

ABELARDO SUBIDO, IN HIS CAPACITY AS COMMISSIONER OF CIVIL SERVICE, PETITIONER, VS. JOVITO SALONGA, IN HIS CAPACITY AS CHAIRMAN, SENATE COMMITTEE ON CIVIL SERVICE, AND FRANCISCO ...

G.R. No. L-28096. June 28, 1974

Ponente: ANTONIO, J.

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ANTONIO, J.:

This is a special civil action for prohibition and mandamus with preliminary injunction filed on September 29, 1967 by petitioner to enjoin respondents from continuing with the hearing of the charges filed against him by Atty. Faustino F. Tugade, and to command said respondents to return to petitioner the records they had taken possession of in the course of the investigation.

On October 3, 1967, We gave due course to the petition and required the respondents to file an answer to the petition, which answer was filed on October 27, 1967.

The sole issue raised in the petition is whether or not the respondent Senators, the Chairman of the Senate Committee on Civil Service and the Chairman of the Senate Ad Hoc Blue Ribbon Committee, could continue the investigation of the administrative charges against the petitioner, the Commissioner of Civil Service, which charges were already being heard by an Investigating Committee created by the President of the Philippines who had direct disciplinary jurisdiction over him.

Before the case could be considered on the merits, however, petitioner ceased to be the Commissioner of Civil Service, and, likewise, the official positions of the respondents, upon the effectivity of the Constitution of the Republic of the Philippines on January 17, 1973 has ceased to exist for the reason that the Senate of the Philippines had been abolished and the legislative power vested in the National Assembly (Art. VIII, 1973 Constitution).

Considering the aforecited facts and the change of circumstances of the parties, any judgment that may be rendered herein on the merits cannot have any practical effect. Courts exist to decide actual controversies, not mere hypothetical cases. The controversy must be definite and concrete, touching the legal relations of the parties having adverse legal interests. It must be a real and substantial controversy, admitting of specific relief through a judgment of a conclusive character. This is not true, now, in the case at bar.

WHEREFORE, in view of the foregoing, the petition is hereby dismissed for being moot, without pronouncement as to costs.

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

Aquino, J., did not take part.

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