

**BACOLOD-MURCIA PLANTERS' ASSOCIATION, INC., ET AL.,
PLAINTIFFS-APPELLANTS, VS. BACOLOD-MURCIA MILLING CO.,
INC., DEFENDANT-APPELLEE.**

G.R. No. L-23580. October 31, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

In connection with this case, on September 15, 1969, we promulgated a resolution of the following tenor: "In G.R. No. L-23580, Bacolod-Murcia Planters' Association, Inc. vs. Bacolod-Murcia Milling Co., Inc., it appearing that the milling contract therein involved is for 45 years from the harvest of 1920-1921, or up to 1966 only, and the cause of action being mainly for injunction based on the terms of the said contract, the claim for damages being unspecified and apparently insubstantial, the Court resolved to [require] the parties to show cause why the case should not be considered already moot and academic, so it may be disposed of as such."

As perhaps could have been expected, defendant-appellee Bacolod-Murcia Milling Co., Inc. manifested on September 29, 1969 its conformity to have the case considered already moot and academic but would seek the imposition of double or treble costs as, for it, plaintiffs' appeal had absolutely no legal merit.

A manifestation from plaintiffs, as appellants, received on October 23 of this year, while admitting that what was so eagerly sought by it, the provisional preliminary mandatory injunction, had become moot and academic, would consider the principal cause of action, although not reflected in the complaint which the lower court would have them amend, as one for damages, and, in that sense, not moot, stressing likewise that they did raise "a question of law for the future guidance of judges and of attorneys" as to the authority of the lower court to issue such an order challenged in this appeal.

While the assertion made by appellants that a resolution of the question of law raised could indeed provide future guidance of judges and of attorneys, we are called upon to act and to decide only lawsuits wherein there still remains an actual and an antagonistic assertion of rights by one party against the other in a controversy wherein judicial intervention is unavoidable. We are not called upon to render mere advisory opinions. This observation is pertinent as the milling contract on which the claim of plaintiffs was predicated had ceased to be of any force and effect. From the very complaint itself and as noted in our resolution, it was "for 45 years from the harvest of 1920-1921 or up to 1966 only," and the principal relief sought is "for [mandatory] injunction based on the terms of the said contract, the claim for damages being unspecified and apparently insubstantial," it would appear that there is nothing in the manifestation of plaintiffs-appellants that would in any wise cast doubt on the conclusion that the case had thus become moot and academic.

WHEREFORE, the present appeal is dismissed. With costs against plaintiffs-appellants.

Conception, C.J., Reyes J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro. Teehankee and Barredo, JJ., concur.

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