

JOSE L. C. DIZON, PETITIONER, VS. HONORABLE COURT OF APPEALS, COURT OF AGRARIAN RELATIONS OF ANGELES CITY, PROVINCIAL SHERIFF OF PAMPANGA, JOSE LANSANGAN, GONZALO CUNANAN, GODO...

G.R. No. L-33650. April 22, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

In 1966 the Court of Agrarian Relations at Angeles City rendered a judgment sustaining the right of Gonzalo Cunanan, Jose Lansangan, Godofredo Paguio, Lucia Garcia and Horacio Bundoc to a reduction of rentals (CAR Case No. 62-P '65) and to a reliquidation of the palay harvests from the land of Jose L. C. Dizon.

The Court of Appeals affirmed that decision but required the Agrarian Court to receive evidence on the amount of allowable rentals and the excess rentals which Dizon should reimburse to the said lessees (Lansangan vs. Dizon, CA-G.R. No. 39402-R).

After hearing, the Agrarian Court rendered a supplemental decision dated February 25, 1970, fixing the rentals and ordering Dizon to deliver to the five (5) aforementioned lessees 660 cavans and 22 kilos of palay or their equivalent in money.

The Agrarian Court in its order of April 3, 1970, directed the execution of the said judgment pending appeal. Dizon assailed that order in the Court of Appeals. That Appellate Court in its decision upheld the order of execution (Dizon vs. Lansangan, CA-G.R. No. 45121-R, March 25, 1971).

Dizon appealed on June 17, 1971 to this Court from the said decision of the Court of Appeals. The appeal was submitted for decision on March 28, 1972.

On November 25, 1975 the Court of Appeals decided Dizon's appeal from the supplemental decision of the Court of Agrarian Relations dated February 25, 1970 (Lansangan vs. Dizon, CA-G.R. No. 44941-R).

The question is whether the decision of the Court of Appeals in the main case, affirming the supplemental decision of the Agrarian Court, rendered moot the instant appeal of Dizon from the prior decision of the Court of Appeals, upholding the execution pending appeal of the said supplemental decision.

Respondent Agrarian Court in its manifestation of March 10, 1977 alleged that Dizon's petition for review in the instant case was rendered academic by the decision of the Court of Appeals in the main case, CA-G.R. No. 44941-R.

On the other hand Dizon in his comment of March 26, 1977 contended that this case had not become moot because he raised the question of whether the Agrarian Court has jurisdiction to render the oft-mentioned supplemental decision.

We are of the opinion that this case has become moot because the said supplemental decision was affirmed by the Court of Appeals. As the cliché goes, Dizon's petition herein has no more leg to stand on. The jurisdictional issue raised by him is frivolous or insubstantial.

Moreover, the Agrarian Court, in its order of September 7, 1976, directed the issuance of an alias writ of execution to enforce the said supplemental decision. Dizon's petition for prohibition in this Court, wherein he assailed that order, was dismissed for lack of merit in the resolution of February 16, 1977 (L-44554, Dizon vs. German).

WHEREFORE, the instant case is dismissed with costs against the petitioner.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Concepcion, Jr., JJ., concur.

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