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transactions, for this Court to pay heed to the claim of petitioner in a suit for *certiorari* and prohibition, which are equitable remedies.

WHEREFORE, this petition for *certiorari* and prohibition is dismissed. The preliminary injunction issued by this Court according to its resolution of May 26, 1966 is set aside and declared to be of no further force and effect. Costs against petitioner.

Barredo, Antonio, Fernandez, and *Aquino, JJ.* concur.

FIRST DIVISION

[Adm. Case No. 212-J. November 22, 1974]

MARIA ESPORLAS VDA. DE RECARIO, FLORENTINO GADAZA, and ROSITA MITRA, *complainants, vs.* **HON. BENJAMIN H. AQUINO,** *respondent.*

SYLLABUS

JUDICIAL ETHICS; JUDGES; COMPLAINT FOR ALLEGED ERROR OR DELAY IN TAKING ACTION ON CASE FOR PROHIBITION; UNFOUNDED IN CASE AT BAR.— The respondent in his answer admitted that on June 4, 1970, a case for prohibition (No. 13335) was filed with this court by the complainants herein against the municipal judge of Muntinlupa, Rizal, and one Pedro S. Francisco, the latter as plaintiff in said ejectment case, (Civil Case No. 228) to prohibit the municipal judge from further hearing and rendering judgment therein; that the corresponding pleadings were filed and the prohibition case was set for hearing on the merits on July 22, 1970, or 48 days after its filing; that respondent Pedro S. Francisco manifested before the court that the municipal court of Muntinlupa, Rizal, had already decided the ejectment case (Case No. 228) filed by him against the defendants (complainants herein) and hence

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respondent municipal judge could no longer be prohibited from further hearing and deciding that case, thus rendering the petition for prohibition moot and academic; that the respondents in the prohibition case (Case No. 13335) moved for the dismissal of the petition on the ground that the petitioners (complainants herein) had already appealed the decision of the municipal court of Muntinlupa in Case No. 228; that the petitioners in the case for prohibition did not ask for a writ of preliminary injunction or a restraining order against respondents to enable the District Judge to act promptly in maintaining the *status quo* between the parties before the municipal judge could act further in Civil Case No. 228; that said Civil Case No. 228 was elevated on appeal to the C.F.I. of Rizal; and that respondent did not cause any delay in the proceedings in Case No. 13335. Consequently respondent Judge prays that the complaint be dismissed. Complainants in their "Reply to Answer," dated October 10, 1971, contradicted some of the allegations contained in respondent's answer, but We observe that the facts as alleged in the answer were generally admitted as true in the reply and that there are no indications of bad faith on the part of respondent judge when he set for hearing in due course Civil Case No. 13335. If the complainants were prejudiced at all when the municipal court of Muntinlupa was not enjoined from hearing and deciding Civil Case No. 228 by the filing of the petition for prohibition (Case No. 13335), it was because of complainant's own error in not asking for a writ of preliminary injunction or restraining order and not due to respondent's error or delay in taking action or any other fault.

RESOLUTION

ESGUERRA, *J.:*

The administrative complaint against then District Judge Benjamin Aquino of the Court of First Instance of Rizal, Branch VIII, who resigned on September 30, 1972, alleges supposed damage caused to the complainants by the alleged failure of respondent to immediately act on a case for prohibition (Case No. 13335 of the C.F.I. of Rizal, Branch VIII) filed in his court and which was intended to prohibit the municipal judge of Muntinlupa, Rizal, from proceeding with the hearing and judgment

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in Civil Case No. 228 of his court for ejectment, wherein complainants herein were the defendants. Complainants aver that the inability of the respondent judge to act promptly in the case for prohibition resulted in the demolition of their properties.

The respondent in his answer admitted that on June 4, 1970, a case for prohibition (No. 13335) was filed with his court by the complainants herein against the municipal judge of Muntinlupa, Rizal, and one Pedro S. Francisco, the latter as plaintiff in said ejectment case, (Civil Case No. 228) to prohibit the municipal judge from further hearing and rendering judgment therein; that the corresponding pleadings were filed and the prohibition case was set for hearing on the merits on July 22, 1970, or 48 days after its filing; that respondent Pedro S. Francisco manifested before the court that the municipal court of Muntinlupa, Rizal, had already decided the ejectment case (Case.No. 228) filed by him against the defendants (complainants herein) and hence respondent municipal judge could no longer be prohibited from further hearing and deciding that case, thus rendering the petition for prohibition moot and academic; that the respondents in the prohibition case (Case No. 13335) moved for the dismissal of the petition on the ground that the petitioners (complainants herein) had already appealed the decision of the municipal court of Muntinlupa in Case No. 228; that the petitioners in the case for prohibition did not ask for a writ of preliminary injunction or a restraining order against respondents to enable the District Judge to act promptly in maintaining the status quo between the parties before the municipal judge could act further in Civil Case No. 228; that said Civil Case No. 228 was elevated on appeal to the C.F.I. of Rizal; and that respondent did not cause any delay in the proceedings in Case No. 13335. Consequently respondent Judge prays that the complaint be dismissed.

Complainants in their "Reply to Answer," dated October 10, 1971, contradicted some of the allegations contained in respondent's answer, but We observe that the facts as alleged in the answer were generally admitted as true in the reply and that there are no indications of bad faith on the part of respondent judge when he set for hearing in due course Civil Case No. 13335. If the complainants were prejudiced at all when the municipal

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court of Muntinlupa was not enjoined from hearing and deciding Civil Case No. 228 by the filing of the petition for prohibition (Case No. 13335), it was because of complainant's own error in not asking for a writ of preliminary injunction or restraining order and not due to respondent's error or delay in taking action or any other fault.

Furthermore, respondent had already resigned from the service since September 30, 1972. Any further investigation of the complaint would be a mere waste of time and effort as this administrative case which at its worst could result in respondent's separation from the service, has become moot and academic.

WHEREFORE, the complaint is dismissed and this case considered closed and terminated.

SO ORDERED.

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

SECOND DIVISION

[G.R. No. L-20241. November 22, 1974]

IN THE APPLICATION FOR REGISTRATION OF ONE PARCEL OF LAND SITUATED AT PANAKAGAN, PATIIS, SAN MATEO, RIZAL, LUIS R. SANTIAGO, *applicant-appellant, vs.* **PACITA V. DE LOS SANTOS and BUREAU OF FORESTRY,** *oppositors-appellees.*

SYLLABUS

1. **REMEDIAL LAW; CIVIL PROCEDURE; ADMISSION IN PLEADINGS THAT LAND SUBJECT OF REGISTRATION PROCEEDING IS PART OF PUBLIC DOMAIN; CONCLUSIVE**