

MAXIMA MURILLO VDA. DE GARBE, COMPLAINANT, VS. RODRIGO A. LIPORADA, RESPONDENT.

Adm. Case No. 1596. June 28, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

On March 12, 1976, Maxima Murillo Vda. de Garbe charged Rodrigo A. Liporada with gross misconduct in notarizing her special power of attorney wherein Alegria Banaag, Liporada's common-law wife, affixed her right-hand thumbmark, making it appear to be the thumbmark of Mrs. Garbe. By means of that power of attorney, Banaag was allegedly able to get from the Army Finance Center, Camp Aguinaldo Mrs. Garbe's pension checks and to misappropriate the same. Banaag later became Liporada's lawful wife. Mrs. Garbe asked for Liporada's disbarment.

On June 23, 1976, this Court resolved to ask Mrs. Garbe to comment on Liporada's motion that the case be suspended to await the outcome of Criminal Case No. Q-6236 of the Court of First Instance of Rizal at Quezon City wherein the Liporada spouses were charged with estafa through falsification of public documents in connection with the said special power of attorney.

The Liporada spouses were acquitted by Judge Lino Añover in a decision dated May 23, 1977: Banaag, for lack of deceit, and Liporada for having believed in good faith that the thumbmark was affixed by Mrs. Garbe.

Mrs. Garbe and her lawyer, Leven S. Puno, failed to comment on the motion to suspend the disbarment case. In a resolution dated November 24, 1982, Mrs. Garbe and Atty. Puno were also asked to comment on Liporada's motion to dismiss the case based on his acquittal. They failed to submit any comment up to this time.

Evidently, the complainant and her lawyer had no more interest in prosecuting the case.

WHEREFORE, this case is dismissed and considered closed.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

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