

**UNIVERSITY OF THE PHILIPPINES, THE CHAIRMAN AND MEMBERS
OF THE BOARD OF REGENTS, EMMANUEL V. SORIANO AS
PRESIDENT, ANDRES I. FERNANDEZ, ELPIDIO M. CATUNGAL AND
FEDOR E. SANTOS, ...**

G.R. No. 61231. June 18, 1985

Ponente: AQUINO, J.

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AQUINO, J.:

The University of the Philippines on August 28, 1982 appealed from the decision of the Court of Appeals dated February 23, 1982, dismissing its petition for certiorari, prohibition and mandamus to annul the interlocutory orders of Judge Lino L. Añoover which allowed Mario M. Rilles, a fourth year mechanical engineering student, academic year 1977-78, who was expelled for having killed Rolando Abad, a student, to enrol in the first semester of the academic years 1979-80 and 1980-81.

After the briefs had been filed, private respondent's lawyer, Ceferino P. Padua, filed a manifestation dated January 8, 1984 wherein he stated that Rilles had completed his engineering studies, passed the 1984 examination given by the Board of Mechanical Engineering with a rating of 73.6%, is a member of the Philippine Society of Mechanical Engineers and is engaged in private practice. He argues that the case has become moot.

The Solicitor General counter-manifested that the case has not become moot because the U.P. Student Disciplinary Tribunal in a decision dated May 31, 1978 ruled that the courses earned by Rilles after August 30, 1977 would have no force and effect and no certification of completion of courses should be issued. The decision was affirmed by the Board of Regents on March 27, 1980.

The Solicitor General contends that the dismissal of the case on the ground that it has become moot would undercut the University's autonomy in the exercise of its powers and prerogatives.

The Court of Appeals did not enjoin the enforcement of the orders of Judge Añoover dated June 19, 1979 and June 24, 1980 in Civil Cases Nos. 27807 and 30173, respectively, which allowed Rilles to re-enroll. These cases are still pending in the lower court. Apparently, no trial has been held in these two cases which should be consolidated.

We hold that this incident regarding Judge Añoover's interlocutory orders has become moot. If the petitioners desire any final decision on the merits or on the issue as to its powers over its students, then it should ask for a trial in the two cases. The trial court should first pass upon that issue. Supervening events should be covered by supplemental or amended pleadings.

WHEREFORE, this case is dismissed without prejudice to a hearing in the two cases in the trial court. No costs.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Abad Santos, and Cuevas, JJ., concur.

Escolin, J., no part.

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