

LIANGA BAY LOGGING CO., INC., PETITIONER, VS. HON. ANDRES REYES, JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, AND GENERAL ENTERPRISES, INC., RESPONDENTS.

G.R. No. L-17069. September 28, 1964

Ponente: REGALA, J.

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REGALA, J.:

This is a petition to annul the order of the Court of First Instance of Rizal, dated April 12, 1960, in Civil Case No. 6030.

In the said order, a writ of preliminary injunction was issued against the petitioner herein, Lianga Bay Logging Co., Inc., enjoining the latter from—

"* * * diverting to third parties and/or for other purpose any logs produced by it from Lianga, Surigao timber concession unless defendant's commitments to plaintiffs of at least 2,000,000 board feet of logs be first complied with upon posting by the plaintiff of a bond in the sum of P5,000 to the satisfaction of the Court, conditioned to pay defendant damages if it be found and adjudged that the plaintiff were not entitled to the issuance of the writ."

The lower court later on decided the case in favor of the herein respondent (petitioner or plaintiff therein), so that the preliminary injunctive writ under question was made permanent. The herein petitioner appealed before Us and that companion case was docketed as General Enterprises, Inc., Plaintiff-Appellee, vs. Lianga Bay Logging Co., Inc., Defendant-Appellant, G.R. No. L-18487. Last August 31, 1964, We affirmed the decision of the lower court.

Since the present petition is merely incidental to the main case which, as aforesaid, had been decided by Us recently, the question as to the propriety of the issuance of the order complained of has become moot and academic.

The case is hereby dismissed. No costs.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Paredes, Dizon, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

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