

L. GARDUÑO, PETITIONER, VS. A. DIAZ, JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, RESPONDENT.

G.R. No. 22939. November 05, 1924

Ponente: MALCOLM, J.

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MALCOLM, J.:

This is a moot case made so by the action of the parties. The prayer of the original petition for certiorari and prohibition asked that a writ issue restraining the respondent from proceeding further in the so-called contempt proceedings, or any proceedings of like nature related to the facts, and particularly from enforcing the order to show cause previously issued. The prayer of the supplemental petition was that, since the respondent had revoked the order complained of, the present case be summarily disposed of by a permanent prohibition against any renewed attempt to revive the order or any like proceedings. But the respondent judge assures us that there is no intention on his part nor is he aware of any necessity of promulgating any further order in the premises.

The sole purpose of issuing the writ would be to establish a principle to govern other cases. But courts exist to decide actual controversies, not to give opinions upon abstract propositions. (U. S. vs. Hoffman [1866], 4 Wall., 158; Mills vs. Green [1895], 159 U. S., 651; Jones vs. Montague [1904], 194 U. S., 147.)

Proceedings ordered dismissed without costs.

Johnson, Street, Avanceña, Villamor, Ostrand, Johns, and Romualdez, JJ., concur.

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