

DATU MARIGA DIRAMPATEN, PETITIONER, VS. HON. HADJI MADKI ALONTO, PERSON-ALLY AND AS PROVINCIAL GOVERNOR OF LANA DEL SUR, THE PROVINCIAL BOARD OF LANA DEL SUR, COMPOSED OF HADJ...

G.R. No. L-25052. March 15, 1968

Ponente: CASTRO, J.

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CASTRO, J.:

On September 23, 1965 the respondent then Governor Hadji Madki Alonto of the province of Lanao del Sur is-sued Administrative Order No. 2, suspending the petitioner Datu Mariga Dirampaten from office as mayor of the munici-pality of Taraka, Lanao del Sur, effective September 24, 1965, pending investigation by the respondent provincial board of an administrative complaint filed against him for oppression, corruption and maladministration. On the same day, the respondent Governor designated the respondent vice-mayor Hadji Alimodin D. Sumpingang as acting mayor for the duration of the petitioner's suspension.

On October 4, 1965 the petitioner came to this Court on the present petition for certiorari, prohibition and man-damus with preliminary mandatory injunction, praying that-?

1. Administrative Order No. 2 be annulled for having been issued by the respondent Governor with grave abuse of discretion and in gross violation of law;
2. The designation of the respondent vice-mayor as acting mayor be declared illegal;
3. The respondent provincial board of Lanao del Sur be enjoined from continuing with the investiga-tion of the administrative complaint against the petitioner;
4. The respondent Governor be enjoined from enforc-ing his directive to the respondent vice-mayor to assume the office of mayor for the duration of the suspension;
5. The respondent Governor be ordered to comply with section 2188 of the Revised Administrative Code by first conducting an investigation of the charges against the petitioner; and
6. Pending final determination of the case, a writ of preliminary mandatory injunction be issued, order-ing the respondents Governor and provincial board to restore the petitioner to the position of mayor of Taraka, Lanao del Sur.

Two days later, or on October 6, 1965, this Court, upon petitioner's posting a bond of one thousand pesos (P1,000), issued the writ of preliminary mandatory injunction prayed for.

On November 23, 1965 the respondents filed their answer, traversing the material allegations of the petition, and pray-ing for the dismissal thereof and the dissolution of the writ of preliminary mandatory injunction.

When the case was called for hearing on February 2, 1966, there was no appearance for the petitioner; Solicitor

Camilo Quiazon and Fiscal Luis Mata who appeared for the respondents submitted the case for decision.

In the general elections held on November 14, 1967, the petitioner was re-elected mayor of Taraka. The respondents Alonto and Sumpingang did not run for re-election.

On February 2, 1968 the petitioner filed a "manifesta-tion and motion" to withdraw the instant petition on "the ground that the basic issue in the present petition has al-ready been rendered moot and academic." On February 17, 1968 he submitted a certification dated February 15, 1968, and signed by Dominador P. Israel, Chief of the Statistics and Election Records Division of the Commission on Elections, which reads:

"This is to certify that no certificate of can-didacy for the office of Governor of Lanao del Sur in connection with the November 14, 1967 elections for Madki Alonto is on file in this Office, and also that as per record on file in this Office, Mariga Dirampatun was re-elected Mayor of Taraka, Lanao del Sur last November 14, 1967 elections.

"This is to certify further that as per re-cords on file in this Office, Batugan T. Maruhon was elected Vice-Mayor of Taraka, Lanao del Sur last November 14, 1967 election, and also that no certificate of candidacy for the office of Vice-Mayor of Taraka, Lanao del Sur in connection with said election for Alimudin Sumpingang is on file in this Commission."

The above certification implies that the principal res-pondents Alonto and Sumpingang have ceased to hold their posi-tions as Governor of Lanao del Sur and vice-mayor of Taraka, Lanao del Sur, respectively, in which capacities they were made respondents in the petition at bar. Verily, this super-vening circumstance has rendered the instant petition moot and academic for all practical purposes. Having ceased as Governor, the respondent Alonto cannot anymore be bound by a decision of this Court in the present case. With respect to the respondent Sumpingang, the threat of his assuming the position of mayor vanished with the end of his term as vice-mayor and his failure to seek re-election. Considering the present conditions of the parties, particularly the principal respondents, an eventual resolution of the present petition will serve no useful purpose.

In passing, it is to be noted that the petitioner him-self seeks the withdrawal of his petition, and it appears that if anyone will be prejudiced as a consequence of the withdrawal, it will be the petitioner, who will be reverted, at least theoretically, to the situation he was in prior to the issuance of the writ of preliminary mandatory injunction.

ACCORDINGLY, the petitioner's motion of February 6, 1968 withdrawing the present petition, is granted.

Reyes, Acting C.J., Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., on leave.

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