

**FAUSTINO RONCESVALLES, PETITIONER, VS. LUIS PATOLA AND
HONORABLE JUDGE VALERIANO A. DEL VALLE, COURT OF
AGRARIAN RELATIONS, NINTH REGIONAL DISTRICT, BRANCH II,
RESPONDENTS.**

G.R. No. L-27600. January 22, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

This certiorari prohibition and mandamus petition with a prayer for a writ of preliminary injunction was given due course in view of the significance of the legal question raised, namely, whether or not in an action for ejectment of a tenant, he could be dispossessed by an interlocutory order without any hearing on the merits. In the answer, as well as in the memorandum of private respondent,[1] it was stressed that a temporary dispossession was the proper remedial measure, considering that notwithstanding the admission of ownership, petitioner had persistently refused to deliver the latter's share of the harvest. Accordingly, the Court of Agrarian Relations, in the exercise of sound discretion following one of the rules under the then applicable tenancy law,[2] could issue such an order. It may be noted parenthetically that there had been later tenancy legislation, culminating in the epochal Presidential Decree No. 27, the validity of which was sustained in *Gonzalez v. Estrella*. [3]

Due to the lapse of time without any decision on the merits, this Court on September 24, 1980 issued this following resolution: "The Court Resolved to require the parties in this case to [manifest] to this Court whether or not this petition which assailed the validity of an interlocutory order has become moot and academic, within ten (10) days from notice." [4] In a letter received by the Clerk of Court on November 11, 1980, the counsel for petitioner, instead of filing a motion for extension, merely requested the Clerk of Court for an opportunity to verify his record as to the cases he was handling. Since then, he has not filed any pleading. Private respondent, on the other hand, manifested to the Court that the case had become moot and academic as the matter had been settled amicably and the pending case in the lower court dismissed. Two more months having lapsed, without any further communication from counsel for petitioner, this Court feels that it can act on the information furnished by counsel for private respondent. The case could thus be terminated. At any rate, the legal issue posed is no longer of significance as under the aforesaid Presidential Decree No. 27, petitioner, if he were a bona fide tenant, would have his rights fully respected.

WHEREFORE, the petition is dismissed for having become moot and academic. No costs.

Barredo, Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

[1] The other respondent is Judge Valeriano A. del Valle.

[2] Republic Act No. 1267 (1955).

[3] L-35739, July 2, 1979, 91 SCRA 294.

[4] Resolution dated September 24, 1980.

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