

**JAIME PELEJO AND BELEN C. ZABALLERO, COMPLAINANTS, VS.
PATERNO C. ZABALLERO, RESPONDENT.**

Adm. Case No. 2311. July 25, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

Belen C. Zaballero-Pelejo, a septuagenarian, filed on September 21, 1981 this disbarment case against her brother, Paterno C. Zaballero (also a septuagenarian), admitted to the bar in 1935.

She claims that sometime in 1974 Paterno, through fraud and machinations, was able to make her and her husband, Jaime Pelejo, sign a deed of sale in his favor for their buildings and lot with an area of 298 square meters located at 541 Mariano de los Santos Street (formerly Alejandro VI), Sampaloc, Manila for the price of P400,000.

Paterno in his answer alleged that the sale was voluntary and that two civil cases filed by his sister to annul the sale were dismissed. He and his wife were placed in possession of the property on March 30, 1982 (G.R. No. 60800, October 18, 1982, 117 SCRA 665 reversing decision of August 31, 1982, 116 SCRA 406).

The case was referred to the Solicitor General for investigation, report and recommendation. Complainant testified but she repeatedly failed to appear for cross-examination.

On June 7, 1983, Aurora Gonzales Vda. de Zaballero filed a motion for the dismissal of this case on the ground that her husband, Paterno, died on May 4, 1983, as shown in the death certificate issued by the local civil registrar of Manila (Annex A).

Since this is a personal action, the case has to be dismissed. *Actio personalis moritur cum persona*.

WHEREFORE, this case is terminated and considered closed.

SO ORDERED.

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

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