

ARMANDO LIM, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, AND THE REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE LAND AUTHORITY, RESPONDENTS.

G.R. No. L-23138. May 21, 1969

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

In Civil Case No. 3710 of the Court of First Instance of Tarlac, subsequently indorsed to the Court of Agrarian Relations, Fourth Regional District, pursuant to Section 154 of Republic Act No. 3844, certain real properties belonging to petitioner Armando Lim were sought to be expropriated by the Land Tenure Administration, now the Land Authority. The Agrarian Court rendered its decision on January 6, 1964. A motion filed by the Land Authority for extension of time to perfect its appeal was opposed by Lim and denied by the said court on the ground that the decision had already become final and executory. The matter was then taken up to the Court of Appeals on a petition for certiorari and mandamus to compel the lower court to give due course to the appeal. The appellate court, in its resolution of June 23, 1964, gave due course to the petition.

Armando Lim thereupon came to this Court on the instant petition for prohibition to stop the Court of Appeals from acting upon the petition for certiorari and mandamus filed therein by the Land Authority, contending that since the amount in controversy in the expropriation case exceeded P200,000.00, an appeal therein fell within the jurisdiction of this Court and not of the Court of Appeals. This is the issue disputed by the parties, taking into consideration the provision of Republic Act No. 3844, Section 156, which apparently gives the Court of Appeals appellate jurisdiction over cases decided by Courts of Agrarian Relations involving questions of fact and questions of fact and Law without any specific limitation as to the amount involved.

On September 9, 1968, Republic Act No. 5440 was approved, amending the Judiciary Act of 1948 by removing altogether the value-in-controversy test with respect to the allocation of appellate jurisdiction between the Court of Appeals and the Supreme Court in civil cases. Since the appeal from the basic expropriation case, if allowed to be taken, would go to the Court of Appeals, necessarily the question of whether or not mandamus should issue to compel the trial court to give due course to such appeal is addressed to the Court of Appeals, the writ prayed for being in aid of its appellate jurisdiction in the premises.

Wherefore, the instant petition is dismissed as now moot and academic, and the writ of preliminary injunction issued by this Court is dissolved.

Reyes, J.B.L. (Acting C.J.), Dizon, Zaldivar, Sanchez, Fernando, and Capistrano, JJ., concur.

Teehankee and Barredo, JJ., did not take part.

Concepcion, C.J., and Castro, JJ., on leave.

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