

**GOTARDO FLORDELIS, PETITIONER, VS. BENJAMIN MARCIAL,
ALBERTO CASTAÑEDA, ERNESTO ROLDAN, BARTOLOME CALVO,
ADELAIDA PAYLADO, PORFERIO KEE, ALBERTO TABASERA,
LIEUTENANT COLONEL PAT...**

G.R. No. L-56921. October 23, 1981

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ca525ba1034b/>

AQUINO, J.:

Gotardo Flordelis, the administrator of the Bohol School of Arts and Trades at Tagbilaran City, filed this special civil action of prohibition to restrain the respondents (the city mayor, fiscal and engineer of Tagbilaran City, an Assistant Minister and certain officials of the Ministry of Public Works assigned in Central Visayas and the provincial commander of Bohol) from closing the school and inspecting the building of the said school for the alleged purpose of searching "for incriminating evidence of violations" of law and harassing the petitioner.

City Fiscal Jovencio S. Orcullo (concurrently acting provincial fiscal), in his own behalf and as counsel for the city mayor, the city engineer and the provincial commander, explained in his comment on the petition why the petitioner was charged in Criminal Case No. 2045 with having violated the National Building Code, why an inspection team (composed of the respondent officials) was created to investigate the structural stability of the school building and why stop-page and closure orders were issued.

Regional Director Benjamin T. Marcial of the Ministry of Public Works revealed in his comment the bases of his impression that the said building might have structural defects and that the addition of new floors might be unwarranted. He recounted how the investigating team was organized. He showed the unreasonableness of Flordelis' refusal to allow the team to investigate the construction of the building.

This case was heard on August 10, 1981. At that hearing, the petitioner agreed to allow the inspection of the building in the presence of his representatives. Some Members of the Court counselled the petitioner to improve his public relations with the respondents and not to treat his school as an enclave of which he is the undisputed sovereign and which is off limits to the respondents.

The Solicitor General, as counsel for respondent officials of the Ministry of Public Works and the provincial commander alleged in his manifestation of September 4, 1981 that a team of engineers from the Ministry of Public Works and the city engineer's office inspected the school building in the presence of the petitioner's representatives from the Ministry of Education and Culture.

The Solicitor General observed that the petition had become moot because its purpose was to restrain the inspection of the building by the respondents and such inspection was carried out with petitioner's consent on August 19, 1981.

WHEREFORE, this case is dismissed and considered closed. The temporary restraining order is dissolved. However, the respondents are enjoined from carrying out, without petitioner's consent, a "seismic test" by

ramming the building with a bulldozer, as alleged by petitioner's counsel in his manifestation of August 20, 1981. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.