

VIRGINIA SOTTO, PETITIONER, VS. ORTAÑES DE GUIA, RESPONDENT.

A.C. No. 196. June 30, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

At the instance of Virginia Sotto-De Guia and after due investigation and hearing, the Solicitor General in a complaint dated July 5, 1962 charged Ortañes de Guia (admitted to the bar in 1952 and married to the complainant in 1938) with gross-ly immoral conduct and for being unfit to be a member of the bar.

It was alleged in the complaint that the respondent contracted in 1944 a bigamous marriage with Catalina Manuel, begetting a child with her, and that since 1953 he has been living with a mistress named Filomena Race.

For reasons not appearing in the record, no action was taken on the said complaint. What appears in the record is Mrs. De Guia's verified motion to dismiss dated August 11, 1961 wherein she prayed that she be allowed to withdraw her complaint. The investigating fiscal recommended the denial of that motion.

In a letter dated April 17, 1980, Mrs. De Guia requested that this case be dismissed because the respondent, her husband, died on August 13, 1979. A certified copy of the death certificate was attached to the letter.

She also requested that she be allowed to withdraw her marriage contract, Exhibit A, and to substitute it with a photostatic copy thereof.

Complainant's requests are hereby granted. As a disbarment is a proceeding, which is personal to the respondent, his death naturally extinguishes the proceeding. *Actio personalis moritur cum persona*.

WHEREFORE, this case is considered closed. The marriage contract, Exhibit A, may be returned to the complainant upon her presentation to the Clerk of Court of a photostatic copy thereof.

SO ORDERED.

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

[*] De Castro, J., was designated to sit in the Second Division.

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