

ROMANA G. MATEOS, COMPLAINANT, VS. PRIMO C. WISCO, RESPONDENT.*Adm. Case No. 613. May 25, 1972*

Ponente: FERNANDO, J.

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The complaint against respondent Primo C. Wisco, a member of the Philippine bar and at that time Assistant City Fiscal of Quezon City, was based on his allegedly defrauding complainant Romana G. Mateos of "certain sums of money through inducement, false pretenses, misrepresentations and similar deceits, * * *." [1] The first specification would impute to respondent the failure to return jewelry valued at P1,000.00 under the obligation to sell the same within three months from September 13, 1962 and to turn over the proceeds thereof or to return the jewelry, an obligation respondent failed to live up to, notwithstanding several verbal demands. He was likewise accused of inducing complainant to extend a loan of P6,000.00 to a certain Mrs. Leonor Mercado, allegedly a good friend of his, secured by a mortgage which however he did not register. Complainant would impress upon this Court as the basis of the third specification against the respondent the fact that he was likewise remiss in registering another mortgage to the same party, this time to secure a loan of P16,000.00.

Respondent was thereafter required to file an answer. That he did in a pleading of forty-pages, containing specific denial of charges made against him. He explained that as to the first specification, instead of jewelry worth of P1,000.00, being received by him, there was in reality a loan, with complainant charging interest at the rate of 5% a month. As to the accusation that it was through his influence that certain loans were extended to Mrs. Mercado with respondent refusing thereafter to register the document, there was an even longer recital of facts, all pointing to his lack of any influence that would persuade complainant to act as she did and to reiterating that once again she was guilty of a usurious transaction.

The matter having been referred to the Office of the Solicitor General, it was not until August 25, 1971 that a report was submitted by the then Solicitor General, now Associate Justice of this Court, the Honorable Felix Q. Antonio. It was stated therein: "On December 12, 1970, respondent Primo C. Wisco died as shown in the attached certification * * * dated August 23, 1971 of Mr. Paciano C. Cantre, Administrative Officer of the City Fiscal's Office at Quezon City." [2] There was indeed such a certification as to the death of respondent, Assistant City Fiscal Primo C. Wisco, coming from the Administrative Office of the City Fiscal's Office. It was the recommendation in such report "that the above entitled disbarment proceeding against respondent Primo C. Wisco be dismissed." [3]

WHEREFORE, the respondent having died in the mean-while, the recommendation of the then Solicitor-General is accepted and the complaint for disbarment dismissed.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Teehankee, Barredo, and Makasiar, JJ., concur.

Castro and Antonio, JJ., did not take part.

Concepcion, C.J., on official leave.

[1] Complaint, par. 3.

[2] Report and Recommendation, p. 2.

[3] Ibid.

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