Supreme Court E-Library

"3) All other cases arising from employer-employee relations duly indorsed by the Regional Directors in accordance with the provisions of this Code:

Provided, that the Regional Directors shall not indorse and Labor Arbiters shall not entertain claims for moral or other forms of damages."

It now appears that at the time this case was decided the lower court had jurisdiction over Velasco's complaint although at the time it was filed said court was not clothed with such jurisdiction. The lack of jurisdiction was cured by the issuance of the amendatory decree which is in the nature of a curative statute with retrospective application to a pending proceeding, like Civil Case No. 9657 (See 82 C.J.S. 1004).

WHEREFORE, the decision in this case is set aside, the petition is dismissed and the lower court is directed to conduct further proceedings for the disposition of Civil Case No. 9657. No costs.

SO ORDERED.

Antonio (Actg. Chairman), Concepcion, Jr., Santos, and *Abad Santos, JJ.*, concur.

SECOND DIVISION

[A.M. No. P-8. May 31, 1979]

ALFREDO BRENCIS, *complainant, vs.* **ELY FAJARDO,** *respondent.*

SYLLABUS

ADMINISTRATIVE COMPLAINT; MOOT AND ACADEMIC. — Where respondent, in a previous administrative case, had been

Supreme Court E-Library

found guilty and ordered dismissed from the service with forfeiture of all benefits due him, a subsequent administrative case filed against said respondent becomes moot and academic.

RESOLUTION

ABAD SANTOS, *J.*:

This is an administrative case filed by Mr. Alfredo Brencis against deputy Sheriff Ely B. Fajardo, formerly of the Court of First Instance of Rizal, Makati Branch, and then with the CFI of Manila, Warrant Section, for dishonesty and misconduct. It is alleged that respondent collected from complainant the amount of ₱250.00 and required him to come to Manila to get a Workmen's Compensation Commission check in the amount of ₱2,478.84, instead of mailing said check to him in Tigaon, Camarines Sur.

This case however has become moot and academic. In Administrative Matter No. P-312, entitled "*Lumen Policarpio v. Ely B. Fajardo*," this Court, thru Mr. Justice Antonio P. Barredo, found the same respondent guilty of gross misconduct and grave abuse of authority in the performance of his duties as special sheriff in Civil Case No. 202468, and, forthwith "ordered that respondent Ely B . Fajardo, deputy sheriff of the Court of First Instance of Rizal, be immediately dismissed from the service with forfeiture of all benefits otherwise due him." (August 3, 1977)

WHEREFORE, this administrative case against respondent Ely B. Fajardo is hereby dismissed.

SO ORDERED.

Antonio (Actg. Chairman), Aquino, Concepcion Jr., and *Santos, JJ.*, concur.

Barredo, J., on leave.