

THE REPARATIONS COMMISSION, PETITIONER, VS. HON. GUILLERMO SANTOS, AS JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, AND GIL J. PUYAT, PERSONALLY AND IN HIS CAPACITY AS PRESIDE...

G.R. No. L-25271. May 31, 1982

Ponente: GUERRERO, J.

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GUERRERO, J.:

This is a petition for certiorari and prohibition with preliminary injunction filed by the Reparations Commission, represented herein by the Office of the Solicitor General, questioning the propriety of the issuance by the Court of First Instance of Manila of a writ of preliminary injunction and supplemental writ of preliminary injunction in Civil Case No. 62643 entitled "Gil J. Puyat, personally and in his capacity as President of the Nacionalista Party, petitioner, vs. The Reparations Commission, respondent."

It appears that herein respondent Gil J. Puyat filed in the Court below a petition for certiorari, prohibition and mandamus seeking:

a. to annul Resolution No. 291 (65) adopted by the Reparations Commission on September 10, 1965, in which it resolved to approve:

1. the proposed award to, and the proposed procurement contract with, Toyo Trading Co., Ltd., for the supply of the firefighting equipment applied for by the Philippine Agency, National Civil Defense Administration, under the Ninth Year Reparations Schedule, and

2. the proposed award to, and the proposed contract with, R.J. del Pan (Japan) K.K. for inspection and testing services on said equipment for the total fee of \$1,011.64;

b. to prohibit the Reparations Commission from allowing the Philippine Mission in Japan to conclude the aforementioned contracts; from undertaking any further steps on the procurement orders issued for goods and services to be acquired for non-revenue producing government projects, the total value of which exceed 10% of the Ninth Year Reparations Schedule; and from issuing any other procurement orders on said projects or in any manner negotiating or concluding a contract for the procurement of goods or services for said projects; and

c. to compel the Reparations Commission to comply with Section 2(a) of the Reparations Law.[1]

As prayed for, respondent Court of First Instance issued on September 24, 1965 a writ of preliminary injunction ordering the "Reparations Commission and all (its) attorneys, representatives, agents and any other person assisting (it) (to) refrain from doing the acts complained of x x x." [2] On October 16, 1965, respondent Court issued a supplementary writ of preliminary injunction ordering the Commission "to secure the return of the 30% advance payment made to the Toyo Trading Co., Ltd. of Japan and to refrain from taking any further step or action in connection with the Commission's enjoined contract with said company, particularly from making any other payments or accepting any deliveries of any equipment under said contract." [3]

Failing to secure the dissolution of the aforementioned injunctive writs in the lower Court, the Reparations Commission lodged the instant Petition on November 4, 1965. Private respondent Puyat filed his Answer, and after hearing on petitioner's Motion for Preliminary Injunction, this Court issued a Resolution dated December 3, 1955, the pertinent portions of which read as follows:

"x x x the petitioner should seek its remedy in the Court below that has full cognizance of the facts and factors involved, and which may or may not maintain, modify or even lift the injunction heretofore issued by it, as the facts may warrant."[4]

Armed with the foregoing legal advice, petitioner Reparations Commission went back to the respondent Court of First Instance, and in an Urgent Motion asked for the dissolution of the writs of injunction issued by said Court alleging that as a consequence of the issuance of the writs of injunction, the Philippine Mission refused to accept delivery from the Toyo Trading Co., Ltd. of the equipment called for in the reparations contract in question, and therefore the goods were placed in storage chargeable to the Republic of the Philippines; that the storage charges had reached \$99,000.00 as of December 4, 1965 and the rates of charges would increase after full delivery; that if no justifiable reason could be shown for the non-acceptance of the goods, the Republic of the Philippines would be held liable for the payment of the storage fees; and, that the prestige of the Republic of the Philippines was at stake.[5]

Despite opposition by Puyat, the lower Court on December 15, 1965 issued an Order, the dispositive portion of which decrees that:

"WHEREFORE, it appearing from the facts established, that the jurisdiction of this Court to reach through certiorari proceedings the actuations of the (Reparations Commission) in the procurement contract in question is doubtful in view of the trans-national character of the contract; that the appropriate sanctions, including criminal, are available to protect the interest of the people of this country in the proper implementation of the Reparations Law; and, to obviate any liability on the part of the Republic of the Philippines, for storage fees, the 'Urgent Motion' is hereby GRANTED and the original (Rec. p. 124) as well as the supplementary (Rec. p. 171) writs of injunction are hereby DISSOLVED,"[6]

Efforts of Puyat to secure a restraining order against said dissolution proved futile when this Court denied his Urgent Motion and/or Counter Petition with Urgent Petition for Issuance of Restraining Order on December 31, 1965.[7]

Finally, on January 13, 1966, petitioner Reparations Commission filed a Motion to Dismiss Petition wherein it alleged, inter alia, that "in view of the dissolution of the writ of preliminary and supplementary preliminary injunction, the present petition has become moot and academic."[8] Records do not show that the respondents filed any opposition to the Motion.

Considering that the injunctive writs, both original and supplemental, subject of the instant Petition, have been dissolved by the Court below, this case has become moot and academic.

WHEREFORE, let this case be, as it is hereby, dismissed for being moot and academic. No costs.

SO ORDERED.

Fernando, C.J., Barredo, Makasiar, Aquino, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Teehankee, J., no part. Concepcion, Jr., J., on leave.

[1] Annex "A" to Petition; Rollo, pp. 22-24.

[2] Annex "B" to Petition; Rollo, p. 142.

[3] Annex "D-2" to Petition; Rollo, p. 164.

[4] Rollo, p. 274.

[5] Annex "3" to private respondent's Urgent Motion and/or Counter Petition With Urgent Petition for Issuance of Restraining Order; Rollo, pp. 294-295.

[6] Annex "6" to private respondent's Urgent Motion etc., *ibid.*; Rollo, pp. 311-312.

[7] Rollo, p. 328.

[8] Rollo, pp. 329-331.

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