

PHILIPPINE RABBIT BUS LINE, INC., PETITIONER AND APPELLEE, VS. JESUS D. VILLAPANA, ET AL., RESPONDENTS AND APPELLANTS.*G.R. No. L-17317. August 30, 1962*

Ponente: BAUTISTA ANGELO, J.

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On May 20, 1959, the Chief of the Motor Vehicles Office issued Circular No. 28 directing that the negotiable certificates of indebtedness that may be accepted for payment of registration fees are those belonging to the backpay holders only and not those in the hands of assignees. The Philippine Rabbit Bus Lines, Inc., a public utility corporation, paid with the negotiable certificates of indebtedness assigned to it its second installment registration fees for the year 1959 in the sum of P78,638.17 in the Baguio City agency of the Motor Vehicles Office.

On November 4, 1959, the Chief of the Motor Vehicles Office issued Memorandum No. 36 calling attention to the fact that in spite of the aforesaid Circular No. 28 some negotiable certificates of indebtedness that do not belong to backpay holders had been used in the payment of registration fees and so it required the owners who paid said certificates to replace them with cash or checks plus 50% penalty, and to insure the collection of the required registration fees, beginning with the 1960 registration, the number plates of those owners involved in said payments should be withheld until the settlement of their previous obligations, with the understanding however that the 1960 registration fees should be collected in order that the owners may not become liable to pay the penalty for 1960.

The Philippine Rabbit Bus Lines, Inc. paid to the Provincial Treasurer of Tarlac, Tarlac on February 25, 1960 the sum of P92,955.00 in cash corresponding to the first installment of registration fees for 1960 for 257 TPU units belonging to it, as well as P2,584.00 in cash corresponding to the first installment of registration fees for 1960 for 6 TH units also belonging to it. But notwithstanding these payments, the Motor Vehicles Registrar of Tarlac, Tarlac refused to release the registration certificates and number plates of said vehicles for the year 1960 in view of the aforementioned Memorandum No. 36 for the reason that the Philippine Rabbit Bus Line, Inc. had not replaced with cash the negotiable certificates of indebtedness it paid for the year 1959.

On February 29, 1960, the Philippine Rabbit Bus Lines, Inc. filed with the Court of First Instance of Tarlac the present petition seeking to compel the Motor Vehicles Registrar of Tarlac as well as the Chief of the Motor Vehicle Office to deliver immediately the 1960 registration certificates and number plates of the 263 units of the Philippine Rabbit Bus Lines, Inc. It also prayed that pending the determination of the case on the merits, a writ of preliminary mandatory injunction be issued against respondents to enable petitioner to operate its buses on or after March 1, 1960 until further orders from the court. And having filled the required bond, the writ of preliminary injunction prayed for was issued against respondents.

On March 18, 1960, respondents filed their answer, and after trial on the merits, the court *a quo* rendered decision granting the petition and ordering respondents to deliver immediately to petitioner the 1960 registration

certificates and number plates corresponding to petitioner's 257 TPU units and 6 TH units for which the 1960 registration fees had already been paid. The court declared permanent the writ of preliminary injunction heretofore issued.

Respondents have duly appealed from the decision. Their brief was filed with this Court on February 21, 1961, whereas the brief of appellee was filed on April 22, 1961. The case was set for hearing on September 22, 1961 on which date the case was submitted for decision.

It appearing that the present petition is one for mandamus the purpose of which is to compel respondents to deliver immediately the 1960 registration certificates and number plates of the 263 units of the Philippine Rabbit Bus Lines, Inc. in view of the fact that the registration fees for the operation of said units for said year 1960 had been duly paid, and it appearing that upon the filing of said petition the court a quo issued mandatory preliminary injunction upon the posting of the requisite bond to enable petitioner to operate its buses and trucks on or from March 1, 1960 until further orders from the court, and since said date up to the present said buses and trucks have been operated unhampered because the registration fees thereon had been consistently paid, it is the sense of this Court that the purpose of the present petition has been substantially accomplished with the issuance of the preliminary mandatory injunction with the result that the same has now become moot and academic.

For these reasons, the Court resolved to dismiss the present case and appeal, without prejudice on the part of respondents to recover in an appropriate motion the registration fees which they claim had not been validly paid for the year 1959.

Wherefore, the present appeal is hereby dismissed with the above reservation, without pronouncement as to costs. The instant petition is also hereby dismissed, and the writ issued by the court a quo dissolved.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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