

RAFAEL A. SANTOS, JR., PETITIONER, VS. HON. EMMANUEL M. MUÑOZ, AS JUDGE OF BRANCH I OF THE COURT OF FIRST INSTANCE OF BULACAN, FLOR F. RESURRECCION AND HERMOGENES REYES, JR., RE...

G.R. No. L-31608. March 04, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

In Civil Case No. 3849-M of the Court of First Instance of Bulacan, Malolos branch, the provincial sheriff filed an interpleader action on October 7, 1969 against Rafael A. Santos, Jr. and Hermogenes Reyes, Jr. The sheriff prayed that Santos and Reyes should litigate their claims with respect to certain parcels of land which were mortgaged by Santos to the Second Bulacan Development Bank. At the foreclosure sale, they were sold to Reyes. Santos claimed to have redeemed the lands. Hence, Reyes and Santos had conflicting claims over those said lands.

On the other hand, on October 13, 1969 Santos filed in the Valenzuela branch of the same court a complaint against Hermogenes Reyes, Jr., Belen A. Carlos, Dolores Alarilla, Leoncio Carlos, Manuel A. Carlos, Second Bulacan Development Bank, Flor F. Resurreccion (the provincial sheriff in the interpleader case), Jose F. Reyes (deputy sheriff), Soledad Banzon de Jesus (register of deeds of Bulacan), and Hermogenes Puatu, (deputy register of deeds). Santos prayed inter alia that the contracts regarding the same parcels of land be declared void, that the new titles for the said lands issued to Reyes be cancelled, and that Santos' old titles be reinstated (Civil Case No. 545-V).

On October 30, 1969 Santos filed a motion in the Malolos interpleader case for its dismissal or at least its consolidation with the Valenzuela case. Respondent Judge denied the motion.

In the Valenzuela case the defendants filed a motion to dis-miss some of the causes of action because of the pendency of the Malolos case. The Valenzuela court in its order of January 21, 1970 announced that, if within ten days from notice, the sheriff did not move for the dismissal of the Malolos case, which admittedly involved issues being litigated in the Valenzuela case, or if the parties could not secure a directive from the Secretary of Justice that the two cases should be tried in only one branch, then the Valenzuela court would forward Civil Case No. 545-V to the Malolos court so that it could be tried jointly with Civil Case No. 3849-M.

In view of those orders of the Malolos and Valenzuela branches, Santos, through his lawyer, Ruben L. Roxas, filed in this Court on February 9, 1970 the instant certiorari and prohibition case. He prayed that the Malolos case be consolidated with the Valenzuela case.

On March 12, 1970 this Court issued a writ of preliminary injunction, restraining the Malolos Judge from taking cognizance of the interpleader case and from interfering with the trial of the Valenzuela case. By virtue of that injunction, the Malolos case was frozen and the trial of the Valenzuela case proceeded.

The parties herein in their joint manifestation of February 10, 1977 stated that the judgement rendered in the

Valenzuela case on June 4, 1975 had become final and that the Malolos case and the instant case have become moot and academic.

WHEREFORE, this case is dismissed for having become moot. No costs.

SO ORDERED.

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

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