

MIGUELA R. LUYON, COMPLAINANT, VS. ATTY. JUAN G. ATENCIA, RESPONDENT.

Adm. Case No. 727. May 05, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

In a verified complaint dated August 25, 1966 Miguela R. Luyon denounced to this Court Atty. Juan G. Atencia for alleged unethical conduct in connection with Civil Case No. 562 of the Court of First Instance of Catanduanes. That case was an action for support and acknowledgment filed by Atty. Atencia for Miss Luyon and her minor child against Armando A. Ala, the provincial auditor of Catanduanes.

Miss Luyon averred that respondent Atencia "had secret contacts" with Ala and had allegedly received money from him. She prayed that Atencia be investigated for having betrayed her trust and confidence.

Respondent Atencia in his detailed answer denied the charge and stated the circumstances revealing the ulterior motivation of Miss Luyon in filing the charge against him. He prayed that the complaint be dismissed.

The case was referred to the Solicitor General for investigation, report and recommendation (Resolution of October 21, 1966).

Acting on complainant's request, Assistant Solicitor General Pacifico P. de Castro endorsed the case to the provincial fiscal of Catanduanes for investigation.

Miss Luyon in a letter to the fiscal dated August 5, 1974 informed him that she was no longer interested in prosecuting her complaint. Because of that letter, the fiscal returned the record to the Office of the Solicitor General.

Sometime in 1976, Miss Luyon sent a telegram to the Office of the Solicitor General reiterating her lack of interest in pushing through her complaint.

In the present posture of the case, it would be difficult to investigate the alleged unethical conduct imputed to respondent Atencia without hearing Miss Luyon. She has in effect desisted or withdrawn her complaint.

WHEREFORE, this case is dismissed.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Martin, JJ., concur.
Concepcion, Jr., J., did not take part.

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