

**AGUEDO F. AGBAYANI, AS PROVINCIAL GOVERNOR OF
PANGASINAN, THE PROVINCIAL COMPLAINTS COMMITTEE AND
MANUEL F. MANUEL, CHAIRMAN, PETITIONERS, VS. JUDGE ROMEO
D. MAGAT OF THE COURT ...**

G.R. No. L-46175. June 29, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the suspension by Governor Aguedo F. Agbayani of Victoriano M. Sevilleja as provincial engineer of Pangasinan.

On October 1, 1976, Governor Agbayani filed with the Provincial Complaints Committee a complaint against Sevilleja for alleged disobedience, grave misconduct, dishonesty and grave insubordination. Three days later, the governor suspended Sevilleja for a period of ninety days.

On October 6, 1976, Sevilleja filed an action for certiorari, prohibition and mandamus wherein he assailed the order of suspension. The petition was dismissed in this Court's resolution of May 17, 1977 in L-44735, Sevilleja vs. Agbayani.

On November 17, 1976, Sevilleja filed in the Court of First Instance of Pangasinan (Civil Case No. 15284) a petition for prohibition against the Provincial Complaints Committee and its chairman, Manuel F. Manuel, to restrain the administrative investigation. Governor Agbayani was later included as respondent.

On May 17, 1977, Judge Romeo D. Magat issued a preliminary mandatory injunction ordering the reinstatement of Sevilleja. That order was assailed by Governor Agbayani in the herein certiorari and prohibition case which he and Manuel's committee filed on May 24, 1977.

After the submission of comments, this Court in its resolution of November 27, 1978 dismissed the petition for lack of interest of Agbayani and Manuel and lifted its restraining order enjoining the enforcement of Judge Magat's order of May 17, 1977 for Sevilleja's reinstatement.

However, upon motion for reconsideration by Agbayani and Manuel, said resolution was reconsidered and the case was set for oral argument. The parties were granted sixty days to submit a compromise agreement. No compromise was reached.

On August 26, 1981, the Sandiganbayan rendered a decision acquitting on the ground of reasonable doubt Sevilleja and one Leonardo Abule of attempted estafa. Sevilleja contends that said acquittal rendered this case and the administrative case moot and academic because the charge in the Sandiganbayan was predicated on the same averments alleged in the administrative case which involves Sevilleja's alleged purchase of 24 bailey panels of inferior quality for use in the renovation of the Braganza bridge.

After a conscientious study of the record, we hold that Governor Agbayani and Manuel have no cause of action

for certiorari and prohibition. Judge Magat acted within his jurisdiction and did not act with grave abuse of discretion in issuing the restraining order of May 17, 1977.

WHEREFORE, the petition is dismissed. The restraining order of May 27, 1977 is lifted. Costs against the petitioners.

SO ORDERED.

Concepcion, Jr., Escolin, and Cuevas, JJ., concur.

Gutierrez, Jr., J., was designated to sit in the Second Division.

Makasiar, (Chairman), Guerrero, and Abad Santos, JJ., no part.

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