

JOSE R. CATIBOG, PETITIONER-APPELLANT, VS. HON. EXECUTIVE SECRETARY; HON. SECRETARY OF NATIONAL DEFENSE, AND CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES, RESPONDENTS-APPELLE...

G.R. No. L-27230. May 24, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

On June 30, 1965 Jose R. Catibog, a major in the Judge Advocate General Service (JAGS), Armed Forces of the Philippines, filed a petition for certiorari in the Court of First Instance of Manila (Civil Case No. 61510).

In that petition Major Catibog assailed the directives contained in the second indorsement of the Executive Secretary, dated March 1, 1965, and all implementing actions pursuant thereto, announcing corrections in seniority placements of JAGS officers in the rank of major, and the recommendations of the JAGS Selection Board "A" for the promotions of Primitivo D. Chingcuangco and Tagumpay A. Nañadiego to the rank of lieutenant colonel.

Majors Francisco B. Omaña and Valentin Escutin filed in the same case their intervention petitions, while Major Chingcuangco intervened and sided with the respondents.

After hearing, the lower court in its decision dated September 19, 1966, denied the petition. It upheld the directive of the Executive Secretary changing the grade of Nañadiego's initial appointment in the regular force, JAGS, from lieutenant to captain and the effectivity of his promotion to major from June 1, 1959 to June 10, 1958 as well as all the implementing orders and processes thereto, and the deliberation and recommendation of the JAGS Selection Board "A" for the promotion of Chingcuangco and Nañadiego to lieutenant colonel.

Catibog and Omaña appealed that decision to this Court. The appeal was submitted for decision on December 19, 1967. In this Court's resolution dated March 8, 1977 the parties were required to state whether the appeal had become moot and academic.

It appears that appellant Catibog was promoted to lieutenant colonel on October 28, 1965 and to full colonel on January 25, 1969 and that he retired from the service on September 30, 1970.

Chingcuangco was promoted to lieutenant colonel on July 22, 1964, and to full colonel on August 18, 1967. He was posthumously retired on May 16, 1970.

Nañadiego was promoted to lieutenant colonel on July 22, 1964, to full colonel on January 25, 1970, and to brigadier general on January 4, 1972. He is now retired.

Omaña retired from the active service with the rank of lieutenant colonel and with the corresponding retirement pay for longevity effective September 20, 1964. Escutin retired as colonel on April 13, 1973.

In view of the promotions and retirement of the army officers involved herein, it is evident that this case has become moot and academic.

WHEREFORE, this case is dismissed. No costs.

SO ORDERED.

Fernando, (Chairman), Antonio, Muñoz Palma, and Martin, JJ., concur.

Barredo, J., no part.

Concepcion, Jr., J., on leave.

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