

TORIBIO LESCANO, PETITIONER, VS. HON. JUAN A. BAES, IN HIS CAPACITY AS PRESIDING JUDGE OF THE CAR, 7TH REGIONAL DIST., BRANCH I, LOS BAÑOS, LAGUNA, AND EPIFANIA RETIZOS AND NENI...

G.R. No. L-37477. May 31, 1982

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

We dismiss this petition for certiorari and prohibition for having become moot and academic. The respondent Judge Juan A. Baes, whose disqualification from trying and deciding Civil Case No. 2341 of the Court of Agrarian Relations of Los Baños, Laguna, is sought herein, had long been retired from the service.

The salient facts are not disputed. On September 29, 1972, petitioner Toribio Lescano instituted an action in the Court of Agrarian Relations of Los Baños, presided by respondent Judge Baes, against respondents Epifania Retizos and Nenita Amparo Lescano for adoption of the leasehold system in lieu of their existing tenancy relationship.

After the issues were joined, trial was commenced. The present controversy arose at the hearing of May 18, 1973, where, according to petitioner, respondent judge openly showed and demonstrated personal hostility and bias against his witness Silvestre Masa.

The alleged actuations of the judge prompted petitioner to file a motion for disqualification of Judge Baes from trying and deciding the case, alleging, among others, that the antagonism and prejudice displayed by the judge against his witness was attributable to the administrative complaint filed by said witness against the judge before the Office of the President.[1]

Respondent judge denied the motion; and on appeal, the Court of Appeals sustained the order of denial.

Hence, this petition.

It appears, however, that respondent Judge Baes was retired from the service upon reaching the age of compulsory retirement on December 27, 1974.

What is more, with the implementation of Presidential Decree No. 946, CAR Case No. 2341 was transferred to the Court of Agrarian Relations, 8th Judicial District, Branch II, at San Pablo City, now presided by Judge Rodolfo F. De Gorostiza. [2]It thus appears that any further disquisition on the issue as to the lack of fairness and impartiality on the part of respondent judge to try and decide CAR Case No. 2341 would be a pure academic exercise.

ACCORDINGLY, the petition is hereby dismissed. Let the original records of CAR Case No. 2341 be forthwith returned to the court below; and Judge Gorostiza is directed to continue with the trial of the case and to decide the same without unnecessary delay.

SO ORDERED.

Barredo, (Chairman), Aquino, Guerrero, Abad Santos, and De Castro, JJ., concur.
Concepcion, Jr., on leave.

[1] p. 139, original record.

[2] p. 76, rollo.

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