

EDWARD C. GARRON, FELICIANO Y. CASERO, AND GENEROSO ENCARNACION, PETITIONERS, VS. HON. FRANCISCO ARCA, JUDGE OF THE COURT OF FIRST INSTANCE OF PAMPANGA, FIFTH JUDICIAL DISTRICT,...

G. R. No. L-4209. April 18, 1951

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for certiorari.

Upon application of Captain G. I. Purington, Assistant Provost Marshal of Clark Field, in behalf of the U. S. 13th Air Force, the Justice of the Peace Court of Angeles, Pampanga, issued a search warrant against Domingo Pineda concerning certain auto spare parts. The warrant was served by PC Sergeant Generoso Encarnacion, assisted by Edward C. Garron and Feliciano Y. Casero as agents of the Provost Marshal of Clark Field, as a result of which many auto spare parts were seized belonging to Domingo Pineda which were itemized in an inventory. Pineda contested the legality of the search warrant alleging to be the owner of the articles seized, and pending action on his claim, on April 14, 1950, he filed an action for replevin against the agents who served the warrant in the Court of First Instance of Pampanga. On April 25, the defendants in the replevin case moved for its dismissal contending that the court has no jurisdiction over their persons, that there was another case pending between the same parties, and that the complaint states no cause of action. They claimed in addition that the court has no jurisdiction over the subject matter. The court denied the motion for lack of merit. On October 3, 1950, they filed a motion for reconsideration. This motion was also denied, hence this petition for certiorari.

After Domingo Pineda had filed an action for replevin against the herein petitioners, the latter caused a charge for theft to be filed against him with the Justice of the Peace Court of Angeles involving the same articles seized which case was later elevated to the Court of First Instance of Pampanga. Said articles were not returned to the Justice of the Peace Court as required in the search warrant but were delivered to the Army authorities, for which reason Pineda asked that the warrant be complied with. An order was issued to that effect and said articles were accordingly delivered to said Justice of the Peace where they were deposited subject to the orders of the court. In the meantime, the case for theft was prosecuted according to law but was dismissed for lack of evidence upon motion of the Fiscal, its result being that the articles seized from the accused were ordered returned to him. Subsequently, Pineda asked for the dismissal of the replevin case in view of the return of the properties involved, which was granted by the court, thus rendering this case purely academic.

The facts of this case are not disputed. They are admitted both by the petitioners and the respondents. On one hand, the petitioners contend that the lower court erred in not acceding to their motion to dismiss on the ground of lack of jurisdiction over their persons and over the subject matter. Upon the other hand, respondent Pineda claims that this case is now academic because the replevin case has already been dismissed. It does not appear that the defendants, now petitioners, have appealed from the order of dismissal which put an end to the controversy.

We have taken notice of petitioners' plea that this case be decided on the merits regardless of the dismissal of the replevin case in view of their desire to have a ruling on the issue of jurisdiction it appearing that events of similar nature frequently occur in Pampanga that a ruling on the matter becomes necessary for their guidance in the future.

We cannot quite agree with this plea much as we desire to rule on the merits of the case. The duty of the court is to decide actual controversies, not mere hypothetical cases. When this case was brought to this Court, there was actual controversy. Several issues were raised. The main purpose is to have the replevin case dismissed for lack of jurisdiction. This purpose however has already been accomplished, although on a different ground. If the petitioners wanted to have the case decided on the merits so that a ruling may be had on the issue of jurisdiction or on the matter affecting ownership of the articles involved, they should have appealed from the order of dismissal in the replevin case. This they failed to do. The replevin case has ceased to have legal existence. And as this case of certiorari is but an outgrowth of the main case, it must fall on its own weight. The order of dismissal is now final in character and cannot be revived. There is, therefore, no point to continue with this case when the main case is nonexistent. This Court finds no other alternative than to dismiss it without prejudice on the part of petitioners to take such action as may be proper relative to the articles seized from Domingo Pineda.

"It is a rule of almost universal application that courts of justice[^], constituted to pass upon substantial rights, will not consider questions in which no actual interests are involved; they decline jurisdiction of moot cases." (In the matter of the estate of Ceballos, 12 Phil., 271.)

"Where the action is against the Governor-General in his official capacity, and the other defendants were acting under his orders, and no substitution of parties has been made, and the defendant has ceased to be Governor-General, an injunction as to them is a moot question." (L. S. Moon & Co. vs. Harrison, 43 Phil., 28.)

"The plaintiff contends that the record now presents a moot case, and for such reason there is nothing left for this court to decide. That contention must be sustained. The payment of the money under protest was the basis of plaintiff's action, without which it could not be sustained. His protest is now withdrawn. The legal effect of it is to withdraw his complaint and to place the whole matter in the same position as if no protest had ever been made. It must be conceded that in the absence of a protest the action could not be maintained. In other words, the plaintiff is now in court seeking to recover money which was not paid under protest. It is true that the plaintiff obtained judgment against the defendant in the lower court, but in legal effect the withdrawal of the protest was a waiver of all of plaintiff's rights under the judgment. For such reason, there is nothing left for this Court to decide." (People vs. De Lara, 45 Phil., 753-754).

Wherefore, the Court dismisses this case without prejudice and without pronouncement as to costs.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason and Jugo, JJ., concur.

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