

ANCHORAGE WOOD INDUSTRIES, INC., PETITIONER, VS. BISLIG BAY LUMBER CO., INC. AND JUDGE JESUS P. MORFE, BRANCH XIII, COURT OF FIRST INSTANCE OF MANILA, RESPONDENTS.

G.R. No. L-30615. January 31, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

Bislig Bay Lumber Co., Inc., now Paper Industries Corporation of the Philippines, filed on December 16, 1968 with the Court of First Instance of Manila an action to enjoin the implementation of the order of the Director of Forestry dated November 19, 1968, declaring the so-called Bernardo Line as the correct boundary line of the timber concessions of Bislig and Anchorage Wood Industries, Inc. in Agusan, and to enjoin Anchorage and Eastcoast Development Enterprises from encroaching on Bislig's concession.

In that case, Civil Case No. 75120, Judge Jesus P. Morfe issued an order dated May 21, 1969, enjoining Anchorage and Eastcoast from conducting logging operations in the disputed area.

Anchorage and Eastcoast assailed that order in this Court on June 19, 1969 by means of a petition for certiorari and prohibition (L-30615). Eastcoast later withdrew as a co-petitioner. About two weeks later, or on July 4, 1969, the Secretary of Agriculture rendered a decision on the boundary controversy by declaring that the so-called Genio Line is the correct boundary. Anchorage appealed that decision to the Office of the President of the Philippines which in a decision dated May 5, 1970 affirmed the Secretary's decision.

On February 12, 1971, Anchorage filed in the Court of First Instance of Rizal, Pasig Branch VI, a petition for certiorari and prohibition wherein it sought the annulment of the Presidential decision and insisted that the Bernardo Line was the correct boundary. (Civil Case No. 14393.) Bislig filed a motion to dismiss the petition. It was denied by Judge Guardson M. Lood in his order of April 5, 1971.

Bislig questioned that denial order in the Court of Appeals by means of a petition for certiorari and prohibition. The Appellate Court in its decision dated October 14, 1971 affirmed the denial order (Bislig Bay Lumber Co., Inc. vs. Judge Guardson M. Lood, et al., CA-G. R. No. SP-00197-R).

From that decision, Bislig appealed to this Court, the case being docketed as L-34475 which in the resolution of February 14, 1974 was consolidated with L-30615.

On February 2, 1976, the Court of First Instance of Manila, at the instance of Bislig's counsel and without any objection on the part of Anchorage and the Director of Forestry, dismissed Civil Case No. 75120 because it had become moot and academic.

On February 4, 1976, Anchorage filed a motion to dismiss its petition in L-30615 on the ground that Civil Case No. 75120, from which L-30615 had emanated, had been dismissed.

It was only on October 18, 1982 when Bislig was asked to comment on that motion. Its counsel received a copy of

the resolution on October 27, 1982 but up to this time it has not submitted any comment. That unexplained neglect or omission is censurable.

WHEREFORE, these two cases are dismissed and considered terminated for having become moot and academic. No costs.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

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