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merit discussion. Moreover, no evidence was presented by complainant that respondent judge had any hand in the 'mix-up'. On the contrary, the evidence shows that the respondent judge exerted efforts in notifying the complainant and his counsel of the pre-trial.

"Having failed to appear at the pre-trial despite the fact that the complainant's counsel was notified on February 22, 1972, said complainant cannot complain that he was declared in default for failure to appear at the pre-trial held on February 28, 1972."

IV – Conclusion

In view of all the foregoing considerations, and with the admonition hereinabove given in the body of the decision, the charges against respondent are dismissed.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and *Martin, JJ.,* concur.

Charges against respondent judge dismissed.

[Adm. Matter No. 329-MJ. April 30, 1976]

SECOND DIVISION

ANGEL RECONOSE, complainant, *vs.* MUNICIPAL JUDGE TEOFILO N. TUMULAK of Libona, Bukidnon, respondent.

ADMINISTRATIVE CASE against a municipal judge.

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SYNOPSIS

Respondent judge was charged with electioneering, connivance in the falsification of a deed of sale and ignorance of the law. Only the third charge was duly investigated, the two others not having been verified. The District Judge reported that the respondent had failed to apply fully the applicable provision to the case for his decision did not include the accused's ejectment from the area described in the complaint as being unlawfully possessed, but this notwithstanding, "no substantial prejudice to the government" was caused as the accused in the case had voluntarily vacated the portion of the land involved.

The Supreme Court, in view of this report and of the subsequent acceptance by the President of respondent's resignation, dismissed the administrative complaints for being moot and academic.

SYLLABUS
of the Ruling of the Court

JUDGES; ADMINISTRATIVE COMPLAINTS; DISMISSAL THEREOF FOR BEING MOOT AND ACADEMIC.– Where, despite respondent judge's failure to apply fully the applicable provision in a given case, no substantial prejudice to the government was caused and his resignation was subsequently accepted by the President, no further action need be taken on the administrative cases against him.

APPEARANCES OF COUNSEL

No counsel for complainant.

No counsel for respondent.

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RESOLUTION

FERNANDO, *Acting C.J.:*

At the time of the effectivity of the present Constitution, among the administrative cases referred to this Court by virtue of the provision vesting supervision in this Tribunal over all courts[1] were those filed against respondent Teofilo N. Tumulak, then Municipal Judge of Libona, Bukidnon. There were three such charges, but two of them, one for alleged electioneering and the other for alleged connivance in the falsification of a deed of sale, submitted in letter-complaints, were not verified. There was lacking then the juridical basis for a formal investigation. The third was for alleged ignorance of the law. It was duly investigated by District Judge Dominador Zuño. This case arose from a prosecution against a certain Macario Alimocon for unlawful destruction and/or occupation of public forests contrary to law.[2] There was an admission by the accused of the facts constituting the offense, but, as noted by the investigating Judge Dominador Zuño, respondent Judge was responsive to a highly emotional appeal on the part of the accused and failed to include in his decision the ejectment therein of the area described in the complaint as being unlawfully possessed. While there was a failure to apply fully the applicable provision, still Judge Zuño noted in his report that there was "no substantial prejudice to the government" as the accused did voluntarily vacate that portion of the land involved which

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1 According to Article X, Section 6 of the Constitution: "The Supreme Court shall have administrative supervision over all courts and the personnel thereof."

2. Republic Act No. 3701 (1963).

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exceeded what was previously occupied by him, having inherited the same from his ancestors.

There were subsequent developments. The records likewise show that on May 31, 1973, the resignation of Judge Teofilo N. Tumulak was accepted by the President. Under the circumstances no further action need be taken on these administrative cases against Teofilo N. Tumulak.

WHEREFORE, the administrative complaints against respondent Teofilo N. Tumulak are hereby dismissed for being moot and academic.

Barredo, (Acting Chairman), Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

Administrative complaints against respondent dismissed.

[No. L-27590. April 30, 1976]

SECOND DIVISION

FELIX O. ALFELOR, SR., REMEDIOS R. ALFELOR, CIRIACO R. ALFELOR, FELIX R. ALFELOR, JR., ERNESTO RIGOROSO, ELEUTERIO SALAZAR, PORFERIO TURIANO, ROMEO CATANGUI, JOSE IBARRIENTOS, MOISES FERNANDEZ, GREGORIO BALCUEVA, GREGORIO DELENA, JACINTO PALOMARES, BRAULIO PRESENTACION, JOSE MECEDA, RODOLFO DELENA, PEDRO FERNANDEZ, and FLORENTINA DELENA,