

RUBY SOCORRO P. FIRMAN, SALVACION FIRMAN AND ALBERTO FIRMAN, PETITIONERS, VS. ATTY. ISMAEL S. CRISANTO, RESPONDENT.

A.C. No. 1471. January 11, 1979

Ponente: AQUINO, J.

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AQUINO, J.:

Ruby Socorro P. Firman of Malita, Davao del Sur in her verified complaint dated November 15, 1974 charged respondent lawyer with immorality for allegedly having carnal relations with her, when she was below eighteen years of age, although he was a married man.

However, in a handwritten letter dated December 2, 1974, addressed and airmailed to the Chief Justice, Ruby revealed that she signed the complaint due to the pressure exerted by her father with the assistance of lawyer Saturnino Parcasio and Judge Renato Fuentes and that the contents of her complaint were false, being "the product of the imaginations" of her parents and lawyer Parcasio. She asked that the case be dropped.

Notwithstanding that letter, Ruby and her parents filed a verified petition dated April 23, 1975 for respondent's disbarment. It was alleged therein that the respondent, a relative and family lawyer of the complainants, seduced Ruby and cohabited with her in Digos, Davao del Sur.

The respondent in his answer denied the charge. The case was referred to the Solicitor General who asked the provincial fiscal of Davao del Sur to receive the evidence and submit the corresponding report.

Alberto Firman, Ruby's father (he is a high school graduate), in his affidavit of March 24, 1976, declared that his daughter is already married to another man and that due to the persistent entreaties of the respondent, he (Firman) decided to withdraw and drop the complaint for disbarment and that he was expressing his appreciation for the attention given by this Court to his complaint.

At the hearing on the same date (in respondent's absence), the fiscal took Firman's sworn testimony in the presence of his wife. He reaffirmed the contents of his affidavit of desistance and further alleged that his wife and daughter were in conformity with the withdrawal of the complaint. They had mulled over the matter for sometime and they had decided to adopt a "forgive and forget" attitude.

At the subsequent hearing before the investigating fiscal on April 28, 1976, the respondent (in the absence of the complainants) took exception to certain allegations in Alberto Firman's affidavit of desistance. The respondent insisted that the case be dismissed on the basis of Ruby's handwritten letter of December 2, 1974.

The Solicitor General recommends that the case be dismissed because the desistance of the complainants had rendered it difficult to investigate the charge and because there is no evidence to substantiate it.

Finding that recommendation to be well-taken, this case is dismissed and considered closed.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, Concepcion, Jr., and Santos, JJ., concur.

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