

PATRICIO G. DURLAO, PROVINCIAL GOVERNOR OF NUEVA VIZCAYA, PETITIONER, VS. HON. RAMON A. DIAZ, EXECUTIVE SECRETARY, ANTONIO A. TORRES, ASSISTANT SOLICITOR GENERAL AND BELEN F. CA...

G.R. No. L-24476. September 30, 1969

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

We dismiss the petition at bar challenging petitioner's pre-ventive suspension from office by the previous administration, by virtue of the issues having become moot and academic.

Petitioner Patricio G. Dumlao, filed on April 23, 1965, his petition for writs of prohibition and mandamus against respondent public officials, questioning inter alia the validity and legality of the letter of April 13, 1965 of respondent Ramon A. Diaz, then Executive Secretary, transmitting the President's order suspending petitioner from his office as Provincial Governor of Nueva Vizcaya and directing him to turn over the office to respondent Belen F. Calderon, then Vice-Governor of the province, as a result of administrative charges filed on March 19, 1964 against petitioner. Asserting that Article VII, Section 10(1) of the Philippine Constitution derogated the President's authority to suspend and remove provincial officials under Section 2078 of the Revised Administrative Code and that prescinding therefrom, the order suspending petitioner from office was without factual basis and constituted a "purely arbitrary and highly oppressive act," petitioner further sought the issuance of a writ of preliminary injunction enjoining the enforcement of the suspension order as well as enjoining Assistant Solicitor General Antonio A. Torres, who was designated Special Investigator by the Office of the President, from continuing his investigation of the administrative charges against petitioner.

The allegations of the petition were traversed in the Solicitor-General's Answer filed on April 28, 1965, and hearing on the prayer for preliminary injunction was held on April 29, 1965. On May 14, 1965, petitioner filed an urgent motion for resolution of his petition for preliminary injunction, and if such resolution might still be delayed, prayed for the issuance of a restraining order enjoining the respondent Assistant Solicitor General from continuing with the investigation of petitioner, as newly scheduled by said respondent for May 17 to May 20, 1965, until the Court shall have resolved the petition for preliminary injunction. The Court, in its Resolution of May 17, 1965, required the Solicitor-General to comment on petitioner's urgent motion within ten days and issued in the meanwhile the restraining order prayed for. Such comment was not filed by the Solicitor General's Office, despite several extensions granted for the purpose.

At the hearing of the case on the merits set on September 8, 1965, the parties were given a period of ten days within which to submit simultaneously their respective memoranda in lieu of oral argument. The last action that appears in the record is that both parties were granted extensions up to September 28, 1965 within which to file their respective memoranda, and that the period lapsed without such memoranda ever having been filed.

It is obvious from the parties' loss of interest that the pre-sent petition became moot with the change of

administration by virtue of the November, 1965 national elections and the expiration of the four-year term of office of petitioner as Provincial Governor of Nueva Vizcaya on the last day of December, 1967. The Court takes judicial notice of the fact that petitioner was reelected for another four-year term to the office of Provincial Governor of Nueva Vizcaya in the local elections held in November, 1967.

The principal issue raised in the case as to the application of Section 2078 of the Revised Administrative Code has likewise become academic with the enactment on September 12, 1967 of Republic Act 5185, known as the Decentralization Act of 1967.

WHEREFORE, the petition is hereby dismissed without pronouncement as to costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, and Capistrano, JJ., concur.

Barredo, J., took no part.

Reyes, JBL, J., on official leave.

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