

## THE SECRETARY OF JUSTICE, COMPLAINANT, VS. HONORABLE VIVENCIO M. RUIZ, RESPONDENT.

*Adm. Case No. 192-J. December 29, 1972*

Ponente: MAKASIAR, J.

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### MAKASIAR, J.:

In a petition dated and filed on February 8, 1971, consisting of 38 pages, the Secretary of Justice and Chief State Prosecutor of the Department of Justice charged respondent Vivencio M. Ruiz, District Judge of the Court of First Instance of Rizal, 7th Judicial District, Branch XV, with (1) gross inefficiency in office and violation of laws, rules and regulations; and (2) serious misconduct, incompetence, falsification and willful violation of the Constitution, laws, rules and regulations, describing with particularity the specific acts constituting the aforesaid charges and duly documented.

Respondent filed his answer consisting of 59 pages dated March 22, 1971 also with annexes.

Thereafter, the case was referred to the Investigator for report and recommendation.

After the complainants had presented their evidence and rested, upon his motion, respondent was granted by this Court an extension often (10) days from December 2, 1971 to file a motion to dismiss in a resolution dated December 7, 1971, which was followed by an urgent motion for another extension of twenty (20) days from December 24, 1971, within which to file a motion to dismiss on which the records do not disclose any action.

In a letter dated November 7, 1972, the Investigator requested instructions from the Court whether to dismiss this administrative case as moot and academic on the ground that the resignation of respondent was accepted by the President of the Philippines on October 6, 1972, without prejudice to any rights respondent may have established under the pertinent retirement laws. In his letter of acceptance of respondent's resignation, the President likewise expressed his appreciation for respondent's "cooperation in the effort to fashion a new society" as well as his thanks for the service that respondent rendered to our people in the Court of First Instance, with the hope that respondent "will continue to extend (your) his support towards a better future for our country."

Ordinarily, resignation of a respondent during the pendency of an administrative case against him, does not ipso facto justify its dismissal, since the institution of the charge or charges seeks, not only his removal from office, but also forfeiture of retirement gratuity and other privileges. The power of removal is vested by law in the President, to whom the Court submits a report and recommendation after the conclusion of the hearing on the charge or charges.

In view however of the tenor of the President's letter of acceptance of herein respondent's resignation, proceeding with the investigation of the administrative case against him would not serve any useful purpose.

WHEREFORE, THIS ADMINISTRATIVE CASE AGAINST RESPONDENT VIVENCIO M. RUIZ IS HEREBY DISMISSED AS MOOT AND ACADEMIC.

Concepcion, C.J., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teenankee, Barredo, Antonio, and Esguerra, JJ., concur.

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