

RITA NATAL, CHARITO LABATETE, RAMUEL MAGAHIS, FRANCISCA LOGDAT, JOCELYN MACUNAT, LUCENA MITANTE, GUADALUPE M. LLAMAS, NORITA MODIONG, AMELIA PANTOJA, MIRASOL NABIONG, ROMEO LOGD...

G.R. No. 191963. December 01, 2010

Ponente: BRION, J.

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BRION, J.:

Before us is a petition for mandamus[1] filed by petitioner Rita Natal and 34 others (petitioners) to compel respondent Judge Manuelito O. Caballes (respondent Judge) of Branch 38 of the Regional Trial Court (RTC) of Boac, Marinduque, to resolve or act on the petitioners' Motion for Production and Inspection of Objects/Property[2] in Civil Case No. 01-10.[3]

The Factual Background

On April 6, 2001, the petitioners filed a complaint with the RTC for quasi-delict and tort against respondent Marcopper Mining Corporation (respondent Marcopper) and Placer Dome Inc., seeking payment of damages for losses due to the flooding and siltation of the Mogpog river, allegedly caused by the breach of respondent Marcopper's Maguila-guila dam.[4]

In the course of the proceedings, or on October 14, 2008, the petitioners filed a Motion for Production and Inspection of Objects/Property, seeking to require respondent Marcopper to produce specific documents and to allow the petitioners to enter, inspect and photograph respondent Marcopper's dams, dumpsite, mining pit, and all other related structures.[5]

In an October 21, 2008 order, the respondent Judge required respondent Marcopper to file its comment or opposition to the petitioner's motion.[6]

In an October 30, 2008 order, the respondent Judge gave respondent Marcopper 15 days, or until November 14, 2008, to file its comment to the motion, and for the petitioners to file their reply, within 15 days from receipt of respondent Marcopper's comment, after which the motion was deemed submitted for resolution.[7]

On November 11, 2008, respondent Marcopper filed its comment.[8] The petitioners' counsel received Marcopper's comment on November 19, 2008.[9] On December 4, 2008, the petitioners filed their reply to the comment.[10]

When the respondent Judge failed to resolve the motion despite the petitioners' two motions for early resolution filed on March 12, 2009 and June 22, 2009,[11] the petitioners filed on May 6, 2010 the present petition for mandamus.

The Petition

The petitioners argue that the respondent Judge failed to resolve their motion within the 3-month period mandated by Section 15, Article VIII of the 1987 Constitution.

The Case for the Respondents

Respondent Marcopper prays for the dismissal of the petition, pointing out that the respondent Judge issued a March 11, 2010 order, received by the petitioners on May 11, 2010, that resolved the motion.

The respondent Judge submits that he already resolved the petitioners' motion on March 11, 2010.

Our Ruling

We dismiss the petition.

It is well settled that an action is considered "moot" when it no longer presents a justiciable controversy because the issues involved have become academic or when the matter in dispute has already been resolved, and no longer requires judicial intervention.[12] Considering that the respondent Judge already issued the March 11, 2010 order[13] requiring the production and inspection of documents and properties within the possession and control of respondent Marcopper, nothing left for us to act upon. Courts will not sit for the purpose of trying moot cases and spend time in deciding questions whose resolution cannot in any way affect the rights of the person or persons presenting them.[14]

In considering this case, however, we cannot help but notice that the resolution of a relatively simple motion took the Judge almost fourteen (14) months to act upon. The administrative consequences of this delay, however, is beyond our authority at this time to rule upon as an administrative case has already been filed with the Office of the Court Administrator, docketed there as OCA IPI No. 10-3376-RTJ (entitled Natividad Nagutom, et al., represented by Atty. Minerva A. Quintela v. Judge Manuelito O. Caballes). Hence, we leave this administrative matter for consideration in that case.

WHEREFORE, we resolve to DISMISS the petition on the ground of mootness.

SO ORDERED.

Carpio Morales, Bersamin, Villarama, Jr., and Sereno, JJ., concur.

[1] Under Rule 65 of the Rules of Court; rollo, pp.3-29.

[2] Id. at 232-235.

[3] Entitled "Rita Natal, et.al., v. Marcopper Mining Corporation."

[4] Rollo, pp. 30-74.

[5] Under Rule 27 of the Rules of Court, supra note 2.

[6] Rollo, p. 237.

[7] Id. at 238.

[8] Id. at 239-243.

[9] Ibid.

[10] Id. at 244-249.

[11] Id. at 250-251 and 252-254.

[12] Albay Electric Cooperative, Inc. v. Santelices, G.R. No. 132540, April 16, 2009, 585 SCRA 103, 118, citing Santiago v. Court of Appeals, G.R. No. 121908, January 26, 1998, 285 SCRA 16, 21.

[13] Rollo, pp. 280-289.

[14] Albay Electric Cooperative, Inc. v. Santelices, supra note 12, citing Delgado v. Court of Appeals, G.R. No. 137881, August 19, 2005, 467 SCRA 418, 428.

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