



REPORT

COMMITTEE ON JUSTICE, HUMAN RIGHTS, AND LEGAL MATTERS


Agenda No. 546 - COMPLAINT-AFFIDAVIT of JOSEPH T. PEREYRA, Complainant - versus- JOCELYN P. CASTAÑEDA, Respondent, for GRAVE ABUSE OF AUTHORITY OPPRESSION, NEGLIGENCE OF DUTY, MISCONDUCT IN OFFICE, RA 9485 OR ANTI RED TAPE LAW


On December 16, 2022, the Sangguniang Panlalawigan received the complaint affidavit of Joseph T. Pereyra against then Mayor Jocelyn P. Castañeda of Mariveles, Bataan, for Grave Abuse of Authority, Oppression, Neglect of Duty, Misconduct in Office, and Violation of the Anti-Red Tape Law (R.A. No. 9485). The respondent has submitted her Answer, and the parties have submitted their respective Position Papers.


On October 19, 2022, the Committee discussed the draft decision prepared by Hon. Antonino B. Roman III, dismissing the case for mootness. The draft decision is attached and made an integral part of this report. Given that the respondent was unseated as mayor in the supervening May 2022 elections, the Committee agreed that ruling on the substantive issues of the case (*i.e.*, whether the complainant has standing to file the case on behalf of his alleged principal Infinite Auto Parts Trading, and whether he has discharged the burden of proving through substantial evidence the transgressions alleged) would serve no “useful purpose or have any practical legal effect.” Thus, dismissal of the case is in order.

Accordingly, the Committee respectfully recommends that the Sangguniang Panlalawigan, upon suspension of the rules, adopt and approve the attached draft decision to dismiss the case.

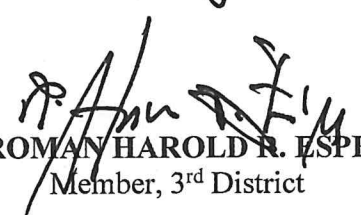
Prepared by:


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Committee Chairperson


HON. MARIA MARGARITA R. ROQUE
Vice Chair, 2nd District


HON. ROMANO L. DEL ROSARIO
Vice Chair, 3rd District

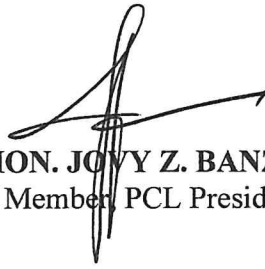

HON. JOMAR L. GAZA, J.D.
Member, 1st District


HON. ROMAN HAROLD R. ESPELETA
Member, 3rd District

“EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL”



HON. DOROTEO M. AUSTRIA
Member, FABC President



HON. JOVY Z. BANZON
Member, PCL President

/JoshuaCristobal/10/19/2022

REPUBLIC OF THE PHILIPPINES
Province of Bataan
Sangguniang Panlalawigan
Bataan Capitol, Balanga City

JOSEPH T. PEREYRA,
Complainant,

-versus-

SP Admin. Case No. Adm-2021-018
For: Grave Abuse of Authority, Oppression,
Neglect of Duty, Misconduct in Office,
Violation of R.A. No. 9485

JOCELYN P. CASTANEDA,
Respondent.

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D E C I S I O N

Before the Sangguniang Panlalawigan is the complaint filed by Joseph T. Pereyra against then Mayor Jocelyn P. Castaneda of Mariveles for Grave Abuse of Authority, Neglect of Duty, Misconduct in Office, and Violation of the Anti-Red Tape Law (R.A. No. 9485). In chief, the complainant alleges that the respondent Mayor unjustifiably delayed the approval of the check in favor of Infinite Auto Parts Trading (“Infinite”), a business he purports to represent in this case,¹ for vehicle repair services provided the Municipality of Mariveles.

A review of the case raises the following issues: (1) whether the complainant has standing to file the complaint given that the Special Power of Attorney (SPA) from Infinite, his principal, does not so authorize him² and Infinite’s owner Jenielyn F. Senson specifically denies any such authority and even absolves the respondent of the imputed wrongdoing,³ in effect disowning and undermining the complaint; and (2) whether the complainant has discharged the burden of proving through “substantial evidence”⁴ that the alleged delay of over one year⁵ was unjustifiable, strictly attributable to the respondent and ill will on his part (*i.e.*, to retaliate for his resignation from, and refusal to accept a position in, the respondent’s administration),⁶ and amounts to the alleged transgressions — in light of the respondent’s explanation that the alleged delay was due to incomplete documentation from Infinite and Infinite “by-passing existing procedures.”⁷

The Sangguniang Panlalawigan finds it unnecessary to address these issues given that the respondent is no longer in office, rendering the issues moot and academic. In short, the case has ceased to be justiciable and, accordingly, must be dismissed.

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness. This is because the judgment will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.

¹ See *Reklamo-Sinumpang Salaysay*, ¶ 3.

² See *id.*, Annex “A.”

³ See *id.*

⁴ *Government Service Insurance System v. Mayordomo*, G.R. No. 191218, 649 SCRA 667, 680 (May 31, 2011).

⁵ See *Reklamo-Sinumpang Salaysay*, ¶¶ 10-11.

⁶ See *id.*, ¶¶ 15, 18, and 22.

⁷ See Answer, ¶¶ 18, 20, and 22.

Express Telecommunications Co., Inc., v. AZ Communications, Inc., G.R. No. 196902, July 13, 2020. Here, ruling on the case would serve no “useful purpose or have any practical legal effect” because the respondent was unseated as mayor in the supervening May 2022 elections. Thus, the case must be dismissed.

As to the complainant’s claim for payment, the Sangguniang Panlalawigan has no jurisdiction to provide civil relief because it can only discipline erring elective local officials and regular courts have jurisdiction over claims for damages.⁸

ACCORDINGLY, for mootness, the case is **DISMISSED**.

SO ORDERED.

October __, 2022, Balanga City, Bataan.

¹ See R.A. No. 7160, § 60; *Portillo v. Rudolf Lietz, Inc.*, G.R. No. 196539, October 10, 2012.

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ATTESTED:

MA. CRISTINA M. GARCIA
Vice Governor & Presiding Officer