

VICTORIANA BAUTISTA AND FELIPE BUCAO, COMPLAINANTS, VS. ATTY. MACARIO G. YDIA, RESPONDENT.

Adm. Case No. 1270. February 27, 1976

Ponente: BARREDO, J.

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BARREDO, J.:

Complaint for disciplinary action against respondent, Atty. Macario G. Ydia, alleging professional misconduct in that said respondent failed to take the necessary appeal against a decision of the Court of First Instance of Pangasinan in the cases handled by him on behalf of complainants. Respondent's defense is that he desisted from making the appeal upon instructions of complainant Felipe Bucao himself.

The issue of fact thus emerging from the complaint and answer was referred to the Solicitor General for investigation and appropriate recommendation. After due hearing, wherein complainants and respondent submitted their respective evidence, the Solicitor General submits that the charge has not been proven and this case should be dismissed.

We have gone over the report of the Solicitor General and the record of the evidence presented by the parties and We are satisfied that indeed it is safe to conclude that it was with the knowledge and consent Of Felipe Bucao that respondent desisted from taking further action in the case of complainants, convinced as they were that an appeal from the adverse decision of the trial court would be futile. In any event, there is, as pointed out by the Solicitor General, a presumption that an attorney is innocent of the charge against him until the contrary is proved by convincing evidence. Complainants' evidence in this case does not appear to meet such standard.

Wherefore, this case is dismissed.

Fernando (Chairman), Antonio, Aquino, and Concepcion, Jr., JJ., concur.

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