

**MANILA ELECTRIC COMPANY, PETITIONER, VS. ENRIQUE MEDINA,
PUBLIC SERVICE COMMISSIONER, MANUEL MADRIGAL, JOSUE
JAVELLANA (MRS.) AND BRIGIDO SEDENIO, RESPONDENTS.**

G.R. No. L-26759. August 23, 1974

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for prohibition to enjoin respondent Enrique Medina, as Public Service Commissioner, from further taking cognizance of PSC Case No. 65-4296-C, upon the ground that in view of very strained relations between said respondent and Atty. Vicente J. Francisco, counsel of petitioner Manila Electric Company, one of the parties in said case, said respondent should inhibit himself from acting therein.

It appears that in the aforementioned Public Service Commission case, respondent Medina, then the Public Service Commissioner, issued on September 10, 1965 a restraining order against herein petitioner enjoining it "from cutting or disconnecting its electrical services or electric power supply, to the petitioners herein (the case before the Commission) and other consumers during the pendency of this case and until further orders of the Commission." On February 24, 1966, petitioner filed a motion to lift the restraining order, but before this motion could be resolved, it filed another one seeking the inhibition by respondent from further acting in the case on the ground, as already stated, that the relations between respondent Medina and Atty. Francisco were "strained", for reasons which need not be stated here. Respondent denied this last motion. Insisting on his pose, Atty. Francisco filed another motion for inhibition based on the same ground but with a more elaborate discussion thereof. Respondent took this second motion for inhibition as a motion for reconsideration of the denial of the first motion, and since it was filed out of time, he denied the same.

In view of the fact that it is a matter of judicial notice that the Public Service Commission has already been replaced by the Board of Transportation, and, more relevantly, that respondent Medina has already retired from the service, apart from the fact that it is well known that Atty. Vicente J. Francisco is already dead, this case has become in all its aspects moot and academic.

WHEREFORE, the petition is dismissed for being moot and academic, without costs.

Zaldivar, (Chairman), Fernando, Antonio, Fernandez, and Aquino, JJ., concur.

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