

PEDRO C. PAROJINOG, JR., PETITIONER, VS. HON. GERONIMO R. MARAVE, PRESIDING JUDGE, BRANCH II, COURT OF FIRST INSTANCE OF MISAMIS OCCIDENTAL; ARTURO DEL POZO; TIMOTEO PADILLA; AN...

G.R. No. L-33833. January 31, 1973

Ponente: FERNANDO, J.

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FERNANDO, J.:

This is a review by certiorari of a decision of respondent Judge dismissing a suit for quo warranto filed by petitioner Pedro C. Parojinog, Jr., against respondent Arturo del Pozo, the contested position being that of the Deputy Chief of Police of the Ozamiz City Police Department. Subsequently, upon respondent Timoteo Padilla being appointed to the same position, succeeding del Pozo, he was likewise named respondent. This suit for quo warranto did not prosper, as in the opinion of respondent Judge, petitioner was holding a temporary appointment, the subsequent acquisition of what he considered an appropriate civil service eligibility, therefore, not precluding the termination of his incumbency by the city mayor. In the answer filed by respondents, stress was laid on the well-settled principle that no legal obstacle exists to such separation from service of petitioner, as his tenure is within the discretion of the appointing officer to terminate at any time.

After the submission of the respective briefs by the parties, petitioner, on November 28, 1972, filed what he termed a supplemental pleading. It is therein alleged: "1. That on Jan. 1, 1972, petitioner-appellant Pedro C. Parojinog, Jr. was appointed Chief of Police of Ozamiz City, which Office he is holding up to the present. * * * 2. That on March 15, 1972, respondent-appellee Timoteo Padilla resigned as Deputy Chief of Police of Ozamiz City, which resignation was duly accepted by His Honor, the Mayor, Fernando T. Bernad. * * * 3. That the contested position in the above-entitled case is the position of Deputy Chief of Police of Ozamiz City. 4. That in view of the appointment of the petitioner-appellant as Chief of Police and the resignation of the respondent-appellee Timoteo Padilla as Deputy Chief of Police, the issue of who is entitled to the position of Deputy Chief of Police of Ozamiz City has become moot and academic." [1] In the light of the above supplemental pleading, the petition being one for quo warranto, it is apparent that the suit has indeed become moot and academic.

WHEREFORE, in the light of the foregoing, this suit for certiorari is dismissed. Without pronouncement as to costs.

Makalintal, Zaldivar, Ruiz Castro, Barredo, Makasiar, Antonio, and Esguerra, JJ., concurs.
Concepcion, C.J., and Teehankee, J., did not take part.

[1] Supplemental Pleading, November 28, 1972.

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