

EUSEBIO MERCADER AND LUCIANA CALUMPANG, PLAINTIFFS AND APPELLANTS, VS. URBANO GABAS, DEFENDANT AND APPELLEE.

G.R. No. L-27037. June 03, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

The spouses, Eusebio Mercader and Luciana Calumpang, appealed from the order of the Court of First Instance of Negros Oriental, dismissing their complaint for the rescission of their lease contract with defendant Urbano Gabas regarding their sugarcane land. The lower court held that it had no jurisdiction over the case because it involves agrarian relations falling within the exclusive original jurisdiction of the Court of Agrarian Relations. (Civil Case No. 4416).

In this Court's resolution of February 27, 1976 the parties were directed to inform this Court whether the appeal had become moot and academic considering that the lease in question might have expired after the termination of the 1968-69 crop-year.

Counsel for the plaintiffs-appellants in his manifestation of April 22, 1976 and counsel for defendant-appellee in his compliance of April 27, 1976 stated that the lease had expired and that the appeal had become moot. Appellants' counsel further stated that Eusebio Mercader is already dead.

WHEREFORE, the appeal is dismissed for having become moot and academic. No costs.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Martin, JJ., concur.

Concepcion, Jr., J., is on leave.

Martin, J., was designated to sit in the Second Division.

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