

**MANUEL LOPEZ ENAGE, PETITIONER, VS. SECRETARY OF JUSTICE
AND CASH DISBURSING OFFICER, DEPARTMENT OF JUSTICE,
RESPONDENT.***G.R. No. L-36111. April 14, 1983*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d18914ebf3d8/>**PER CURIAM:**

In this suit for certiorari, prohibition, and mandamus, Manuel Lopez Enage, a district judge of the now-abolished Court of First Instance of Agusan del Norte, challenges the validity of his removal through a Letter of Instruction dated November 10, 1972. It reads as follows: "For being notoriously undesirable in the light of the many charges which have been filed against you and for having failed to submit your resignation pursuant to Letter of Instruction No. 11, you are hereby removed from office as Judge of the Court of First Instance, Agusan del Norte and Butuan City, Branch II, effective immediately." [1] Respondents, the principal respondent being the then Secretary of Justice, now a member of this Court, Justice Vicente Abad Santos, [2] were required to comment. Their plea was for the dismissal of the petition on the ground that the Letter of Instruction was ratified under an article on Transitory Provisions reading as follows: "All proclamations, orders, decrees, instructions, and acts promulgated, issued or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after the lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly." [3] It was pointed out in such comment that there was justification for the petitioner being considered dismissed from the service by reason of his being notoriously undesirable, as there was a charge for serious misconduct against him, consisting of falsification of his certificate of service just to be able to collect his salary, citing Administrative Case No. 195-J. With the enactment, however, of Batas Pambansa Blg. 129 abolishing the courts of first instance, there is no need for the Court to pass on the question of legality or illegality of the removal of petitioner. This case is, therefore, dismissed for having become moot and academic.

[1] Petition, par. V.

[2] The other respondent was the Cash Disbursing Officer of the then Department of Justice.

[3] Article XVII, Section 3(2) of the Constitution.

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