

GERVACIO VALENCIA, PETITIONER, VS. CARMEN P. CRISOLOGO, AS GOVERNOR OF ILOCOS SUR, GONZALO P. LAZO, AS VICE-MAYOR OF TAGUDIN, ILOCOS SUR AND THE PROVINCIAL BOARD OF ILOCOS SUR, ...*G.R. No. L-25646. October 14, 1968*

Ponente: CONCEPCION, C.J.

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Original petition for prohibition with preliminary injunction.

Acting upon written complaints, some of them under oath, of residents of Tagudin, Ilocos Sur, charging petitioner, Gervacio Valencia, as municipal mayor of Tagudin, with alleged abandonment of duties as such officer, discrimination and grave abuse of discretion, and misconduct and dishonesty, on January 31, 1966, the Provincial Governor of Ilocos Sur, respondent Carmeling P. Crisologo, suspended Valencia as such mayor, "effective at the start of office hours, February 1, 1966." Thereupon, Valencia commenced the present action of prohibition, with preliminary injunction, against Governor Crisologo, Gonzalo P. Lazo, as Vice-Mayor of Tagudin, and the Provincial Board of Ilocos Sur: (1) to nullify said order of suspension; (2) to restrain Governor Crisologo from enforcing said order; (3) to restrain Vice-Mayor Lazo from discharging the duties and functions of mayor of Tagudin; and (4) to restrain the provincial board from conducting an investigation of the administrative charges contained in said complaints. Soon after the filing of the petition herein, petitioner reiterated the prayer therein for the issuance of a writ of preliminary injunction, but the same was denied. This, notwithstanding, the provincial board had voluntarily desisted from proceeding with the investigation above referred to.

In due course, respondents filed their answer, admitting some allegations of the petition, denying other allegations thereof and setting up special defenses. Respondents, likewise, alleged, *inter alia*, that, soon after Governor Crisologo had received the complaints aforementioned, or on January 28, 1966, she preferred the corresponding charges against the petitioner in an administrative complaint filed by her with the provincial board, copy of which administrative complaint was attached to said answer.

Petitioner maintains that the order for his suspension is null and void, it having been issued by respondent Governor on the basis of a letter complaint of Vice-Mayor Lazo, in violation of the provisions of section 2188 of the Revised Administrative Code, pursuant to which the Governor must submit written charges to the provincial board before issuing said order of suspension, and, that, the provincial board can not legally give due course to and investigate said complaint because it would then be acting without jurisdiction and/or with grave abuse of discretion. The record shows, however, that the charges contained in the complaint of Vice-Mayor Lazo and those made in other complaints of residents of Tagudin were incorporated into said administrative complaint filed by Governor Crisologo with the provincial board.

Petitioner further maintains that he had neither abandoned his duties nor discriminated or committed a grave abuse of discretion; that the charge for alleged misconduct and dishonesty is legally untenable, there being no

final judgment convicting him of the crime of embezzlement, on which the charge is predicated; and that the charges against him do not affect his official integrity.

It appears, however, that petitioner had held the office of mayor of Tagudin in consequence of his election to said office on November 12, 1963; that his term of office has expired on December 31, 1967; and that, at the general elections held on November 14, 1967, former Vice-Mayor Lazo was proclaimed elected mayor of Tagudin, which office he now holds.

Inasmuch as the petition herein has for its purpose to prevent petitioner's suspension as mayor of the municipality of Tagudin and the investigation by the provincial board of the charges preferred against him as such mayor, the issues raised in the present case have thus become moot.[1]

WHEREFORE, this case is hereby dismissed, without pronouncement as to costs.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, Angeles, Fernando, and Capistrano, JJ., concur.
Zaldivar, J., did not take part.

[1] *Sarandi v. Espino*, L-20822, Dec. 23, 1964; *Grapilon v. Municipal Council of Carigara*, L-12347, May 30, 1961.

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