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SECOND DIVISION

[Adm. Case No. 1596. June 28, 1983]

MAXIMA MURILLO VDA. DE GARBE, complainant, *vs.* RODRIGO A. LIPORADA, respondent.

SYLLABUS

LEGAL AND JUDICIAL ETHICS; ATTORNEYS; DISBARMENT PROCEEDING; LOSS OF INTEREST IN PROSECUTING CASE, GROUND FOR DISMISSAL.— Where notwithstanding the Court's orders for the complainant to comment on the respondent's motions to suspend the disbarment case and to dismiss the case based on the latter's acquittal in a criminal case for estafa through falsification of public documents which constitutes respondent's alleged gross misconduct as an officer of the Court and member of the Bar, complainant failed to submit the required comments, the case for disbarment will be dismissed and considered closed since such default evidently signify on the part of the complainant and her counsel lack of interest in prosecuting the case.

APPEARANCES OF COUNSEL

Leven S. Puno for petitioner.
Romeo L. Mendoza & Assoc. for respondent.

RESOLUTION

AQUINO, *J.*:

On March 12, 1976, Maxima Murillo Vda. de Garbe charged Rodrigo A. Liporada with gross misconduct in notarizing her special power of attorney wherein Alegria Banaag, Liporada's common-law wife, affixed her right-hand thumbmark, making it appear to be the thumbmark of Mrs. Garbe. By means of that power of attorney, Banaag was allegedly able to get from the Army Finance Center, Camp Aguinaldo Mrs. Garbe's pension checks and to misappropriate the same. Banaag later became Liporada's lawful wife. Mrs. Garbe asked for Liporada's disbarment.

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On June 23, 1976, this Court resolved to ask Mrs. Garbe to comment on Liporada's motion that the case be suspended to await the outcome of Criminal Case No. Q-6236 of the Court of First Instance of Rizal at Quezon City wherein the Liporada spouses were charged with estafa through falsification of public documents in connection with the said special power of attorney.

The Liporada spouses were *acquitted* by Judge Lino Añover in a decision dated May 23, 1977: Banaag, for lack of deceit, and Liporada for having believed in good faith that the thumbmark was affixed by Mrs. Garbe.

Mrs. Garbe and her lawyer, Leven S. Puno, failed to comment on the motion to suspend the disbarment case. In a resolution dated November 24, 1982, Mrs. Garbe and Atty. Puno were also asked to comment on Liporada's motion to dismiss the case based on his acquittal. They failed to submit any comment up to this time.

Evidently, the complainant and her lawyer had no more interest in prosecuting the case.

WHEREFORE, this case is dismissed and considered closed.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero, Abad Santos, De Castro and *Escolin, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-27294. June 28, 1983]

ALFREDO ROA, JR., LETICIA ROA DE BORJA, RUBEN ROA, CORNELIO ROA and ELSIE ROA-CACNIO (as heirs of the late Alfredo Roa, Sr.), petitioners *vs.* HON. COURT OF APPEALS and the spouses JOAQUIN CASIÑO and CUSTODIA VALDEHUESA, respondents.