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probationary employee to avoid an infringement on the security of tenure mandate need not be considered.

WHEREFORE, this petition for *certiorari* by way of review is dismissed and the appealed decision of the Court of Industrial Relations is affirmed. No costs.

Barredo, Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

Santos and *Abad Santos, JJ.*, on official leave.

SECOND DIVISION

[G.R. No. L-44831. August 27, 1979]

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, MARCELINO TIU, *petitioner-appellee, vs.* **REPUBLIC OF THE PHILIPPINES,** *oppositor-appellant.*

SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; APPEAL; WHEN MOOT AND ACADEMIC IN NATURALIZATION CASES.— The appeal is dismissed, the case having become moot and academic with appellee Marcelino Tiu having taken his oath of allegiance and having been issued his certificate of naturalization on the dates above stated.

R E S O L U T I O N

FERNANDO, *C.J.*:

This is an appeal by the Republic of the Philippines from a lower court decision dated April 26, 1971, appellee Marcelino Tiu having been allowed by the order of July 11, 1975 to take

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his oath as a citizen of the Philippines conformably to the judgment in his favor. Upon the records of the case having been elevated to this Court by the Court of First Instance of Manila, this Tribunal, in a resolution of October 27, 1976, gave due course to the appeal. Thereafter, on December 17, 1976, this Court issued the following resolution: "Considering the pleadings filed in this case, the Court resolved to [grant] (a) the motion of the Solicitor General for suspension of period to file printed record on appeal, stating that petitioner-appellee has filed an application for naturalization by Presidential Decree, under Letter of Instruction No. 270 which provides less stringent requirements than those under which the instant case was pursued and proceeded upon and that action on said application is expected in a short while; and (b) the letter-request for extension of time to submit the transcript of stenographic notes in this case of stenographer Alejandro G. Beltran, for two months, counted from notice."[1] No further action was taken by the Office of the Solicitor General until this brief note came from Assistant Solicitor General Lorenzo G. Timbol "that as per our records the application for naturalization of Marcelino Tiu in SCN No. 008667 has already been granted. Mr. Tiu took his oath of allegiance on January 6, 1977 and was issued his certificate of naturalization on March 18, 1977."[2]

WHEREFORE, the appeal is dismissed, the case having become moot and academic with appellee Marcelino Tiu having taken his oath of allegiance and having been issued his certificate of naturalization on the dates above stated.

Barredo, Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

Santos and *Abad Santos, JJ.*, on official leave.

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[1] Resolution of this Court dated December 17, 1976.

[2] Letter of Assistant Solicitor General Lorenzo G. Timbol dated August 7, 1979.