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SECOND DIVISION

[A.M. No. 69-MJ. June 29, 1976]

HUSING LAO, *complainant, vs.* **ESTEBAN T. BUMANGLAG Municipal Judge of Pangutaran, Sulu,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE COMPLAINT; EFFECT OF ACCEPTANCE OF RESPONDENT'S RESIGNATION. — As the objective of the administrative charge is to remove respondent from office and since that objective was attained when the President accepted his resignation, the case is dismissed for having become moot and academic.

RESOLUTION

AQUINO, *J.*:

Husing Lao, a former mayor of Pangutaran, Sulu, in his verified complaints dated April 25 and 30, 1969 addressed to the Secretary of Justice charged Esteban T. Bumanglag, the municipal judge of that municipality, with irregularities in the performance of his duties such as non-observance of regular office hours and issuing blank search warrants.

Undersecretary of Justice Felix Q. Antonio indorsed the complaints on May 6, 1969 to Judge Felino Abalos of the Court of First Instance of Sulu for investigation, report and recommendation.

Judge Abalos required respondent Bumanglag to answer the charges. Judge Bumanglag annexed to his answer the sworn statements of Mayor Lao and the chief of police of Pangutaran both dated October 27, 1967 wherein they attested that Judge Bumanglag went to his office daily.

Judge Bumanglag alleged that Lao was motivated by vindictiveness in filing the administrative case against him because Lao acted under the erroneous impression that Bumanglag was

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instrumental in Lao's defeat in the 1967 mayoralty election. Moreover, Bumanglag appeared as counsel for the incumbent mayor in the anti-graft case filed by Lao against his victorious opponent.

Furthermore, complainant Lao allegedly resented the refusal of Judge Bumanglag (a) to appoint Lao's son as court stenographer and (b) to dismiss the charge of qualified theft against the chief of police (the uncle of Lao's wife) and the criminal cases against Lao's sons-in-law.

During the hearing Judge Abalos sustained Bumanglag's objection to the competency of the chief of police to testify on police blotters which recorded the arrival and departure of Judge Bumanglag. Lao instituted in this Court a *certiorari* action to annul Judge Abalos' ruling (*Lao vs. Abalos,* L-32401, still pending). This Court issued a restraining order suspending the investigation.

On November 24, 1972 the President of the Philippines accepted the resignation of Judge Bumanglag. On June 15, 1975 Judge Abalos retired. His successor, Judge Jainal Rasul, recommended the dismissal of the case for having become moot and academic.

As the objective of the administrative charge is to remove respondent from office and since that objective was attained when the President accepted his resignation, this case is dismissed for having become moot and academic.

SO ORDERED.

Fernando (Chairman), Barredo and *Martin, JJ.,* concur.

Munoz Palma, J., concurs in the dismissal of this case for the reason that no evidence was adduced to substantiate the charge.

Concepcion, Jr., J., is on leave.

Antonio, J., took no part.

Muñoz Palma and *Martin, JJ.,* were designated to sit in the Second Division.