

NATIONAL BUREAU OF INVESTIGATION, COMPLAINANT, VS. JESUS M. PONCE, RESPONDENT.*A.C. No. 792. July 30, 1982*

Ponente: FERNANDO, C.J.

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It was the National Bureau of Investigation that referred to this Court the result of its investigation finding that respondent Jesus M. Ponce, a member of the Philippine Bar, was guilty of various acts of fraud against a certain Angela Sauler. Such report was then submitted to the Solicitor General for appropriate action. The alleged aggrieved party, Angela Sauler, was asked by the Office of the Solicitor General to specify the grounds for her complaint pursuant to Section 27, Rule 138 of the Revised Rules of Court. All that was done by her was to accuse respondent Ponce of deceit and malpractice characterized as gross misconduct in office relative to Transfer Certificates of Title No. 78417, 35306, 91327, and 81585. She was then informed by the Office of the Solicitor General that under Section 1 of Rule 139, the complaint had to set out "distinctly, clearly, and concisely the facts complained of, supported by affidavits, if any, of persons having personal knowledge of the facts therein alleged and shall be accompanied with copies of such documents as may substantiate said facts." [1] No answer was ever received. In the meanwhile, however, Angela Sauler filed a criminal case for estafa against Jesus M. Ponce before the Court of First Instance of Manila. She was thereafter again required to submit a complaint in a letter, the last paragraph of which reads: "If you are still interested in pursuing your complaint, please comply with our request within ten (10) days from receipt hereof. Should you fail to do so, we will take it that you are no longer interested and we will recommend to the Supreme Court the dismissal of the case." [2] Her reply is worded thus: "In connection with your letter of November 17, 1975, requiring the submission of your office of a verified written complaint against respondent Jesus M. Ponce, a member of the bar, please be informed that the undersigned is requesting a provisional dismissal of the disbarment proceedings until such time as the decision of the Court of First Instance of Manila has been promulgated in the criminal case filed by the undersigned against the respondent for estafa through falsification of public document on four (4) counts. The undersigned complainant is about to depart for abroad in due time and, therefore, she can not attend to the hearing of the above-entitled administrative case. Hence, this request." [3] In the report and recommendation subsequently submitted to this Court by Solicitor General Estelito P. Mendoza, [4] he recommended that under the circumstances, there being lack of interest in prosecuting this case on the part of the alleged aggrieved party, "the same be provisionally dismissed without prejudice to its refiling upon termination of the criminal case before the Court of First Instance of Manila, if complainant so desires." [5] In view of the attitude taken by Angela Sauler, there can be no question as to such recommendation being impressed with merit.

WHEREFORE, the case for disbarment is dismissed provisionally without prejudice to its being refiled upon the termination of the criminal case before the Court of First Instance of Manila if the alleged aggrieved party so desires.

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

[1] Report and Recommendation, 3.

[2] Ibid, 4.

[3] Ibid, 4-5.

[4] He was assisted by the then Assistant Solicitor General Reynaldo S. Puno and Solicitor Romeo C. de la Cruz.

[5] Ibid, 5.

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