

THE MAYOR OF THE CITY OF DUMAGUETE, PETITIONER, VS. HON. ALEJANDRO R. BONCAROS, PRESIDING JUDGE OF THE COURT OF FIRST INSTANCE OF NEGROS ORIENTAL, AND S.L. TEVES, INCORPORATED, ...

G.R. No. L-45414. August 31, 1977

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/00c37924e7f2/>

CONCEPCION, JR., J.:

This is a petition to review the decision of the Court of First Instance of Negros Oriental, Branch V, in Civil Case No. 6321, dated September 29, 1976.

The record discloses that on September 22, 1975, the private respondent S.L. Teves, Inc., filed with the Court of First Instance of Negros Oriental, Branch V, presided by respondent Judge Alejandro R. Boncaros, a petition for mandamus[1] to compel the petitioner Mayor of Dumaguete City to issue the former a Mayor's Permit to operate the "Park" and "Town" theaters.

In due time, the petitioner filed his answer,[2] and, after the usual admissions and denials, interposed several affirmative defenses.

After due hearing, the respondent Judge rendered a decision,[3] dated September 29, 1976, the dispositive portion of which reads:

"WHEREFORE, the Honorable City Mayor of Dumaguete City is hereby ordered to issue a permit to the petitioner to operate the Park and Town theaters covering the period July 31 to December 31, 1975 after payment of the required permit fee and amusement tax.

"SO ORDERED."

Whereupon, the petitioner instituted before this Court the present petition, claiming among others that the respondent Judge erred in declaring that the City Mayor of Dumaguete City does not have the power to exercise discretion in the issuance of a permit under Section 6 of Ordinance No. 79 series of 1974 Local Tax Code of the City of Dumaguete[4] after said Section shall have been complied with.[5]

Thereafter, the private respondent S.L. Teves, Inc. filed its comment[6] on the petition on March 30, 1977, and the petitioner, his reply[7] thereto on June 7, 1977.

In its comment the private respondent S.L. Teves, Inc., claims that the present case is now moot and academic because the petitioner Mayor of Dumaguete City had already issued the permit prayed for in the petition for mandamus in Civil Case No. 6321 as shown by the certified true copy of the Mayor's Permit, and the certified true copy of the payment of the required fees, both attached to the private respondent's comment.[8] This is admitted by the petitioner in his reply. Since the petitioner Mayor of Dumaguete City already issued the permit for the petitioner to operate the Park and Town theaters, this case has in-deed become moot and academic.

ACCORDINGLY, the instant petition should be, as it is hereby dismissed.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, Aquino, and Santos, JJ., concur.

[1] Annex "A", p. 9, Rollo.

[2] Annex "B", p. 18, Rollo.

[3] Annex "F", p. 30, Rollo.

[4] The said Section reads as follows: "It shall be unlawful for any person or en-tity to conduct or engage in any busi-nesses, trade or occupation enumerated herein for which a permit is required for the proper supervision and enforce-ment of existing laws and ordinances governing the sanitation, security and welfare of the public and health of the employees engaged in the business spe-cified herein without first having obtained a permit therefor from the City Mayor and the necessary fees paid to the City Treasurer."

[5] p. 4, Rollo.

[6] p. 106, Rollo.

[7] p. 115, Rollo.

[8] pp. 110, 111, Rollo.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.