

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
Quezon City, Branch 220

SPOUSES FRANCISCO H. FRANCISCO
and LUISA FRANCISCO,

Plaintiffs,

- *versus* -

CIVIL CASE NO. Q-53462

NATIONAL HOUSING AUTHORITY (NHA),
PAULINO PE AND/OR ARCHIPELAGO
BUILDER'S SUPPLY CORPORATION
AND ESTATE OF THE DECEASED
EULALIO RAGUA,

Defendants.

X-----X

DECISION

As captioned in the complaint, the case filed by the plaintiffs was for "Removal of Cloud with Preliminary Injunction."

A deeper perusal of the allegations in the complaint together with the evidence thus adduced shows that plaintiffs' action could also be one for quieting of title. The plaintiffs are asserting their own title or ownership over the property and hence, prayed that the titles of defendant NHA be declared null and void. Such action is deemed to be in the nature of an action to remove cloud or quieting of title.

CA-G.R. CV No. 87196

Resolution

2

Department of Transportation and Communication ("DOTC", for brevity), which is not a party to the case; and Motion for Leave to Intervene and to Admit Appellant's Brief-In-Intervention dated 12 February 2007 filed with this Court by North Triangle Depot Commercial Corporation ("NTDCC", for brevity).

Defendant-appellant National Housing Authority ("NHA", for brevity) and intervenor DOTC filed its Comment² dated 18 October 2007. They argued, among other things, that: with the filing of plaintiffs-appellees' Motions for Extension of Time within which to file appellee's brief, the Motion for Suspending the Period of Filing Appellee's Brief was rendered moot and academic; there are no good and sufficient causes for the suspension of plaintiffs-appellees' period within which to file their appellee's brief and said Motion for Suspending the Period of Filing Appellee's Brief and the two (2) Motions for Extension of Time were filed by plaintiffs-appellees for the purpose of delay.

We find that the Motion for Suspending the Period of Filing Appellee's Brief was rendered moot and academic by the filing of the Second Motion for Extension of Time³ dated 09 July 2007 and the Third and Final Motion for Extension of Time⁴ dated 02 August 2007, both of which were granted, in the interest of substantial justice, in the Resolution⁵ dated 24 March 2008, and by the filing of the Appellees Brief⁶ dated 31 October 2007 which was noted and considered as timely filed on 07 November 2007 in the same Resolution. A moot and academic case or issue is one that ceases to present a justifiable controversy by virtue of supervening events, so that a determination thereof would be of no practical value.⁷

Furthermore, We take note that the Motion for Leave to Intervene and to Admit Appellant's Brief-In-Intervention⁸ dated 12

² *Id.*, at pp. 830-843

³ *Id.*, at pp. 657-661

⁴ *Id.*, at pp. 796-800

⁵ *Id.*, at pp. 895-896

⁶ *Id.*, at pp. 859-894

⁷ *Vicente Chuidian v. Sandiganbayan (Fifth Division), et al.*; *Philippine National Bank v. Sandiganbayan et al.*, G.R. Nos. 156383 and 160723, 31 July 2006

⁸ *Rollo*, pp. 71-80

CA-G.R. CV No. 87196
Resolution


February 2007 filed by the NTDCC was already denied in a Resolution⁹ promulgated on 09 July 2007.

WHEREFORE, premises considered, the Motion for Suspending the Period of Filing Appellees' Brief has been rendered MOOT and ACADEMIC.

SO ORDERED.


CELIA C. LIBREA-LEAGOGO
Associate Justice

WE CONCUR:


REGALADO E. MAAMBONG
Associate Justice
Chairman, Sixteenth Division


AGUSTIN S. DIZON
Associate Justice

⁹ *Id.*, at pp. 641-648