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state a cause of action under Sec. 1(g) of said Rule 16, for under Rule 108 the court cannot render a valid judgment on the petition as the corrections prayed for are substantial and controversial in nature.[23]

WHEREFORE, the orders of the trial court dated January 21, 1967 and April 4, 1967 are hereby affirmed and the appeal dismissed, with costs against petitioners-appellants.

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

[Adm. Case No. 760. April 29, 1971]

MAGDALENA U. VERIN, ***complainant, vs.*** **EFREN E. TAGALA,** ***respondent.***

SYLLABUS

LEGAL ETHICS; COMPLAINT AGAINST LAWYERS; LACK OF INTEREST TO PROSECUTE; WARRANTS DISMISSAL OF THE CASE.— Special Counsel Silvestre V. Garfin of the Office of the Provincial Fiscal, to whom the investigation of the case was assigned by the Provincial Fiscal, set the case for hearing on various dates beginning March 21, 1969; but on each date either complainant or her counsel, or both, failed to appear despite due notice to them, or moved for postponement, or failed to oppose respondent's motions for postponement, until August 22, 1969, when both parties, together with their respective counsel, appeared before the investigator; but then complainant intimated her wish to have the case amicably settled, to which respondent expressed his assent. This development led to the postponement of the investigation to September 10, 1969, on which date complainant's counsel and respondent, together with his counsel,

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[23] Acuña *vs.* Batac Producers Cooperative, L-20333, June 30, 1967, 20 SCRA 526, 531; Republic *vs.* Cuaderno, L-22399, March 30, 1967, 19 SCRA 671, 677.

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appeared; but the investigation had to be postponed once more in view of complainant's absence. As early as June 17, 1969, the investigator had warned complainant that his office would be constrained to recommend the dismissal of the case if she failed to appear at a subsequent hearing. When the case was again called for investigation on October 28 1969, complainant and respondent, as well as respondent's counsel, appeared, but this time it was complainant's counsel who was absent. The investigator then and there issued a resolution recommending the dismissal of the case. Copy thereof was received by complainant and her counsel that same day. Complainant, either personally or thru counsel, did not file a motion to reconsider the resolution. On the basis of the foregoing facts, the Solicitor General recommends the dismissal of the present case, because, according to him, it is apparent that complainant is no longer interested in pursuing her complaint, which was filed with this Court as far back as March 30, 1967. In the premises, this Court finds the Solicitor General's recommendation to be in order, and accordingly, grants the same.

RESOLUTION

VILLAMOR, *J.:*

In this complaint for disbarment on the ground of immorality, complainant imputes upon Atty. Efren E. Tagala, Registrar of the Commission on Elections in Mercedes, Camarines Norte, the commission of acts amounting to rape, malicious mischief, estafa and habitual drunkenness. Required by this Court to file an answer, respondent did so, where he denied the material averments of the complaint and contended that in filing the case, complainant was actuated by ill-will, personal dislike for respondent and his wife, and a desire for revenge.

This Court referred the case to the Solicitor General for investigation, report and recommendation. Upon the parties' motions, the Solicitor-General directed the Provincial Fiscal of Camarines Norte to receive the parties' evidence, and, thereafter, submit a report.

Special Counsel Silvestre V. Garfin of the Office of the Provincial Fiscal, to whom the investigation of the case was

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assigned by the Provincial Fiscal, set the case for hearing on various dates beginning March 21, 1969; but on each date either complainant or her counsel, or both, failed to appear despite due notice to them, or moved for postponement, or failed to oppose respondent's motions for postponement, until August 22, 1969, when both parties, together with their respective counsel, appeared before the investigator; but then complainant intimated her wish to have the case amicably settled, to which respondent expressed his assent.

This development led to the postponement of the investigation to September 10, 1969, on which date complainant's counsel and respondent, together with his counsel, appeared; but the investigation had to be postponed once more in view of complainant's absence. As early as June 17, 1969, the investigator had warned complainant that his office would be constrained to recommend the dismissal of the case if she failed to appear at a subsequent hearing. When the case was again called for investigation on October 28, 1969, complainant and respondent, as well as respondent's counsel, appeared, but this time it was complainant's counsel who was absent. The investigator then and there issued a resolution recommending the dismissal of the case. Copy thereof was received by complainant and her counsel that same day. Complainant, either personally or thru counsel, did not file a motion to reconsider the resolution.

On the basis of the foregoing facts, the Solicitor General recommends the dismissal of the present case, because, according to him, it is apparent that complainant is no longer interested in pursuing her complaint, which was filed with this Court as far back as March 30, 1967. In the premises, this Court finds the Solicitor General's recommendation to be in order and, accordingly, grants the same.

WHEREFORE, the instant case is hereby ordered dismissed.

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