

**BIENVENIDO P. BUAN, PETITIONER, VS. NICOLAS Y. FELICIANO AND
HON. ARTURO B. SANTOS, JUDGE OF THE COURT OF FIRST
INSTANCE OF TARLAC, BRANCH II, RESPONDENTS.**

G.R. No. L-28995. December 19, 1970

Ponente: FERNANDO, J.

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FERNANDO, J.:

A certiorari and prohibition proceeding was filed by petitioner Bienvenido P. Buan on May 10, 1968, the respondents being Nicolas Y. Feliciano and the Honorable Arturo B. Santos, Judge of the Court of First Instance of Tarlac, Branch II. It was sought in such petition to declare that respondent Judge was devoid of jurisdiction to entertain or act on a counter-protest and motion to dismiss filed by respondent Feliciano and to issue a writ of certiorari annulling the order of respondent Judge of February 19, 1968 ordering the striking out of the answer of respondent Feliciano but refusing to dismiss his counter-protest on the ground of the liberality of the law as well as a writ of prohibition commanding respondent Judge to desist from further entertaining or acting on such counter-protest. This Court, in a resolution of May 14, 1968, required respondents to answer and at the same time issued a writ of preliminary injunction. Subsequently, on June 11, 1968, the answer was filed by respondents sustaining the jurisdiction of the Honorable Arturo B. Santos and seeking the dismissal of this petition for certiorari and prohibition.

As early as July 24, 1968, there was a motion to postpone filed by counsel for petitioner on the ground that respondent Nicolas Y. Feliciano died on July 10, 1968. Subsequently, on October 16, 1970, it was stated in a resolution of this Court that information was received by it to the effect that petitioner Bienvenido P. Buan had likewise died in the meanwhile and requiring counsel to show cause, on the assumption that such information is true, why this case should not be dismissed as moot. Then came, on November 23, 1970, a motion to dismiss filed by counsel for petitioner manifesting that since petitioner and respondent Nicolas Y. Feliciano are both deceased, this proceeding should be dismissed as moot.

WHEREFORE, this petition for certiorari and prohibition is hereby dismissed, having become moot. The writ of preliminary injunction issued on May 14, 1968 is hereby declared to be of no further force and effect. Without pronouncement as to costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Castro, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur. Concepcion, C.J., and Dizon, J., are on official leave.

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