

**NATIONAL WATERWORKS AND SEWERAGE AUTHORITY,
PETITIONER, VS. THE MUNICIPALITY OF LIBMANAN, AND THE
PRESIDING JUDGE, BRANCH FIVE OF THE COURT OF FIRST
INSTANCE OF CAMARINES SUR, R...**

G.R. No. 27197. May 31, 1967

Ponente: DIZON, J.

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DIZON, J.:

Petition for certiorari and mandamus filed by the National Waterworks and Sewerage Authority against the Presiding Judge, Branch V, Court of First Instance of Camarines Sur, and the municipality of Libmanan, praying that:

"x x x x x, premises considered and, pending resolution by this Honorable Tribunal of petitioner's petition, it is respectfully prayed that respondent Court be enjoined from executing its Decision in Civil Case L-161 and after due hearing hereon, it is further prayed that this Honorable Tribunal issue a Writ of Certiorari commanding respondent court to approve the original Record on Appeal and/or amended Record on Appeal, it appearing that the former was perfected within the reglamentary period and/or that the latter while late, the causes of the delay thereof were beyond petitioner's control.

"Further, herein petitioner respectfully prays for such relief and other remedies that this Honorable Tribunal may deem just and equitable in the premises."

While paragraph 3 of the petition speaks of the complaint filed by the respondent municipality with the respondent court for recovery of property with damages (Civil Case No. L-161), no copy thereof is attached to the petition.

Similarly, paragraph 4 of the petition mentions the decision rendered by the respondent court on December 10, 1965, but no copy thereof is attached to the petition.

Again, paragraph 5 of the petition speaks of the order of default entered by the respondent court and of the motion for reconsideration filed by petitioner in the case above-mentioned, but no copy of the order of default is attached to the petition.

Bearing in mind that the petition under consideration, was filed for the purpose of enjoining the respondent court from executing the decision rendered in Civil Case No. L-161, the importance of the missing pleadings is obvious.

Moreover, the petition is also for the purpose of securing an order commanding the respondent court to approve either the original or the amended record on appeal filed by petitioner, but no copy of either is attached to its petition.

IN VIEW OF THE FOREGOING, the petition under consideration is dismissed.

Concepcion, C.J., Reyes, J.B.L., Regala, Makalintal, Bengzon, J.P., Zaldivar, and Castro, JJ., concur.

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