

REPARATIONS COMMISSION, PETITIONER, VS. THE HONORABLE JORGE COQUIA, PRESIDING JUDGE, BRANCH XI, COURT OF FIRST INSTANCE OF MANILA, AND ARCADIA MANUFACTURING, INC., RESPONDENTS.*G.R. No. L-34697. February 28, 1973*

Ponente: FERNANDO, J.

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In a pleading of undue prolixity composed of 228 pages filed on February 11, 1972, petitioner Reparations Commission filed a suit for certiorari with preliminary injunction against respondent Judge and respondent Arcadia Manufacturing, Inc. It sought to annul a resolution of respondent Judge dated October 30, 1971, wherein petitioner, as one of the defendants in Civil Case No 63518 of the Court of First Instance of Manila, was "ordered to respect and comply with the writ of preliminary injunction, directing defendants Reparations Commission and all its repre-sentatives and agents, to refrain from applying to the embroidery plant project of [Arcadia] any rate of foreign exchange other than the rate of two Philippine pesos to one U.S. dollar, as stated in the said preliminary injunction." [1] It is to be noted that there was a motion for reconsideration filed by petitioner, but respondent Judge, in another order of December 16, 1971, likewise sought to be set aside, denied such motion for reconsideration. [2] This Court, on February 14, 1972, required the respondents to file an answer. Such an answer was duly forthcoming, after a motion for postponement was granted, on March 13, 1972. In the aforesaid answer, respondents already raised the question of the matter having become moot and academic. Thus: "Lastly, the issues posed by the petitioner herein have already become moot and academic for the reason that even while this answer to the petition was under preparation, petitioner had already given due course to the additional allocation of U. S. \$500,000.00 of respondent Arcadia involved in this petition, pursuant to a resolution approved by petitioner on March 6, 1972, to implement which, it issued a procurement Order for the acquisition by respondent Arcadia of the U.S. \$500,000.00 worth of machineries and equipment for an embroidery plant for the 15th year schedule, * *

*. If only on this score, the instant petition should already be dismissed as the remedy prayed for by the petitioner has already been rendered unnecessary by petitioner's own action. It would seem to appear then that further action on this matter by this Honorable Court will only be a waste of its precious time. Nor may the remedy of preliminary injunction be prosecuted by the petitioner from this Honorable Court since the act sought to be enjoined has already been voluntarily performed by petitioner itself." [3] Such a stand was maintained by respondents in their memorandum of May 4, 1972, when they informed this Tribunal that the Court of Appeals had, in a resolution of April 12, 1972, dismissed the appeal taken by the petitioner from the decision of the trial court on the merits in Civil Case No. 63518. They enclosed a copy of such resolution dismissing the appeal. [4] A twenty-two page memorandum for petitioner was filed five days later on May 17, 1972, but there is nothing therein to controvert the allegation as to the dismissal of the appeal made by respondents. It was given the opportunity, according to the resolution of this Tribunal of April 25, 1972, to file a reply to such memorandum of petitioner. Such an opportunity was not availed of.

Subsequently, on June 20, 1972, a petition to dismiss was filed by respondent Arcadia Manufacturing, Inc. It reads thus: "1. In the petition at bar, petitioner seeks to annul the orders of respondent Judge directing enforcement of the writ of preli-minary injunction made permanent in the decision on the merits of the trial Court in Civil Case No. 63518 which the petitioner Reparations Commission as defendant in the case had appealed to the Court of Appeals, where the case was docketed as CA-G.R. No. 49103-R, entitled 'Bay Transport, Inc. vs. Reparations Commission, et al.,'; 2. As we have said earlier and manifested to this Hon. Court both in our answer and our memorandum, the appeal by petitioner as defendant in the said case in which an incident whereof had culminated in the petition at bar, has been dismissed by the Hon. Court of Appeals in its extended resolution of April 12, 1972; 3. The said dismissal of the appeal is now final pursuant to a resolution of said Court of Appeals in said Civil Case No. 15937 dated May 25, 1972, * * *; 4. By reason of the foregoing facts patent on the records, the issue raised by the petitioner in the petition at bar has become moot and academic as to warrant this Hon. Court to dismiss the petition, since the decision of the trial court presided by the respondent Judge has already become final and executory as if no appeal has been taken therefrom and has in so far as said Civil Case No. 63518 of the Court of First Instance of Manila is concerned, has become the law of the case." [5] There is a reiteration in its prayer for the dismissal of the petition for being moot and academic. Upon being required to comment, petitioner submitted a pleading on July 13, 1972.

Petitioner's task in opposing plea of respondent Arcadia was far from easy. For one thing, it could not successfully refute the fact of dismissal of the main case by the Court of Appeals. It ought to have known then that the incidental matter of its having to comply with and respect the writ of preliminary injunction in question could not survive. This is so especially, as the resolution of the Court of Appeals had reached the stage of finality. Its insistence on keeping an aspect thereof alive is bereft of support in law. There is no justification then for this proceeding being further kept in the docket of this Tribunal, when no useful purpose would be served thereby.

WHEREFORE, this petition is dismissed for being moot and academic.

Concepcion, C.J., Makalintal, Zaldivar, Ruiz Castro, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.
Teehankee, J., took no part.

[1] Petition, Annex EE, 2.

[2] Ibid, Annex JJ.

[3] Answer, 9-10.

[4] Memorandum for Respondents, Annex A.

[5] Petition to Dismiss, 1-2.

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