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[A.M. No. 518-MJ. May 28, 1974]

ELMER RAÑESES, *complainant, vs.* **CELESTINO TOMINES, Former Municipal Judge of Coron, Palawan,** *respondent.*

SYLLABUS

ADMINISTRATIVE PROCEEDINGS; COMPLAINT AGAINST A MUNICIPAL JUDGE; COMPLAINT DISMISSED DUE TO RESPONDENT'S SATISFACTORY EXPLANATION AND COMPLAINANT'S MANIFESTATION EXPRESSING REGRET FOR HIS HONEST MISTAKE IN FILING AND PROSECUTING THE CASE.— The evidence presented clearly shows that contrary to the complainant's allegation, the complaint for unlawful detainer prepared by the complainant for and in behalf of his parents-in-law was in fact forwarded by the respondent Judge to the Court of First Instance in his belief that the complaint was for recovery of ownership and possession of a parcel of land and therefore not within his jurisdiction. And the respondent so informed the plaintiffs. As a matter of fact, after the investigation, the complainant himself submitted a manifestation wherein he stated: "That the acts or omissions subject of this administrative charge were satisfactorily explained by the respondent"; and "that the complainant sincerely regrets this honest mistake of facts in filing and prosecuting the case and, in atonement, he is respectfully withdrawing and/or disclaiming any further interest in the case." The administrative complaint filed by the complainant against the respondent is hereby dismissed.

RESOLUTION

FERNANDEZ, *J.:*

The complaint in this case, dated February 10, 1972, was ordered investigated notwithstanding the compulsory retirement of the respondent Municipal Judge of Coron, Palawan on April

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7, 1972 when he reached the retirement age in order that the result of the investigation might guide the government in acting upon his application for retirement benefits.

The evidence presented clearly shows that contrary to the complainant's allegation, the complaint for unlawful detainer prepared by the complainant for and in behalf of his parents-in-law was in fact forwarded by the respondent Judge to the Court of First Instance in his belief that the complaint was for recovery of ownership and possession of a parcel of land and therefore not within his jurisdiction. And the respondent so informed the plaintiffs.

As a matter of fact, after the investigation, the complainant himself submitted a manifestation wherein he stated: "That the acts or omissions subject of this administrative complaint were satisfactorily explained by the respondent"; and "that the complainant sincerely regrets this honest mistake of facts in filing and prosecuting the case and, in atonement, he is respectfully withdrawing and/or disclaiming any further interest in the case."

WHEREFORE, the administrative complaint filed by the complainant against the respondent is hereby dismissed.

Makalintal, C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Makasiar, Antonio, Esguerra, Muñoz Palma, and *Aquino, JJ.*, concur.