complainant and the same were forthwith reset for July 15 and 17, 1970. Upon failure of the complainant to again appear on July 15, 1970 on the ground that she is indisposed and her request for the cancellation of the hearing set for July 17, 1970, the investigation of this case was reset anew for August 12 and 14, 1970. Said hearings and others subsequent thereto were also cancelled upon the request of the counsel for the complainant because of the inability of the latter to appear for one reason or another.

"At the hearing scheduled for this afternoon, February 8, 1971 at 2:30 o'clock, counsel for the complainant appeared with the affidavit signed by the complainant dated January 28, 1971 stating that she is 'voluntarily, freely, without threats, intimidation, promises, withdrawing my complaint and/or charges for disbarment against Atty. Ernesto F. Rivera, which I filed because of misunderstanding.'

"Malpractice or the unprofessional conduct of a lawyer being impressed with public interest, the respondent in a case of disbarment may still be proceeded against despite the desistance of the complainant. But considering that complainant in this case, Josefina M. Ortega, on whose testimony the successful prosecution of the instant case hinges, does not wish to press her suit any further, the undersigned do not believe that the allegation of the complaint against the respondent can be substantiated. We accordingly recommend the dismissal of this case and the exoneration of the respondent."

In line with the recommendation of the Solicitor General, this case is, accordingly, dismissed.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and *Makasiar, JJ.,* concur.