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relieve the appellant in this case from prosecuting his appeal diligently (Smith Bell & Co., Ltd. *vs.* American President Lines, 94 Phil. 879).

There being no merit in defendant's appeal, the lower court's order of dismissal is affirmed with costs against the appellant.

So ordered.

*Fernando (Chairman), Antonio* and *Concepcion, Jr., JJ.*, concur.

*Barredo, J.*, concurs in the result.

*Order of dismissal affirmed.*

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[No. L-27824. February 27, 1976]

SECOND DIVISION

PHILIPPINE ASSOCIATION OF FREE LABOR UNIONS (PAFLU), MINDANAO AND SULU MARINE OFFICERS' GUILD (MSMOG-PAFLU), ELADIO SANTO, RODRIGO GRAJO and LEODEGARIO CHAVEZ, petitioners, *vs.* HON. GREGORIO D. MONTEJO, ZAMBOANGA WOOD PRODUCTS, INC., PHILIPPINE CONSTABULARY (Zamboanga Provincial Command) and ZAMBOANGA CITY POLICE DEPARTMENT, respondents.

ORIGINAL ACTION. Certiorari and Prohibition.

SYNOPSIS

Petitioners filed a petition for certiorari and prohibition for the review of the writ of preliminary

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injunction issued by the Court of First Instance of Zamboanga City, assailing the court's order directing the PAFLU regional organizer not to picket on the company's private road. After the case had been submitted for decision petitioners manifested that the strike was already resolved.

Case dismissed for having become moot and academic.

SYLLABUS
of the Ruling of the Court

APPEAL; CERTIORARI; DISMISSED FOR BEING MOOT AND ACADEMIC.– Where a petition for certiorari and prohibition assailing the court's order directing a labor union organizer not to picket on the company's private road has become moot and academic with the strike having been resolved, the case is dismissed.

APPEARANCES OF COUNSEL

*Guevara, Pineda, Guevara & Castillon* for the petitioners.

*Climaco & Associates* for the respondents.

## RESOLUTION

AQUINO, *J.:*

The petitioners filed these special civil actions of *certiorari* and prohibition for the review of the writ of preliminary injunction dated June 6, 1967 issued by the Court of First Instance of Zamboanga City in Civil Case No. 1155 entitled "Zamboanga Wood Products, Inc. *vs.* Philippine Association of Free Labor Unions" (Paflu).

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In that writ of injunction the lower court commanded the Paflu agents and representatives to refrain from entering the forest concession of Zamboanga Wood Products, Inc. and to open to traffic the company's private road.

The petitioners also assailed the lower court's order dated June 10, 1967 directing Eladio Santo, a Paflu regional organizer, not to picket on that road. They prayed that the private respondents be enjoined from crossing the picket lines which they had established in connection with the strike that the Mindanao & Sulu Marine Officers' Guild (MSMOG-Paflu) had declared on May 30, 1967 against Zamboanga Wood Products, Inc.

Respondent company alleged in its answer that the injunction was justified because the closure of a private road did not constitute lawful picketing and that it amounted to a deprivation of a property right.

The case was submitted for decision on March 11, 1968 after the parties had filed their memoranda.

In this Court's resolution of January 14, 1976 the parties were required to inform this Court whether the case had become moot and academic.

The petitioners in their manifestation of January 28, 1976 categorically stated "that the case has become moot and academic with the strike having been resolved".

Wherefore, the case is dismissed for having become moot. No costs. So ordered.

*Fernando, Chairman, Barredo, Antonio* and *Concepcion Jr., JJ.*, concur.

*Case dismissed.*