

JOSEFINA M. SENSENG, COMPLAINANT, VS. PATRICIO BALAO GA, RESPONDENT.

Adm. Case No. 1734. January 31, 1984

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Josefina M. Senseng, Vice President and Manager of Casiguran Bay Timber Corporation, seeks the disbarment of respondent Patricio Balao Ga. She claims that she hired Atty. Ga to defend a labor case against the corporation; that he grossly neglected his duties as counsel despite the fact that his fees plus representation expenses had been fully paid; and that as a result thereof Casiguran Bay Timber Corporation had to pay the complainant in the labor case P100,328.00.

The specific charges against the respondent are: (1) he consistently failed to attend hearings; and (2) he did not know that Sundays and holidays are included in counting the period within which to appeal an adverse decision to the National Labor Relations Commission.

The defense of the respondent is a denial of the charges.

The case was referred to the Solicitor General for investigation, report and recommendation.

The Solicitor General now reports:

"There is no sufficient evidence against respondent. As earlier stated, after the hearing on November 17, 1981, complainant and her counsel did not anymore appear in the subsequent hearings. Respondent was not able to cross-examine her on her direct testimony. Neither was there formal offer of complainant's evidence. Section 35, Rule 132 of the Rules of Court explicitly provides in part that, 'The court shall consider no evidence which has not been formally offered.'

"Disregarding this point, and considering the substance of the evidence adduced by complainant, the evidence does not adequately establish the charges against respondent."

In the light of the foregoing, the Solicitor General recommends:

"WHEREFORE, complainant not having sufficiently proved her charges against respondent, it is respectfully recommended that the complaint be dismissed."

The recommendation is well-taken; the complaint against Atty. Patricio Balao Ga is hereby dismissed. SO ORDERED.

Makasiar, (Chairman), Aquino, Guerrero, De Castro, and Escolin, JJ., concur.
Concepcion, Jr., J., on sick leave.

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