ISABELO DE LOS REYES, PETITIONER, VS. FELIX M. ROXAS, JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, RESPONDENT.

G.R. No. 1156. January 05, 1903

Ponente: WILLARD, J.

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WILLARD, J.:

The complaint in this case does not allege that the court which convicted the petitioner had no jurisdiction to try the case. Neither does it allege that in the prosecution of the case there has been any affirmative action by the judge outside of his jurisdiction. It simply alleges that he has failed to take action; that he has refused to hear the witnesses for the defendant. This, if true, would constitute error, but it would be error committed by the judge in the exercise of a jurisdiction which he possessed. The remedy by certioraH does not apply to this case. The petition is denied.

Arellano, C. J., Torres, Cooper, Mapa, and Ladd, JJ., concur.

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