

**ROSARIO P. ARCEO, PETITIONER, VS. HON. NARCISO A. AQUINO,
JUDGE OF THE COURT OF FIRST INSTANCE OF PANGASINAN,
BRANCH XIV AT ROSALES, AND ANICETO SANDOVAL,
RESPONDENTS.**

G.R. Nos. L-45121-22. June 16, 1978

Ponente: AQUINO, J.

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AQUINO, J.:

In Special Proceeding No. 116-R, "Intestate Estate of Honorato L. Arceo", and Civil Case No. 283-R, "Rosario P. Arceo vs. Aniceto Sandoval", both of the Court of First Instance of Pangasinan, Rosales Branch XIV, Rosario P. Arceo, as administratrix of the estate of her deceased husband, Honorato Arceo, filed a pleading dated September 24, 1976, seeking to disqualify respondent Judge from sitting in the two cases on the ground that on some occasions he consorted with Aniceto Sandoval, a creditor in the intestate proceeding and the defendant in the other case, and that the two are members of the Lions' Club.

That motion or recusal was denied by respondent Judge in his order also dated September 24, 1976. Mrs. Arceo filed a motion for reconsideration. She stressed in her motion that due to the close and intimate personal relationship between Sandoval and respondent Judge, the latter would not be able to hear the said cases with the "cold neutrality of an impartial judge".

Respondent Judge denied the motion for reconsideration. On November 29, 1976 Mrs. Arceo filed the instant petitions for certiorari and prohibition praying that respondent Judge be prohibited from hearing the two above-mentioned cases.

Respondent Judge and Sandoval were required to comment on the petitions. After the submission of respondents' comments, the petitions were given due course. The parties filed their respective memoranda.

These two cases were pending decision when the application of respondent Judge for disability retirement was approved effective on February 23, 1978 (See Resolution of that date in Administrative Matter No. 692-Ret.).

Inasmuch as that supervening fact had rendered these two cases moot and academic, the same are dismissed and considered closed. No costs.

SO ORDERED.

Fernando, (Actg. C.J.), Barredo, Antonio, and Santos, JJ., concur.

Concepcion, Jr., on leave.

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