

MANUEL B. SYQUIO, IN HIS CAPACITY AS ACTING SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS AND COMMUNICATIONS, PETITIONER, VS. HONORABLE ALBERTO J. FRANCISCO, IN HIS CAPACITY AS JU...*G.R. No. L-33019. July 01, 1978*

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

In this certiorari and prohibition proceeding, petitioner Manuel B. Syquio, the then Acting Secretary of the Department of Public Works and Communications, sought to nullify an order of the then respondent Judge Alberto J. Francisco, restraining the investigator designated by petitioner as such Acting Secretary, to proceed with his inquiry into an administrative complaint filed against private respondents, all of whom were employed in the then Bureau of Public Highways. Respondent Judge based his restraining order on the ground that the Commissioner of Public Highways had already started his own investigation of the above individuals. Petitioner's main contention was that as department head, he was authorized by law to take over the investigation of administrative charges against employees connected with the Bureau of Public Highways. The mere fact that there was then a pending investigation being conducted by the then Commissioner of Public Highways was no legal obstacle to his directly conducting the inquiry, so it was asserted. Respondent Judge was, however, of the opinion that the latter official having acquired jurisdiction over such administrative complaints, petitioner, as department head, was precluded from conducting the investigation. The answer submitted by respondents did not meet squarely the issue of constitutional power of a department head as an alter ego of the President, implemented by the appropriate Administrative Code provision, to conduct the aforesaid investigation. Instead, stress was laid on the alleged unfairness to private respondents who, "as permanent employees in the competitive service, [were entitled under the due process clause to] orderly proceedings according to established rules which do not violate basic rights." [1]

Thereafter, the case was heard on oral argument and deemed submitted for decision. In the meanwhile, the case remained pending in the docket, the successive retirement of Justices to whom this case had been assigned preventing a final verdict from being rendered. On November 11, 1977, this Court issued the following resolution: "It being apparent on the face of the petition that petitioner Manuel B. Syquio is no longer the Acting Secretary of the Department of Public Works and Communications and respondent Judge Alberto J. Francisco had ceased to be a member of the judiciary, the Court Resolved to require petitioner to [inform] this Court as to the status of Civil Case No. 80677 of Branch IX of the Court of First Instance of Manila, the issuance of certain orders in such case giving rise to this certiorari and prohibition petition, and more specifically to inform this Court as to whether or not the matter in issue has become moot and academic." [2]

There was a Compliance from Solicitor General Estelito P. Mendoza dated April 20, 1978. [3] It was stated therein that the Court of First Instance of Manila, Branch VII, thereafter presided by Judge Amante Purisima, deferred action on the pending case before him until this matter would be settled by this Court. More specifically, with

reference to the private respondents who were proceeded against administratively, the Compliance of Solicitor General Mendoza had the following to say: "Coming now to the information desired by this Honorable Court, and after verification with the Department of Public Highways as regards the present status of its employees named respondents herein, it was disclosed that Emigdio Fernandez and Jesus Macrohan are no longer connected with said Office, the first, having retired from the service and already dead, while the second, has never reported to work after the filing of the case, and information gathered shows that he had accepted employment abroad. With respect to respondents Belen Fernandez and Maria Puno, they have long been reinstated, and have voluntarily submitted themselves to a formal administrative investigation by the Department of Public Highways, and their cases are now pending decision." [4] Its concluding paragraph reads as follows: "Considering the intervening circumstances which have taken place since the filing of this case, undersigned counsel are of the view that the present case has now become moot and academic." [5]

WHEREFORE, as prayed for, the petition is dismissed for having become moot and academic.

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

Antonio, J., then, the Solicitor General when this petition was filed, did not take part.

[1] Answer, 11.

[2] Resolution of this Court dated November 11, 1977.

[3] He was assisted by Assistant Solicitor General Nathanael P. de Pano, Jr. and Solicitor Concepcion T. Agapinan.

[4] Compliance, 6.

[5] Ibid.

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