

**ALFREDO CATOLICO AND SATURNINA K. CATOLICO,
PLAINTIFFS-APPELLANTS, VS. FLORENCIO DEUDOR, J.M. TUASON
& CO., INC., AND GREGORIO ARANETA, INC.,
DEFENDANTS-APPELLEES.**

G.R. No. L-23494. December 19, 1980

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

Appeal from the order of the Court of First Instance of Rizal, Quezon City Branch, dated January 8, 1963, dismissing the appellant's complaint in Civil Case No. Q-5978.

In the said complaint, filed on August 26, 1961, the appellant spouses Alfredo and Saturnina Catolico seek to compel the defendant corporations to sell to them a parcel of land situated in Barrio Tatalon, Quezon City, with an area of 1,675 square meters, which the said appellants allegedly bought from Milagros Araulio who, in turn, acquired it from the defendant Florencio Deudor with whom the defendant corporations had made a Compromise Agreement in Civil Case No. Q-135 of the Court of First Instance of Rizal, Quezon City Branch, concerning the Tatalon Estate.[1]

After hearing the affirmative defenses and the motion to dismiss, the trial court dismissed the complaint on January 8, 1963 upon the grounds that the action is barred by a prior judgment and that the complaint states no cause of action.[2] Whereupon, the plaintiffs appealed.

On April 2, 1964, however, the appellant spouses sold their rights and interests over the house and lot involved in this litigation to the spouses Benjamin and Emilia Lapuz, the same persons to whom the defendant corporations have sold the property such that there is now a merger of rights and interests, disputed by the parties in this case, in the persons of the spouses Benjamin and Emilia Lapuz,[3] thus rendering the present appeal moot and academic.

Anyhow, the Tatalon Estate of which the property in question forms part, has been expropriated by the government for the sale, at cost, of the lots therein to their bona fide occupants,[4] and on September 9, 1980, the President personally distributed the title to each lot to its bona fide applicant. The condemnation proceedings of the Tatalon Estate rendered continuance of the action unnecessary since a judgment in favor of the appellants cannot be enforced.

WHEREFORE, the appeal should be, as it is hereby dismissed. No costs.

SO ORDERED.

Barredo, Aquino, Abad Santos, and De Castro[*], JJ., concur.

[*] Mr. Justice Pacifico P. de Castro, a member of the First Division, was designated to sit in the Second Division.

[1] Record on Appeal, pp. 8-33.

[2] Id., pp. 237-244.

[3] Rollo, pp. 16-38.

[4] Republic Act No. 2616; LOI No. 34, dated October 27, 1972.

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