

ARSENIO VELUZ, PETITIONER, VS. HON. COURT OF APPEALS, HON. JESUS DE VEYRA, CITY SHERIFF OF MANILA AND THE REINSURANCE CO. OF THE ORIENT, INC., RESPONDENTS.

G.R. No. L-20585. September 30, 1963

Ponente: DIZON, J.

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DIZON, J.:

Under date of July 16, 1963, respondent Reinsurance Company of the Orient, Inc. filed a manifestation to the effect that the purpose of this case for certiorari is to prevent the eviction of petitioner Arsenio Veluz from the premises involved in Civil Case No. 96678 of the Municipal Court of Manila entitled Reinsurance Company of the Orient, Inc. vs. Arsenio Veluz, etc., later appealed to the Court of First Instance of Manila (Civil Case No. 50962) and ultimately to the Court of Appeals (C.A.—G.R. No. 31295-R); that in the month of May 1963, petitioner herein-defendant in the case already mentioned-vacated the leased premises without paying to the lessor or depositing in court the March to May 1963 rentals; that the appeal interposed by him in the Court of Appeals was dismissed on July 9, 1963 for his failure to file his brief.

Upon the foregoing facts, the respondent Reinsurance Company of the Orient, Inc. prays for the dismissal of the present case on the ground that it has become moot. In view of the above facts, petitioner was required by our resolution of August 6, 1963 to comment, within ten (10) days from notice, on the aforesaid manifestation, said resolution having been served on his counsel on August 10, 1963. This notwithstanding, petitioner has not filed any comment up to this date.

Wherefore, finding the petition well founded, the present case is dismissed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Paredes, Regala and Makalintal, JJ. concur.

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