

JOSE V. DE LA RAMA, COMPLAINANT, VS. ATTY. WIL-FRIDO E. DIZON, RESPONDENT.

A.C. No. 1213. July 29, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

Jose V. de la Rama, in his verified complaint dated June 21, 1973, charged Atty. Wilfrido E. Dizon with malpractice and unethical conduct for having supplanted him (De la Rama) as the lawyer of Lourdes G. Fernandez and DI'Mark's Inc., an entity headed by Arthur Fernandez, the husband of Lourdes.

Respondent Dizon denied the charge. He branded it as an act of harassment. In his comment he reproduced the letters of De la Rama to the Fernandez spouses and to Father Robert Bomeisil, S.J. of Ateneo de Manila, chairman of the board of directors of DI'Mark's Inc. In those three letters Atty. De la Rama admitted that about the middle of July, 1971 he was no longer in good terms with the Fernandez spouses, that his position as counsel had become untenable, and that he was billing them P63,600 for unpaid attorney's fees.

In the same comment, Atty. Dizon revealed that Mrs. Fernandez asked Atty. De la Rama to account for the sum of P210,000 which he had received from DI'Mark's Inc. She accused him of having given her a Xerox copy of a fake resolution of this Court in the fictitious case of Ramon Roces vs. Lourdes G. Fernandez, L-32819.

Respondent Dizon annexed to his answer (a) the affidavits of Mrs. Fernandez and Father Bomeisil regarding the alleged questionable actions of Atty. De la Rama, (b) copies of the latter's withdrawal of appearance in certain cases, and (c) a copy of Dizon's appearance in L-32709, DI'Mark's Inc. vs. Hon. G.A. Buendia, etc., et al. Dizon prayed that the disbarment complaint be dismissed outright for lack of merit.

After the complainant had filed his reply, the case was referred to the Solicitor General for investigation, report and recommendation.

The hearings in the Solicitor General's Office scheduled on February 4 and 20, March 25 and April 26, 1974 were postponed at the instance of Atty. De la Rama and over the objection of the respondent who insisted that the case should be dismissed. At the hearing set on July 11, 1974 Atty. De la Rama did not appear. The respondent moved for the dismissal of the case. Thereafter, the case was not set for hearing anymore. The Acting Solicitor General in his report of July 6, 1976 recommended that the complaint be dismissed.

Complainant De la Rama's apathy to the prosecution of his charge is strongly indicative of its lack of merit. If it were true that he had a legitimate grievance against respondent Dizon, he would have acted with vigor and dispatch in presenting his evidence. But after July 11, 1974 he did not bother to ask that his complaint be again set for hearing. As already noted, the prior scheduled hearings were not held due to his motions for postponement and nonappearance.

Parenthetically, it may be mentioned that on November 26, 1971, or long before De la Rama filed his complaint against Dizon, Mrs. Fernandez filed against De la Rama a complaint for disbarment, charging him with deceit,

malpractice and other gross misconduct. That case, which is Administrative Case No. 1051, is pending in the Solicitor General's Office.

WHEREFORE , Atty. De la Rama's complaint for disbarment against respondent Dizon is dismissed for failure to prosecute. (See Worthington vs. Fernandez, Adm. Case No. 1085, June 10, 1976).

SO ORDERED.

Fernando, (Chairman), Barredo, and Antonio, JJ., concur.

Concepcion Jr., J., is on leave.

Martin, J., was designated to sit in the Second Division.

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