

HON. ANTONIO RAQUIZA, AS SECRETARY OF PUBLIC WORKS AND COMMUNICATIONS; BALTAZAR AQUINO, AS COMMISSIONER OF PUBLIC HIGHWAYS, AND J. B. TAGORDA, AS DIVISION ENGINEER, 9TH ENGINEER...

G.R. No. L-27566. October 14, 1975

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the controversy between the national government and the City of Manila regarding the improvement of Harrison Boulevard.

The Secretary of Public Works and Communications, the Commissioner of Public Highways and a Division Engineer of the Bureau of Public Highways filed in this Court on May 19, 1967 these special actions of prohibition and certiorari in order to nullify the order dated May 12, 1967 of the Court of First Instance of Manila in Civil Case No. 67867.

In that order the lower court directed those national officials (a) to release to the City of Manila the sum of P815,000 as its allocation for the improvement of Harrison Boulevard, (b) to allow the city to undertake the improvement of that thoroughfare and (c) to stop their existing project of improving it.

The petition was premised on the assumption that under Republic Acts Nos. 917 and 1192, in relation to Section 79(C) of the Revised Administrative Code, the Secretary has supervision and control over national roads in Manila and that the city government's jurisdiction is confined to city projects financed with city funds.

The city officials in their answer alleged that Harrison Boulevard (as distinguished from F. B. Harrison Street) is a city street and that the undertaking of public highways projects in Manila is vested in its City Engineer under the administrative supervision of the Bureau of Public Highways.

Considering that it is a matter of judicial notice that Harrison Boulevard was already improved, this Court in its resolution of September 3, 1975 required the parties to manifest whether this case had become moot and academic.

The petitioners, through the Acting Solicitor General, manifested that, inasmuch as the sum of P815,000 had been released and spent for the improvement of Harrison Boulevard under the administration of the Bureau of Public Highways, the petition herein had become moot. Respondents City and City officials agreed with that observation.

Wherefore, this case is dismissed without costs. So ordered. Manila, October 13, 1975.

Castro, Acting C.J., Antonio, Muñoz Palma[*], and Martin[*], JJ., concur.

Barredo, J., did not take part.

Fernando and Concepcion, Jr., JJ., on leave.

[*] Designated to sit in the Second Division.

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