

RICARDO ROJAS, COMPLAINANT, VS. ATTY. DULCESIMO P. TAMPUS, RESPONDENT.

Adm. Case No. 1383. March 04, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

Ricardo Rojas, a businessman of Palao, Iligan City, in his verified complaint dated August 16, 1974, charged Atty. Dulcesimo Tampus with malpractice for having allegedly sought interminable postponements of the hearing of Criminal Case No. 9213-AF of the City Court of Iligan City, a perjury case filed by Rojas against Alfonso Delator.

Rojas alleged that on August 7, 1974 Atty. Tampus again moved for the postponement of the trial on the ground that he was to appear at the preliminary investigation in the office of the Provincial Fiscal at Cagayan de Oro City. The Fiscal, in answer to Rojas' inquiry, replied that there was no such investigation.

Respondent Tampus denied the charge. The case was referred for investigation to the Solicitor General. He in turn asked the Provincial Fiscal of Lanao del Norte at Iligan City to receive the evidence.

At the hearing before the Fiscal on March 20, 1975 complainant Rojas, assisted by counsel, withdrew his complaint against Tampus after the latter had explained to Rojas that he (Tampus) actually went to Cagayan de Oro City on August 7, 1974 to attend the preliminary investigation to be conducted by the inquest fiscal but the investigation was not held. That explanation was corroborated by Assistant Fiscal Josefina C. Parrado and Atty. Ruperto P. Eltanal in their respective affidavits.

The Solicitor General after reviewing the record concluded that there was no evidence to substantiate the charge that Atty. Tampus had unreasonably delayed the trial of the perjury case. The postponements were granted by the court presumably because the grounds therefor were meritorious.

WHEREFORE, this administrative case against respondent Atty. Tampus is dismissed.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Concepcion Jr., JJ., concur.

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