

**IN THE MATTER OF THE TESTATE ESTATE OF CONRADO D. SANTOS,
DECEASED, RAUL D. SANTOS AND HOSPICIO C. SANTOS, JOINT
EXECUTORS AND ADMINISTRATORS-APPELLEES, VS. VALERIANO C.
BUENO, ...**

G.R. No. L-27801. November 17, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

Valeriano C. Bueno appealed to the Court of Appeals from the order dated December 4, 1965 of the Court of First Instance of Rizal, Pasig Branch II, in Special Proceeding No. 4081, Testate Estate of the late Conrado D. Santos. In that order, Bueno was required to deposit in court the sum of P82,257.60, which was the amount due to Conrado D. Santos under a certain deed of sale and mortgage.

After the briefs had been filed, the Court of Appeals in its resolution of May 8, 1967 certified the case to this Court on the ground that the appeal involves only questions of law (CA-G.R. No. 38193-R).

In this Court's resolution of June 22, 1977 the parties were required to state whether the appeal had become moot, and academic.

Appellant Bueno in his manifestation of October 21, 1977 stated that his appeal had become moot because he paid to the decedent's estate the said amount of P82,257.60 by depositing in the Court of First Instance of Rizal at Caloocan City a check for that amount dated December 9, 1968. The deposit was made in connection with Civil Cases Nos. C-507 and C-778, both entitled "Raul D. Santos, et al. versus Valeriano C. Bueno, et al." The Caloocan court in its order of December 14, 1968 in the said cases directed the executor, Hospicio Santos, to accept the check and to execute the necessary cancellation of mortgage.

Atty. Ferdinand B. Garcia, the counsel for the estate of Conrado D. Santos, in a letter dated July 28, 1977, addressed to the clerk of court of this Court, affirmed that the said sum of P82,257.60 had been paid to the estate and that Bueno's appeal had become moot.

WHEREFORE, the appeal is dismissed for having become moot. No costs.

SO ORDERED.

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

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