

AMANDO G. LAZARO, COMPLAINANT, VS. ATTY. JUANITO SAGUN, RESPONDENT.

Adm. Case No. 1382. July 29, 1977

Ponente: SANTOS, J.

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SANTOS, J.:

In a verified complaint dated October 2, 1974, Amando G. Lazaro charged Atty. Juanito B. Sagun, a member of the Philippine Bar since 1953, with violations of the Canons of Legal Ethics, by committing acts not befitting a member of the Bar.[1]

The records reveal that respondent was the counsel of complainant, as private prosecutor, in two (2) criminal cases, entitled -- (1) "People vs. Teodoro Buenaventura, et al., Criminal Case No. 5808-M" and (2) "People vs. Dominador Castillo, et al., Criminal Case No. B-27-70". Sometime during the pendency of aforesaid cases in the Court of First Instance of Bulacan in 1968, respondent took possession of the complainant's jeep, promising to pay for the same in the amount of P5,500.00 at some later time. Respondent used the jeep as his own since then up to July, 1972, when complainant was forced to repossess the same because respondent failed to pay the sum he promised. Several parts were missing and the jeep was in a bad state of disrepair. On July 2, 1972, complainant managed to recover the missing parts of his jeep -- the radiator and the battery -- through the help of the Philippine Constabulary Command stationed in Malolos, Bulacan.[2]

Respondent, in a detailed Comment, denied the charges made by complainant and prayed that the same be dismissed for lack of cause of action -- the complaint having been allegedly filed purely to harass him and blacken his honor and integrity as a member of the Bar.[3]

Complainant was required to file his Reply to the Comment of respondent per letter dated May 31, 1977 of the Office of the Bar Confidant, but instead of a Reply, he informed this Court that he was no longer interested in further prosecuting this case which is moot and academic... "considering that respondent is already dead." [4]

WHEREFORE, in view of the death of respondent, Atty. Juanito Sagun, let this case be as it is hereby DISMISSED. Let a copy of this Resolution be attached to his record in the Roll of Attorneys.

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

[1] Rollo, pp. 1-5.

[2] Ibid.

[3] "Comment", Rollo, pp. 23-37.

[4] Rollo, p. 58.

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