

**FERMIN CASOCOT AND CEFERINA CASOCOT, FOR THEMSELVES
AND IN BEHALF OF DENNIS CARMELO CASOCOT, PETITIONERS, VS.
THE HONORABLE CIPRIANO V. VAMENTA, JR., DISTRICT, JUDGE,
COURT OF F...**

G.R. No. 55954. December 19, 1981

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Without prejudice to an extended opinion, it appearing that the complaint is based on Article 27 of the New Civil Code; that petitioners's complaint obviously prays for damages in an amount exceeding P10,000.00 and therefore within the jurisdiction of respondent trial court because paragraph 7 of petitioners' complaint alleges that the "tortured feelings, mental anguish, public contempt and humiliation" suffered by petitioners "by virtue of the aforesaid malicious, unlawful and deliberate acts of respondents which can be compensated in the amount of not less than P5,000.00 for each of the petitioners, x x x" who "have incurred expenses incidental to this action in the amount to be proved during the trial of this case, and petitioners are entitled to exemplary damages under the circumstances x x x"; and that petitioners had exhausted administrative remedies when they appealed to respondent Division Superintendent Eladio Dioko who, after consultation with the Regional Director of MEC Region 71 wired the District Supervisor of Bayawan East Central School that as per MEC Order 17, s. 1978, petitioner Dennis Carmelo Casocot is entitled to and will be designated "first honors" (p. 12, rec., Annex 1), the COURT RESOLVED TO SET ASIDE the orders of respondent Judge dated July 23, 1980, as well as the orders dated September 1, 1980; and the respondent Judge is hereby directed to proceed with the trial of the case as against the respondents, except the Ministry of Education and Culture and Division Superintendent Eladio Dioko, in whose favor the petition was denied for lack of merit in our resolution of September 23, 1981. No cost.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

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