

**MELECIA M. MACABUHAY, AND ADELA A. PESIGAN, PETITIONERS,
VS. HON. JUAN L. MANUEL, SECRETARY OF EDUCATION AND
CULTURE, AND DR. LICERIA BRILLANTES-SORIANO, DIRECTOR OF
PUBLIC SCHO...**

G.R. No. L-38568. July 31, 1974

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

Petitioner, Melecia M. Macabuhay, is the Division Superintendent of Schools of Division of Batangas I, Province of Batangas; while the petitioner Adela A. Pesigan is the Principal Teacher of the Balisong Elementary School, District of Taal, Taal, Batangas, which is under the jurisdiction of the petitioner Macabuhay. Petitioners came to this Court complaining that they were not accorded due process by the respondent Secretary of Education and Culture and the respondent Director of Public Schools, in the administrative case filed against them by respondent Irma P. Ortiz. The decision in that case, dated April 22, 1974 considered the petitioner Macabuhay as resigned and dismissed the petitioner Pesigan. Antonio G. Dumlao was included as respondent because he was the investigator that investigated the case against the petitioners.

The respondents filed their comment to which the petitioners filed a reply. The case was heard by this Court in oral argument. We hereby commend the parties for having heeded the Court's suggestion during the oral argument that they agree on a *modus operandi* for the attainment of substantial justice in this case as speedily as is possible without strict adherence to technicalities. This is one way by which this Court can solve the apparently insurmountable problem of clogged docket, with more cases coming in than those that could ordinarily be disposed of.

We specifically commend Solicitor General Estelito P. Mendoza, Assistant Solicitor Hugo E. Gutierrez, Jr., and Solicitor Jose F. Racela, Jr., who appeared for the respondents, and Atty. Ireneo M. Cabrera, who appeared for the petitioners, and, of course, their respective clients who are parties in this case, particularly the respondent Secretary of Education and Culture, the Hon. Juan L. Manuel, for their having arrived at an agreement which now renders this case moot and academic. The terms of the agreement are summarized as follows:

1. The investigation, this time, will be conducted by a committee to be appointed by the respondent Secretary of Education and Culture, as in fact, he has already constituted said committee, composed of the Undersecretary of Education and Culture, Hon. Narciso Albarracin, as Chairman, and two members, one of them being Atty. Nellie Tansioco. Inasmuch as there is a protest against the membership in said committee of Atty. Antonio G. Dumlao, the petitioners have agreed to replace him, the replacement to be made as soon as possible.
2. The evidence already presented will remain on record. Counsel for petitioners will be allowed to cross-examine the witnesses who testified *ex-parte* against them during the investigation conducted by Atty. Dumlao.
3. Petitioners will go on official leave with pay, pending the continuation of the investigation of the charges

against them. (They have already done so).

4. As stated in the respondents' manifestation of July 26, 1974, "the administrative investigation of petitioners will continue to be conducted with the formalities and under the rules and procedure provided for by law in administrative hearings and that, needless to say, both the complainant and respondents in said investigation will be accorded a fair and impartial investigation consonant with the requirements of due process."

5. Afterwards, a new decision will be rendered.

IN VIEW OF ALL THE FOREGOING, this case is hereby dismissed for having become moot and academic, without pronouncement as to costs.

Zaldivar, (Chairman), Fernando, Barredo, and Antonio, JJ., concur.

Aquino, J., took no part.

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