

ISABELO C. ORIJUELA, COMPLAINANT, VS. TEMISTOCLES AYSON ROSARIO, RESPONDENT.*A.C. No. 1182. July 30, 1982*

Ponente: FERNANDO, C.J.

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The basis for this administrative complaint for dishonesty against respondent Temistocles Ayson Rosario, then a member of the Philippine Bar, was that as "attorney-in-fact of a certain Bill Soriano, [he] sold to complainant Isabelo Orijuela, whatever rights, titles or interest which said Bill Soriano had over a lot and two (2) houses situated at the Ana Sarmiento Estate, Malate, Manila, under the Administration of the Land Tenure Administration (now Land Authority); that complainant paid a total of P10,110.00 to respondent as consideration therefor (pars. 3, 4, 5, 6, Complaint); that as of February 23, 1962, at the time of the said contract, the unpaid account of Bill Soriano with the Land Authority was only P3,694.78 (pars. 11, 12, Complaint); that the records of the Land Authority, however, shows that on March 11, 1962, only the sum of P2,003.40 was paid thereon by respondent for the account of Bill Soriano; that this act of respondent resulted in the accumulation of interest and insecurity to the title of complainant to the said land." [1] The answer of respondent was a denial of his having received a total of P10,110.00. It was alleged by him that complainant did not deliver the entire amount for the payment of the lot and two (2) houses.

The complaint was then referred to the Solicitor General for report and recommendation. It was set for hearing. Evidence was then presented by complainant. At the latter stage thereof, a nephew of respondent, a certain Attorney Jose Cabangon, informed the Office of the Solicitor General that respondent had passed away. More specifically, to quote from the Report of the Solicitor General: "Atty. Jose Cabangon, took the witness stand, testified on respondent's death, presented a xerox copy of the death certificate, Exhibit 1 . . . and moved to dismiss the instant complaint. Counsel for complainant did not object to the presentation of said Exhibit 1 and to the dismissal of the case. . . ."[2]

From the above recital it is quite apparent, as mentioned in such Report, that the case has become moot and academic. The recommendation necessarily is that the instant case be dismissed.

WHEREFORE, as recommended, the complaint for disbarment of respondent Temistocles Ayson Rosario, now deceased, is dismissed.

Barredo, Aquino, Concepcion Jr., Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

[1] Report of Solicitor General, 1-2.

[2] Ibid, 2.

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