

ROSELA C. LU, COMPLAINANT, VS. LAMBERTO LLAMERA, RESPONDENT.

Adm. Case No. 2315. July 25, 1983

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

A complaint for disbarment was filed by Rosela C. Lu against Lamberto Llamera who was admitted to the bar in 1981. Rosela's complaint is the all-too-familiar charge of immorality. She alleged that she was seduced by the respondent and had a baby but he refused to marry her contrary to his promise.

The respondent's answer which he was required to file admits that he and Rosela used to be sweethearts but the affair was terminated after he learned that "she has another lover."

The complainant replied that the respondent did in fact impregnate her but lost interest and married another after he learned of her condition.

The parties were thus contra-poised and ready to do battle. But in December, 1982, with Christmas spirit in the air, Rosela submitted a verified motion as follows:

"COMES NOW undersigned complainant and to the Honorable, The SUPREME COURT OF THE PHILIPPINES, Manila, respectfully move to withdraw or Dismiss the Complaint against respondent, Lamberto Llamera on the following grounds, to wit:

- Lack of Interest.

That I am desisting from pursuing the case because after a soul searching, I found and come to the conclusion that he is innocent of the offense charged therein;

- That plaintiff have come to terms with the defendant and that it is the desire a plaintiff to withdraw and or to have the above-entitled case be dismissed.

Wherefore, it is respectfully prayed that this motion be granted."

Notwithstanding the motion, the Solicitor General set the case for hearing on February 15, 1983. Not surprisingly, neither of the protagonists appeared. A month later, the respondent himself asked for the dismissal of the complaint because of the motion filed by the complainant.

In the light of the foregoing, the Solicitor General recommends dismissal of the case for lack of prima facie evidence of any misconduct on the part of the respondent. The recommendation is well taken and the case is hereby dismissed.

SO ORDERED.

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

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