

NATIONAL MINES AND ALLIED WORKERS UNION (NAMAWU-MIF), COMPLAINANT, VS. ROMEO A. REAL, RESPONDENT.

A.C. No. 1867. December 19, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

The National Mines and Allied Workers Union in its verified complaint of February 11, 1978 asked for the disbarment of respondent lawyer on the alleged grounds of violation of his oath of office, malpractice, disregard of the law and lawful orders and ignorance of the law in connection with the negotiation of a collective bargaining agreement with respondent's client, Red V Coconut Products, Ltd., by the Tanglaw ng Pag-gawa, a union affiliated with complainant union.

The respondent (admitted to the bar in 1940) in his comment of August 21, 1978 alleged that the complaint was filed because the complainant thought that the respondent was blocking the demands of the complainant upon the Red V Coconut Products, Ltd.

The respondent pointed out the inaccuracies and misrepresentations in the complaint and averred that the complaint was an offshoot of the labor dispute between the complainant and the Red V Coconut Products, Ltd.

After the submission of respondent's comment, the complainant filed a motion to declare the respondent in contempt of court for having used intemperate and offensive language in his comment. The respondent countered that the use of abrasive language was provoked by the untruthful charges contained in the complaint.

The case was referred to the Solicitor General for investigation, report and recommendation. The investigation could not be commenced because complainant's counsel failed to appear at the hearings scheduled on March 25, April 25 and June 6, 1979.

On June 26, 1979, the complainant filed with the Solicitor General a withdrawal of its complaint and its motion to cite the respondent for contempt. The complainant alleged that the case "arose out of a simple misunderstanding"; that the parties had agreed to settle their differences and that, with the settlement of their dispute, the complaint herein and the motion to cite the respondent for contempt should "be considered withdrawn and/or be ordered dismissed".

The Solicitor General observed that because of the motion for withdrawal there is no alternative but to dismiss the complaint for disbarment.

In view thereof, the complaint is dismissed and this case is considered closed.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

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