

EMETERIO IPAPO, PETITIONER, VS. COURT OF APPEALS, GRACIOSO GERONIMO AND LYDIA GERONIMO, RESPONDENTS.

G.R. No. L-49793. August 20, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

Emeterio Ipapo appealed from the decision of the Court of Appeals, affirming the judgment of the Court of First Instance of Bulacan, Valenzuela Branch III, holding that the spouses Gracioso Geronimo and Lydia Geronimo are entitled to the possession of a portion, with an area of 2,353 square meters, of Lot No. 2090 of the Meycauayan, Bulacan cadastre and ordering Ipapo and all persons holding under him to vacate the said portion and to pay the Geronimo spouses twenty pesos a month as rental from December, 1967 up to the time the possession is restored to them plus P1,000 as attorney's fees (CA-G.R. No. 48264-R, August 18, 1978).

Appellant Ipapo filed his brief. This case was submitted for decision on January 11, 1980 without private respondents' brief.

On August 7, 1981, petitioner's counsel, Benjamin H. Aquino, filed a manifestation, informing this Court that Judge Eduardo P. Caguioa of the Court of First Instance of Bulacan rendered in Civil Case No. 780-V, "Emeterio Ipapo vs. Gracioso Geronimo, et al." a decision dated September 23, 1980, "declaring the disputed land with an area of 2,424 square meters x x x included in Lot No. 2090, Meycauayan Cadastre, with an area of 14,301 square meters x x x to be of the sole and exclusive ownership of plaintiff Emeterio Ipapo".

The said decision, which refers to the same land involved in this forcible entry case, is now final and executory because no appeal was interposed by the Geronimo spouses.

Ipapo correctly observes that the instant case should be dismissed because it was rendered moot and academic by the said decision in the accion de reivindicacion.

WHEREFORE, this case is dismissed and considered closed. No costs.

Concepcion, Jr., and De Castro, JJ., concur.

Guerrero and Melencio-Herrera, JJ., designated to sit in the Second Division.

Barredo and Abad Santos, JJ., on leave.

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