

LEONARD W. RICHARDS, COMPLAINANT, VS. ATTY. PATRICIO A. ASOY, RESPONDENT.

Adm. Case No. 2655. November 11, 1985

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

As retained counsel of complainant Leonard W. Richards, an Australian[1], in Civil Case No. 0181-P, Regional Trial Court, Pasay City, Branch CX, an action for damages entitled Richards vs. Danilo Felindario, et al., due to faulty construction and non-compliance with specifications and plans of their house and swimming pool at Johann Menzi St., Phase III, B.F. Homes, Parañaque, M.M., respondent Atty. Patricio A. Asoy stands charged with Malpractice for alleged non-attendance at hearings[2], negligence and lack of zeal in handling the aforesaid case resulting in its dismissal for lack of interest and/or failure to prosecute.[3]

Required to comment, within ten (10) days from notice, through our Resolution, dated August 8, 1984[4], respondent failed to do so despite service together with a copy of the letter-complaint at his residence at 13 President's Ave., Teoville Subdivision, Sucat Road, Parañaque, Metro Manila.

For failure to file said Comment within the period which expired on September 9, 1984 we resolved to require him "a) to SHOW CAUSE why he should not be disciplinarily dealt with or held in contempt for such failure and b) to COMPLY with the resolution of August 8, 1984 requiring him to file said comment, both within 10 days from notice hereof."[5]

Copy of the aforesaid Resolution not having been served at respondent's other address at 117 Ramon Tirona St., BF Homes, Parañaque, M.M., with the process server's notation: "no longer residing at such address, not known in the forwarding address" we required complainant to "INFORM this Court of the correct and present address of Atty. Patricio Asoy within five (5) days from notice hereof".[6] Through the Philippine Consulate General in Sydney, Australia, complainant has manifested that he is unaware of respondent's present whereabouts.

In the meanwhile, other copies of our February 25, 1985 Resolution were served at respondent's known office addresses at the Central Bank, Legal Department, Manila, and at Suite 306, Filman Bank Bldg., Plaza Sta. Cruz, Manila, which were both returned unserved.[7]

Service was tried, next, at Asia International Builders Corp., 5th Floor, ADC Bldg., Ayala Avenue, Makati, M.M., the address given in respondent's calling card, but the 1st Division Clerk of Court was informed that respondent had ceased working in that office as of June 16, 1984.

Respondent's provincial address at the Bar Office of this Court was next tried through the Integrated Bar of the Philippines (IBP) Tacloban Chapter, with the request that this Court be informed of the whereabouts of respondent. In a telegram, dated October 10, 1985, the IBP has informed the Court that respondent is not a member of the Leyte Chapter.

Unquestionably, respondent has gone into hiding and is evading service of pleadings/orders/processes of this

Court.

ACCORDINGLY, respondent, Atty. Patricio A. Asoy, is hereby SUSPENDED from the practice of law until further Orders of this Court. Let copies of this Resolution be circularized to all Courts.

Should respondent appear before any lower Court, the latter shall serve upon him a copy of this Resolution and require him to appear, within five (5) days, before the Deputy Clerk of Court and Bar Confidant, who shall furnish him with a copy of the Administrative Complaint and require him to file an Answer thereto, within five (5) days thereafter. The lower Court concerned shall furnish this Court with copy of its Order immediately.

Copy of this Resolution shall likewise be furnished complainant, via airmail, at his address of record, 4/169 Avoca Street; Randwick NSW 2031, Australia, with copy furnished the Ministry of Foreign Affairs for onward transmittal to the Philippine Consulate General, Sydney, as requested in the Ministry's 1st Indorsement dated 4 September 1985.

SO ORDERED.

Teehankee, (Chairman), Plana, Gutierrez, Jr., De la Fuente and Patajo, JJ., concur.
Relova, J., on official leave.

[1] Rollo, pp. 10-11, 20, 21.

[2] *ibid.*, p. 6.

[3] *ibid.*, pp. 2, 18.

[4] *ibid.*, p. 47.

[5] *ibid.*, p. 49.

[6] *ibid.*, p. 51.

[7] *ibid.*, p. 50.

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