

NORBERTO EDROSA, COMPLAINANT, VS. ATTY. INOCENCIO ARRIETA Y RAMOS, RESPONDENT.

Adm. Case No. 1088. November 29, 1972

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

In a verified letter, filed with this Court on May 18, 1972, Norberto Edrosa complained against Atty. Inocencio Arrieta upon the ground that, having heard rumors about an alleged affair between the latter and his (complainant's) wife Aurea Luciano Edrosa, a week before said date, complainant confronted his wife in connection therewith; that she then admitted having had illicit relations with the respondent from September 1969 to April 1972; that although complainant had "in fact forgiven her" for the "affront" thus committed upon his person, he felt "that a full restitution of his "lost dignity first, as a husband, and secondly, as a man cannot be gained unless the person responsible for reprehensible acts" against him (complainant) "is given his due punishment, principally to weed him out from the noble profession of law."

Inasmuch as said letter-complaint was not certain as regards the exact address of respondent herein, complainant was required to submit the same, and soon after, complainant informed the Court that respondent's address is "No. 4715 Commercial Drive, Vancouver 13, B.C. Canada."

Thereupon, the Court issued a resolution requiring respondent to file his answer to said complaint. This was followed on September 13, 1972 by an urgent omnibus motion, dated September 8, 1972, filed by Atty. P. M. Castillo, as counsel for respondent, stating that his services as such had been retained by respondent the day before; that Atty. Castillo had not as yet conferred with respondent concerning the veracity and merit of the complaint, principally because said respondent resides at Vancouver, Canada; and that "the so-called immoral conduct of the respondent was vaguely stated" in the complaint, for which reason it was prayed that complainant be required to file a formal complaint stating with precision the so-called immoral conduct of respondent, and that the movant be given thirty (30) days from receipt of such complaint to submit respondent's answer, which said counsel filed on October 7, 1972.

In said pleading, it was alleged, inter alia, that respondent had been at one time retained as counsel for the complainant and his wife in their business enterprises; that respondent never had any immoral relationship with complainant's wife, who is six years his senior and whom he respected, not only because complainant and his wife were his clients, but, also, because respondent is married and their "compadre"; that respondent's preparation for his departure and respondent's "departure itself with his wife for Canada as an immigrant we re completely known to the complainant xxx who even extended assistance towards this end"; and that having pardoned his wife, complainant cannot prosecute his charges against the respondent.

In a verified reply, dated October 31, 1972, and filed on November 17, 1972, complainant alleged that after the filing of the complaint herein, he had "come across material information regarding the matter complained of"; that "complainant's wife and other interested persons" had assured him (complainant) "that the so-called illicit

relationship between the said respondent" and complainant's wife "were plain rumors xxx calculated to downgrade, embarrass and create dissension" in complainant's "marriage bond and/or destroy in the process the good name of the said respondent"; and that, accordingly, "to prosecute this case will lead to further untold embarrassment and humiliation on the part of all the parties concerned," in view of which complainant prayed "that the above entitled case be dismissed."

Considering the circumstances obtaining in the case at bar, and particularly, that the offense imputed to respondent herein is private in nature; that complainant had actually pardoned his wife; that, in line with established customs and traditions, our laws seek to protect and promote "the solidarity of the family"[1]; and that respondent is now a resident of Canada, the Court is of the considered opinion that this case should be as it is hereby dismissed.

IT IS SO ORDERED.

Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[1] Article 220, Civil Code of the Philippines.

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