

**FILOIL REFINERY CORPORATION, PETITIONER, VS. HONORABLE MARCELINO N. SAYO, JUDGE, COURT OF FIRST INSTANCE OF RIZAL, BR. XXXIII, CALOOCAN CITY, AND FELICIDAD A. SANTOS, ROSARIO SA...**

*G.R. No. L-46236. October 24, 1980*

Ponente: MAKASIAR, J.

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**MAKASIAR, J.:**

Petitioner Filoil Refinery Corporation filed a petition with the Court of Appeals seeking a review of the decision of the Court of First Instance affirming the judgment of the City Court of Caloocan City in an ejectment case filed by private respondents Felicidad A. Santos, et al. against petitioner Filoil directing petitioner "and all those who may be found claiming right under it," among others, to vacate the premises in question, to completely surrender possession thereof to private respondents, and to pay private respondents the sum of P24,000.00. After the private respondents filed their answer, the Court of Appeals, being of the opinion that the sole question involved is the interpretation of the lease agreement between the parties, which is a legal issue, certified this case to the Supreme Court in a resolution dated May 10, 1977. The case was accordingly docketed on June 3, 1977.

On July 28, 1980, private respondents as lessors, filed a motion to dismiss this petition as moot and academic on the ground that the 20-year period for the lease had expired on June 15, 1980, and accordingly prayed that petitioner Filoil and all those claiming any right under it should be directed to vacate the premises subject matter of the lease contract.

In its comment filed on September 19, 1980, petitioner Filoil admits that the lease period of 20 years had expired on June 15, 1980; but alleges that the leased premises are being occupied and in the possession of its sub-lessee the Security Development and Realty Corporation, against whom private respondents should file or institute another ejectment case.

There is no dispute that the lease contract had already expired on June 15, 1980. Any sub-lessee of Filoil or any other person or entity claiming any right under petitioner cannot remain in possession of the property beyond the expiry date of the lease contract.

WHEREFORE, THIS CASE IS HEREBY DISMISSED AS MOOT AND ACADEMIC AND PETITIONER FILOIL REFINERY CORPORATION AND ALL OTHERS CLAIMING ANY RIGHT UNDER IT, INCLUDING ITS SUB-LESSEE THE SECURITY DEVELOPMENT AND REALTY CORPORATION WITH PRINCIPAL OFFICE AT 168 SALCEDO ST., LEGASPI VILLAGE, MAKATI, METRO MANILA, ARE HEREBY DIRECTED TO VACATE THE PREMISES SUBJECT MATTER OF THE LEASE CONTRACT DATED MARCH 15, 1960. THIS RESOLUTION IS HEREBY MADE IMMEDIATELY EXECUTORY.

**WITHOUT COSTS.**

Teehankee, Acting C.J., Fernandez, Guerrero, De Castro,\*\*] and Melencio-Herrera, JJ., concur.

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[\*\*] Mr. Justice de Castro sat with the First Division pursuant to Special Order No. 225 dated Sept. 15, 1980.

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