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SECOND DIVISION

[G.R. No. L-27785. August 11, 1976]

**HON. ZACARIAS A. TICZON (in his capacity as City Mayor of San Pablo City),** *petitioner-appellee, vs.* **HON. SERAFIN C. FULE (in his capacity as City Treasurer of San Pablo City),** *respondent-appellant.*

## RESOLUTION

**AQUINO, *J.*:**

Serafin C. Fule, as city treasurer of San Pablo City, appealed from the decision of the Court of First Instance of Laguna, commanding him to comply with Office Order No. 64 dated February 2, 1967, issued by the City Mayor. In that order the Mayor directed Fule to assign temporarily Isagani O. Ticzon, assistant chief of section, as slaughterhouse guard and collector until the incumbent, Manuel Mendoza, returns to duty or his status is finally determined (Civil Case No. SP-653).

The appeal involves the power of the City Mayor under sections 9 and 17 of the charter of San Pablo City to exercise immediate control over the executive and administrative functions of the different departments of the city government and the power of the city treasurer under section 18 of the same charter to control the finance department.

The appeal was submitted for decision on October 10, 1967. Pursuant to this Court's resolution of May 28, 1976, the City Fiscal, as counsel for petitioner-appellee City Mayor, manifested that Mayor Zacarias A. Ticzon had ceased to hold office because his term expired several years ago and that, on the other hand, respondent-appellant city treasurer retired from the service in 1974.

The City Fiscal further manifested that Manuel Mendoza, the incumbent slaughterhouse guard and collector of the city treasurer's office, had resigned and that the disputed position

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is now occupied by Eufrocino Limdico. Oscar Baldovino, a land tax clerk, whom the city treasurer designated as slaughterhouse guard and collector, in defiance of the order of the City Mayor, had retired.

Notwithstanding that the protagonists in this case, Mayor Ticzon and City Treasurer Fule, had ceased to hold office, there has been no substitution of parties as contemplated in section 18, Rule 3 of the Rules of Court.

Respondent-appellant did not comply with this Court's resolution requiring him to submit twenty printed copies of the lower court's decision which he failed to include as an appendix to his brief (See sec. 16[h], Rule 46, and section 1, Rule 6, Rules of Court).

Instead, appellant filed a manifestation dated August 2, 1976 stating that he is no longer desirous of prosecuting his appeal because it has apparently become moot. He prayed for its dismissal.

**WHEREFORE,** the appeal is dismissed. No costs.

**SO ORDERED.**

*Fernando (Acting C.J.), Barredo, Antonio,* and *Concepcion, Jr., JJ.*, concur.