

PEOPLE OF THE PHILIPPINES, ET AL., PETITIONERS, VS. THE HONORABLE ANGEL MOJICA, ETC., ET AL., RESPONDENTS.

G.R. No. 18755. August 31, 1961

Ponente: DIZON, J.

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DIZON, J.:

The petition for certiorari before us alleges, in substance, that on April 29, 1961, in *People vs. Marcial Ama y Perez, et al.*, (G. R. No. L-14783), we affirmed on review the death penalty imposed upon Marcial Ama y Perez by the Court of First Instance of Rizal in Criminal Case No. 422-R; that on July 25, 1961, after the return of the record below, the court fixed the execution of Ama for Friday, August 4, 1961; that on August 3, 1961, on motion of counsel de oficio, Delfin L. Gonzalez, the respondent Judge issued an order suspending the execution scheduled for August 4, 1961 and ordering the Acting Director of Prisons to execute the convict on September 4, 1961; that on August 11, 1961 petitioner Acting Director of Prisons filed a motion for reconsideration on the ground that under the Constitution of the Philippines only the President can suspend the execution of a prisoner, but said motion was denied by the respondent judge on August 18, 1961 in spite of the fact that His Honor had been informed that the President had already issued a reprieve for the same convict to end on September 3, 1961.

It is clear from the foregoing facts that the reprieve granted by the Chief Executive will end on September 3, 1961 and that thereafter the corresponding authorities would be free to carry out the execution of the convict mentioned heretofore in accordance with the order of the respondent Judge issued on August 3, 1961. We believe, therefore, that the issue involved in the petition under consideration has become moot.

Wherefore, the petition for certiorari is hereby dismissed, with costs.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Barrera, Paredes, De Leon, and Natividad, JJ., concur. Bautista Angelo and Labrador, JJ., took no part.

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