



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 17 February 2021 which reads as follows:

“A.C. No. 8332 (*Antonino L. Alindogan, Jr. v. Atty. Fernando T. Barican*) — The death of the respondent in a disbarment complaint renders the case moot and academic.¹ For in personal actions such as disbarment, the right of action dies with the person. *Actio personalis moritur cum persona*.²

Thus, in *Guevara v. Catalang*,³ the death of respondent Maximo Catalang on August 8, 1978 mooted the complaint against him. Similarly, *Lazaro v. Sagun*⁴ was dismissed in view of therein respondent’s untimely demise. Finally, in *Re: Rivera*,⁵ the Court deemed the case closed and terminated in view of the death of respondent Nestor C. Rivera.

Here, despite the non-submission of the death certificate of respondent Atty. Fernando T. Barican, the Court finds sufficient basis to dismiss the present complaint.

The Court takes judicial notice of the fact that various news outlets including the Philippine Daily Inquirer,⁶ the Manila Times,⁷ ABS-CBN

¹ *Guevara v. Catalang*, 202 Phil. 328-332 (1982).

² *Pelejo v. Zaballero*, 208 Phil. 390-392. (1983).

³ 202 Phil. 328-332 (1982).

⁴ 168 Phil. 259-261 (1977).

⁵ A.C. No. 10874 (Notice), December 2, 2015.

⁶ <https://newsinfo.inquirer.net/642641/jerry-barican-activist-leader-dies-at-66> last accessed on February 1, 2021, 4:30PM.

⁷ <https://www.manilatimes.net/2014/10/05/news/top-stories/palace-mourns-death-jerry-barican/132040/> last accessed on February 1, 2021, 4:30PM.

M/k

News,⁸ Rappler⁹ and the Philippine Star¹⁰ had reported respondent's death in October 2014.

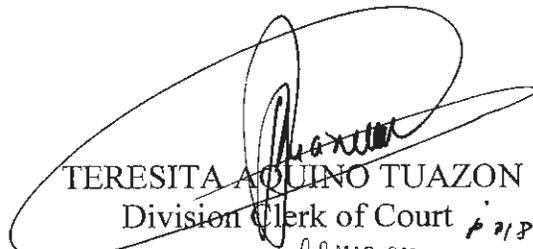
There is no mistaking that the Atty. Fernando "Jerry" T. Barican referred to in the news, on the one hand, and respondent Atty. Fernando T. Barican herein, on the other, refer to one and the same person. Respondent, after all, was a prominent political figure, having served as presidential spokesperson to former president Joseph Ejercito Estrada. The news also mentioned his other credentials such as Harvard graduate, activist, co-founder of LABAN, as well as his work in the banking industry where he met complainant Antonino L. Alindogan, Jr.

All told, the Court is convinced that respondent had shuffled off his mortal coil. In light of this supervening event, the Court may no longer exercise jurisdiction over the present complaint.¹¹

ACCORDINGLY, the complaint for disbarment against Atty. Fernando T. Barican is **DISMISSED**.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
08 MAR 2021

⁸ <https://news.abs-cbn.com/nation/10/05/14/barican-ex-erap-spokesman-dies> last accessed on February 1, 2021, 4:30PM.

⁹ <https://r3.rappler.com/nation/71024-jerry-barican-dies> last accessed on February 1, 2021, 4:30PM.

¹⁰ <https://www.philstar.com/lifestyle/sunday-life/2014/10/12/1379051/brilliant-star-crossed-life-jerry-barican> last accessed on February 1, 2021, 4:30PM.

¹¹ See *Caote v. Macaraeg*, 720 Phil. 578, 585 (2015).

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Supreme Court, Manila

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AC8332. 2/17/2021(158)URES 