

PABLO SARINILLO, ET AL., VS. HON. MONTANO A. ORTIZ, AS JUDGE OF THE COURT OF FIRST INSTANCE OF AGUSAN AND MARIANO C. ATEGA, RESPONDENTS.

G.R. No. L-16953. August 31, 1962

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SUMMARY

Private respondents filed a petition for certiorari in the lower court against the Under-Secretary of Agriculture and the Director of Lands alleging lack of jurisdiction and abuse of discretion in issuing the questioned order cancelling his previously approved sales application of land of the public domain. Petitioners moved to intervene on the ground that they were the actual occupants of the same land. This motion to intervene was denied by the court. Hence, they filed this Petition for mandamus. In the meantime, on private respondent's appeal to Malacañan, the President of the Philippines reversed the order of the Department of Agriculture, in his favor. The Supreme Court dismissed the petition for certiorari.

RULING

The petition for certiorari is moot and academic, because the Department's order which it sought to annul was reversed by the Chief Executive in the exercise of his legal powers. It became unnecessary to pass on petitioner's right, if any, to intervene.

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