

TING PING LAY, PETITIONER, VS. HON. JOSE C. COLAYCO, AS JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, BRANCH XXI, AND REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-40185. May 31, 1977

Ponente: ANTONIO, J.

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ANTONIO, J.:

Petition for Mandamus to compel respondent Judge to allow Petitioner's Record on Appeal in Naturalization Case No. 81703 of the Court of First Instance of Manila, entitled "In the Matter of the Petition of Ting Ping Lay to be Admitted a Citizen of the Philippines."

It appears that Petitioner Ting Ping Lay obtained a favorable decision in the afore-mentioned case on September 29, 1971, but after the lapse of the two-year period required by law before the judgment could be executed and registered and petitioner could take his oath, respondent Judge issued an adverse Order dated April 22, 1974, denying the petition and setting aside the Decision of September 29, 1971.

A motion for reconsideration of the foregoing Order was denied and petitioner sought to appeal the Order of denial to this Court, filing for the purpose a Notice of Appeal, a Record on Appeal and an Appeal Bond, but said appeal was dismissed by respondent Judge, per Order dated August 16, 1974, on the ground that the same had not been perfected on time. A "Motion for Reconsideration and/or Petition for Relief from Order of August 16, 1974" was denied for lack of merit. Hence, the instant petition.

On May 10, 1977, during the pendency of these proceedings, petitioner, thru counsel, filed a "Motion to Declare Naturalization Proceedings Moot and Academic" on the ground that on May 4, 1976, Petitioner Ting Ping Lay was granted Philippine citizenship by naturalization pursuant to Presidential Decree No. 923 and in accordance with the procedure prescribed by Letter of Instructions No. 270. It appears that on May 6, 1976, the grant of naturalization became effective by means of petitioner's having taken his Oath of Allegiance and the issuance to him of Certificate of Naturalization No. 2036000 (Annex "A").

In view of the circumstances obtaining in this case, We find the foregoing motion to declare the proceedings moot and academic to be well taken.

WHEREFORE, the naturalization proceedings subject matter of the instant petition, as well as all incidents thereof, are hereby declared moot and academic. Petition dismissed.

Fernando, (Chairman), Barredo, Aquino, and Martin, JJ., concur.

Concepcion, Jr., J., on leave.

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