

WORKMEN'S INSURANCE CO., INC. AND ATTORNEY RAFAEL S. MEDINA, PETITIONERS, VS. ARTURO ALCANCE, AVELINO MACASAET AND THE HONORABLE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-35826. June 29, 1973

Ponente: FERNANDO, J.

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FERNANDO, J.:

A petition for the review of a decision of the Court of Appeals dismissing a proceeding for mandamus and prohibition filed by the very same petitioners[1] was filed with this Court on November 27, 1972, with the legal question raised bearing the impress of plausibility, the infirmity attributed to the decision sought to be reversed being its failure to take into account circumstances that could have resulted in an arbitrary actuation, thus amounting to a grave abuse of discretion. Respondents[2] were required by our resolution of December 4, 1972 to comment on the petition without giving it due course. The comment was not immediately forthcoming as, in the meanwhile, there was a change of counsel by the private respondents. As a matter of fact, as late as February 20 of this year, there was a motion for the extension of time on the part of the new counsel for private respondents to file such pleading.

Then, on March 7, 1973, instead of filing such comment, came this manifestation: "[Come now] respondents by counsel, and to this Honorable Court most respectfully manifest: That in view of the fact that petitioners and private respondents had already agreed extra-judicially to settle the case as they have so agreed, whereby the private respondents have already advanced the sum of [Ten thousand] (P10,000.00) [pesos], and the balance payable on or before the 17th of this month, the above-entitled case is virtually moot, and therefore the same should be dismissed already without any pronouncement as to costs." [3] There was another manifestation on April 5, 1973 from petitioners themselves. It reads thus: "1. That on March 15, 1973, this Honorable Court issued a resolution requesting petitioners to comment on the manifestation of respondent's counsel; 2. That the instant petition is moot considering that the parties therein have agreed to extra-judicially settle the case and that partial payment of P10,000.00 has already been advanced by petitioners; 3. That manifestation of counsel for respondents is correct and that petitioners further alleged that the balance in accordance with the decision has already been paid in full to respondents' counsel." [4] Its prayer is for the petition being considered withdrawn.

It is thus apparent that both parties are agreed that this case has been rendered moot, and that the petition should be considered withdrawn.

WHEREFORE, this petition is dismissed. Without pronouncement as to costs.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

Makasiar, J., took no part.

- [1] The petitioners are the Workmen's Insurance Co., Inc. and Attorney Rafael S. Medina.
- [2] The respondents are Arturo Alcance, Avelino Macasaet and the Court of Appeals.
- [3] Manifestation dated March 4, 1973.
- [4] Manifestation dated March 29, 1973.

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