

LYDIA CABATU, COMPLAINANT, VS. EDGARDO C. DOMINGO, RESPONDENT.

Adm. Case No. 797. May 31, 1982

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

The fitness of respondent Edgardo C. Domingo to remain a member of the Philippine Bar was assailed in this complaint for disbarment filed by Lydia Cabatu. It was alleged that notwithstanding the fact that his marriage with complainant was valid and subsisting, he contracted a second marriage with one Florecita A. Pe Aguirre on September 16, 1967. Respondent was required to answer. All he said was that he was without knowledge of such allegation. The case was then referred to the Solicitor General^[1] for investigation, report, and recommendation. Such report was submitted on January 18, 1982.

The case had to be set for hearing on three occasions, the first two not taking place as subpoenas for both complainant and respondent were returned unclaimed. The Report went on to state: "Despite receipt by complainant and her counsel of the order setting the case for hearing on October 13, 1981, neither one appeared. Indeed, from the time the complaint was filed in 1967 up to the present time, there has not been any move on the part of complainant to pursue her complaint. It is fairly evident that she has lost interest in prosecuting the case."^[2] As for the respondent, the record disclosed that the registered letter addressed to him was received "with the notation on the envelope: 'addressee moved to USA, no forwarding address.'"^[3]

The recommendation was understandably for the dismissal of the complaint for disbarment.

WHEREFORE, the petition is dismissed. No costs.

Aquino, Guerrero, De Castro, and Escolin, JJ., concur.

Barredo, J., votes with J. Abad Santos for provisional dismissal.

Concepcion, Jr., J., on leave.

[1] Solicitor General Estelito P. Mendoza was assisted by Assistant Solicitor General Eduardo Monte-negro and Solicitor Oswaldo D. Agcaoili.

[2] Report, 3.

[3] Ibid.

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