

FAR EAST REALTY INVESTMENT, INC., PETITIONER, VS. HON. JOSE N. LEUTERIO, PRESIDING JUDGE, BRANCH II, COURT OF FIRST INSTANCE OF MANILA; ANG KA CHUI AND VIRGINIA OCSON ANG, DOING...

G.R. No. L-24965. May 31, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

On March 16, 1965 the city court of Manila rendered a judgment ordering the spouses Ang Ka Chui and Virginia Ocson Ang to vacate Pasillo B 15-17-19 located on the ground floor of the Republic Supermarket Bldg., Rizal Avenue, Sta. Cruz, Manila and to pay Far East Realty Investment, Inc. the sum of P2,145 as back rentals from April, 1964 and P429 as current monthly rental beginning September, 1964, plus certain amounts as electric and water bills and attorney's fees (Civil Case No. 125189).

The spouses appealed to the Court of First Instance of Manila. On May 3, 1965, or after the appeal was perfected, the city court amended its judgment by deleting from the dispositive part the order for the payment of the current rentals.

On June 16, 1965 Far East Realty Investment, Inc. filed in the Court of First Instance a motion for execution of judgment on the ground that the said spouses did not deposit in court the current rentals (Civil Case No. 61014). The lower court denied the motion because the amended decision did not provide for the payment of current rentals.

On September 11, 1965 Far East Realty Investment, Inc. filed a petition for certiorari and mandamus in this Court. It assailed the lower court's order denying its motion for execution. It contended that the lower court gave force and effect to the amendment of the city court's decision which was effected after it had lost jurisdiction over the case.

The Ang spouses answered the petition. Thereafter, the parties submitted memoranda. The case was submitted for decision on November 15, 1965.

On February 24, 1977 this Court required the parties to inform this Court as to whether this case had become moot and academic.

The parties in their respective manifestations dated May 9 and 10, 1977 stated that this case had become moot and academic because the Ang spouses vacated the premises on May 11, 1966, and the lower court's judgment of August 23, 1966, in favor of Far East Realty Investment, Inc., which became final, was never executed since the business of the defendant spouses "became inexistent" and defendant Ang Ka Chui died on August 17, 1970.

WHEREFORE, this case is dismissed for having become moot. No costs.

SO ORDERED.

Fernando, (Chairman), Antonio, Muñoz Palma, and Martin, JJ., concur.
Barredo, J., did not take part.

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