

L. GARDUÑILDE;O, PETITIONER, VS. A. DIAZ, JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, RESPONDENT.

G.R. No. L-22939. November 05, 1924

Ponente: MALCOLM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c4604e3fd62f/>

MALCOLM, J.:

This is a moot case made so by the action of the parties. The prayer of the original petition for certiorari and prohibition asked that a writ issue restraining the respondent from proceeding further in the so-called contempt proceedings, or any proceedings of like nature related to the facts, and particularly from enforcing the order to show cause previously issued. The prayer of the supplemental petition was that, since the respondent had revoked the order complained of, the present case be summarily disposed of by a permanent prohibition against any renewed attempt to revive the order or any like proceedings. But the respondent judge assures us that there is no intention on his part nor is he aware of any necessity of promulgating any further order in the premises.

The sole purpose of issuing the writ would be to establish a principle to govern other cases. But courts exist to decide actual controversies, not to give opinions upon abstract propositions. (U. S. vs. Hoffman [1866], 4 Wall., 158; Mills vs. Green [1895], 159 U. S., 651; Jones vs. Montague [1904], 194 U. S., 147.)

Proceedings ordered dismissed without costs.

Johnson, Street, Avanceña, Villamor, Ostrand, Johns, and Romualdez, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.