

CERILO PALMA, COMPLAINANT, VS. JOSE M. ZAFRA, RESPONDENT.*Adm. Case No. 783. October 26, 1973*

Ponente: RUIZ CASTRO, J.

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The verified complaint for disbarment filed with this Court by Cerilo Palma against Atty. Jose M. Zafra, who was admitted to the Bar on March 17, 1967, alleges that the said respondent-lawyer, during the period of the 1966 bar examinations, thru malice and deceit and on a promise of marriage, succeeded in having carnal relations with the complainant's daughter, Rosa Palma; that these relations culminated in Rosa's giving birth prematurely to a boy on July 4, 1967 in Cebu City; and that while she was yet conceiving, the said respondent-lawyer hurriedly married another woman, then left for parts unknown, bringing disgrace to the family of the complainant. The respondent Zafra, in his answer, denied the material allegations of the complaint. This Court referred the case to the Solicitor-General for investigation, report and recommendation.

The Solicitor-General, in his Report submitted on September 3, 1973, states that at the hearing conducted by the City Fiscal of Cebu, to whom the case was forwarded, the complainant Cerilo Palma and his daughter Rosa Palma presented, thru counsel, their respective affidavits withdrawing the complaint on the ground that the respondent Zafra is in reality not the party responsible for the acts charged in the complaint. In his affidavit, Cerilo Palma deposed, among other things, as follows:

"x x x x I have concluded that I SHOULD have not filed a case against Jose Zafra for he was not responsible for the offense I thought at first he had perpetrated. I was only misled and blinded by my belief particularly after that ordeal undergone by my daughter, Rosa Palma, and the consequent pecuniary losses in terms of medical and hospital expenses.

"That furthermore, I was carried by my emotions upon hearing that Atty. Zafra got married hurriedly to escape responsibility, thru information by my relatives, who likewise were the source about the alleged relationship between respondent and my daughter, which turns out to be false and baseless; x x x x.

"That I have finally realized my mistake and am fully convinced that Atty. Zafra, as a man and as a lawyer, has conducted himself in the highest level of decency, dignity and respectability; that he is not immoral, neither unethical and that he is worthy to be a member of the legal profession.

"That this affidavit is executed to express my desire to withdraw the administrative case I filed against Atty. Jose M. Zafra, and that in the interest of justice and fairness, I have decided to correct the wrong I have committed."

In her affidavit, Rosa Palma admitted:

"That the basis or cause of the administrative case was the unfortunate incident, wherein I became pregnant and delivered to a premature baby boy, on July 4, 1967, and my father believed that the respondent was the author, for he seemed to have heard rumors that I was related with Atty. Zafra, which was not true;

"That Atty. Jose Zafra was not responsible for what befell me, but I did not reveal this fact to my father despite

his pressure, for I was ashamed;

"That Atty. Jose M. Zafra could not have done what was imputed on him for he is a good family friend, aside from the fact that he conducted himself in the highest Filipino tradition of good morals and dignity.

"This affidavit is executed to confirm the fact that respondent was not the father of my premature baby boy and in order to service justice and fair play."

In view of the foregoing, the dismissal of the complaint for disbarment against Atty. Jose M. Zafra is in order, conformably to the recommendation of the Solicitor General.

ACCORDINGLY, the complaint is hereby dismissed.

Makalintal, C.J., Zaldivar, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

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