

AMER M. BALINDONG, PETITIONER, VS. LINANG D. MANDANGAN, IN HIS CAPACITY AS PROVINCIAL GOVERNOR OF LANA DEL SUR, KASAN A. MAROHOMBSAR, IN HIS CAPACITY AS VICE-GOVERNOR, IBRAHIM ...

G.R. No. L-30532. November 29, 1977

Ponente: FERNANDO, J.

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FERNANDO, J.:

What was challenged in this certiorari and prohibition proceeding by the then Mayor of Balabagan, Lanao del Sur, was the validity of an order of preventive suspension issued by respondents: the then Provincial Governor Linang D. Mandangan, Vice-Governor Kasan A. Marohombsar and Members Ibrahim Ali and Bajunaid Balt, composing the Provincial Board of Lanao del Sur at that time, on the ground of the pendency of two complaints against petitioner, one for oppression and misconduct in office and the other for dishonesty and misconduct in office. This Court in its resolution of May 30, 1969[1] required respondents to answer, with a writ of preliminary injunction against the enforcement of such order of preventive suspension of petitioner. There was an answer duly filed on June 23 of that year. It was likewise prayed that the writ of preliminary injunction be lifted. This Court, however, while requiring petitioner to answer that plea, did not grant it. Other pleadings were subsequently filed, including memoranda from both parties. In the last pleading filed by respondents, it was admitted that by December 31, 1971, the case would become moot and academic.

A lot of time had passed since then including not only the regular elections for provincial and municipal officials in 1971 but also the adoption of the present Constitution on January 17, 1973. It will clearly appear therefore that the matter sought to be put issue by this petition would serve no purpose or consequence as there is even no showing that the parties have retained the positions previously held by them. As a matter of fact, under two Presidential Decrees, changes were introduced not only in the names but in the membership of provincial boards.[2]

WHEREFORE, the petition is dismissed for being moot and academic.

Barredo, Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

[1] Resolution of May 30, 1969.

[2] Cf. Presidential Decree Nos. 925 and 826. Presidential Decree No. 925 is entitled thus: "Organizing the Pampook Na Katipunan Ng Mga Sanggunian." The title of Presidential Decree No. 826 follows: "Changing the Names of Provincial Boards and City or Municipal Boards or Councils into Sangguniang Bayan, and Increasing the Membership Thereof."

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