

JOSE V. RODRIGUEZ, ET AL., PETITIONERS AND APPELLANTS VS. IGNACIO SANTOS DIAZ, ET AL., RESPONDENTS AND APPELLEES.

G.R. No. 19553. February 29, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

In Administrative Order No. 4 issued by the President on January 30, 1962, the immediate investigation of the National Rice and Corn Corporation was ordered in order to determine the causes of the failure it has so far incurred in attaining its objectives which consist in developing and improving the rice and corn industries as well as promoting the social and economic conditions of those engaged therein, including the stabilization of the prices of rice and corn, and, pending such investigation, Jose V. Rodriguez, Chairman of the Board of Directors, and Maximo Calalang, Conrado Estrella, and Ramon Enriquez, members, were suspended. To carry out the investigation, Ignacio Santos Diaz was appointed by Executive Secretary Amelito E. Mutuc as presidential investigator.

On February 10, 1962, certain administrative charges were additionally filed against the same Jose V. Rodriguez and his capacity as acting general manager of the same office, whereupon it was also ordered that they be investigated jointly with the matters involved in the above administrative order.

The investigation was set for hearing on February 23, 1962, on which occasion Rodriguez, et al. questioned the jurisdiction of investigator Ignacio Santos Diaz to conduct the investigation of the charges preferred against Rodriguez in his capacity as NARIC Acting General Manager for the reason that under the law the power to file charges against said manager belongs to the board of directors, and not to the President, which is not the case herein. But this objection was overruled by the special investigator who scheduled the continuation of the hearing on March 3, 1962.

Consequently, alleging that a joint investigation of Rodriguez, in his capacity as acting general manager, and Maximo Calalang and Ramon Enriquez, as members, would prejudice the latter as they will not be in a position to object to the introduction of any evidence that may be presented during the investigation, they filed the instant petition for prohibition with preliminary injunction before the Court of First Instance of Manila against Ignacio Santos Diaz, as presidential investigator, and Amelito R. Mutuc, as executive secretary, praying that they be restrained from proceeding with the administrative investigation, or from inquiring into the actuations of petitioner Rodriguez in his capacity as NARIC Acting General Manager because the same is beyond the jurisdiction of said respondents. They also asked that, pending the case, a writ of preliminary injunction be issued restraining respondents from proceeding with the investigation.

The court a quo ordered respondents to answer the petition setting at the same time the hearing of the petition for preliminary injunction. Respondents opposed the issuance of the writ, but manifested that they were going to move for reconsideration of the order requiring them to answer since after filing the answer they could no longer file a motion to dismiss. Thereupon, they filed a motion for reconsideration with the request that it be considered

as a motion to dismiss.

In said motion, respondents alleged that the court a quo should not have given due course to the petition because it was not sufficient in substance, petitioners having failed to exhaust their available administrative remedies, besides the fact that petitioner Rodriguez was only an Acting General Manager of the NARIC who could be relieved any time, as in fact he was considered relieved when another was appointed as general manager. In this connection, respondents filed a manifestation annexing thereto a certified true copy of the appointment of Jose Y. Feliciano as General Manager of the NARIC.

After petitioners had filed their opposition to the motion to dismiss, the court a quo dismissed the petition in an order dated March 13, 1962 stating therein that the motion for reconsideration was in order and the petition for preliminary injunction dismissed. Hence the present appeal.

On April 10, 1962, after the appeal was docketed in this Court, petitioners filed a manifestation informing this Court that the administrative investigation against them had terminated on April 5, 1962, thus rendering their petition academic, and so they prayed that their petition be considered one of certiorari to the end that the conducted administrative proceeding may be annulled insofar as it concerns the investigation of Jose V. Rodriguez in his capacity as acting general manager for lack of jurisdiction.

Administrative Order No. 4 of the President reads as follows:

"WHEREAS, it appears that the National Rice and Corn Corporation has failed to attain its objectives, namely, to develop and improve the rice and corn industries, to promote the social and economic conditions of those engaged therein, and to stabilize the prices of rice and corn;

"NOW, THEREFORE, I, DIOSDADO MACAPAGAL, President of the Philippines, by virtue of the powers vested in me by law and pursuant to the provisions of Section 34 of Republic Act No. 2260, do hereby order an immediate investigation of the National Rice and Corn Corporation in order to determine the causes of said failure, particularly in regard to its inability to stabilize the prices of said prime commodities, and the responsibility therefore of the officials thereof; and pending such investigation, Dr. Jose V. Rodriguez, Chairman, Board of Directors, and Messrs. Maximo Oalalang, Conrado Estrelia and Ramon Enriquez, members of said Board, are hereby suspended from office."

The excerpt of the minutes of the meeting of the Board of Directors of the NARIC held on January 25, 1962, removing petitioner Jose V. Rodriguez reads as follows: meet

"The new Board of Directors of the Corporation in this initial meeting took up the directives of the President in his Executive Order of January 25, 1962, creating the President's Rice and Corn Committee, and after deliberating lengthily on the ways and means of implementing¹ the instructions of the President as contained in the Executive Order referred hereto decided upon and approved the following:

1. Appointment of Jose F. Feliciano as General Manager of the National Rice and Corn Corporation, vice Dr. Jose Rodriguez."

It should be noted that the petition does not question the authority of the President to investigate and suspend petitioner Jose V. Rodriguez as Chairman of the NARIC Board of Directors, nor of petitioners Maximo Calalang, and Ramon Enriquez as members for they recognize that they come under the control and supervision of the President. Petitioners only question the investigation of certain actuations of petitioner Rodriguez in his capacity as Acting General Manager of the NARIC on the ground that under Section 9 (a) of Republic Act 663 it is the board of directors that can appoint the general manager and under Section 6(b) of the same law it is only the board that can discipline him, so much so that the petition for prohibition only seeks to stop respondents from exercising administrative jurisdiction over said petitioner in his capacity as NARIC Acting General Manager.

Such being the only issue now before us the same would seem to be academic not only because the administrative investigation which petitioners seek to stop had already been terminated but because petitioner Jose V. Rodriguez has already been relieved of his position as Acting General Manager of the NARIC as a result of the appointment of Jose Y. Feliciano as general manager on January 26, 1962. Such appointment has the effect of removing petitioner automatically as acting general manager, for as this Court has held, an acting position is precarious and the holder thereof can be relieved of his position at any time without hearing and without case by the appointing authority.[1]

Moreover, petitioner cannot claim that his investigation as acting general manager is for the purpose of removing him as such for having already relieved, the obvious purpose of the investigation is merely to gather facts that may aid the President in finding out why the NARIC failed to attain its objectives, particularly in the stabilization of the prices of rice and corn. His investigation is, therefore, not punitive, but merely an inquiry into matters which the President is entitled to know so that he can be properly guided in the performance of his duties relative to the execution and enforcement of the laws of the land. In this sense, the President may authorize the appointment of an investigator of petitioner Rodriguez in his capacity as acting general manager even if under the law the authority to appoint him and discipline him belongs to the NARIC Board of Directors. The petition for prohibition, there fore, has no merit.

Wherefore, the order appealed from is affirmed. Costs against petitioners.

Bengzon, C. J. Padilla, Labrador, Concepción, Parades, Dizon, Regala, and Makalintal, JJ., concur.

[1] Austria, vs. Amante, 79 Phil. 780; Castro vs. Solidum, L-7750, June 30, 1955; Mendez vs. Ganzon, et al., L-10483, April 12, 1957.

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