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**IN VIEW OF ALL THE FOREGOING,** the Court is constrained to hold that appellant's guilt for the crimes charged has been proved beyond reasonable doubt, and, accordingly, to affirm *in toto* the penalty imposed by the court *a quo* as fully in accordance with law and the evidence. Costs against appellant.

**SO ORDERED.**

*Teehankee, Barredo, Antonio, Concepcion Jr., Santos, Fernandez, Guerrero, De Castro,* and *Melencio-Herrera, JJ.*, concur.

*Makasiar* and *Aquino, JJ.*, concur in the result.

*Fernando, Acting C.J.* and *Abad Santos, J.*, took no part.

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**FIRST DIVISION**

[G.R. No. L-39016. June 29, 1979]

**TAMDA SERVICE COOPERATIVE, INC.,** *petitioner, vs.* **THE CITY MAYOR AND THE CITY TREASURER OF TACLOBAN CITY, and THE COURT OF FIRST INSTANCE OF LEYTE,** *respondents.*

**SYLLABUS**

**REMEDIAL LAW; ACTIONS; MOOT AND ACADEMIC; WHEN PETITIONER CEASED AS A COOPERATIVE ENTITY, ITS LEGAL STANDING WILL BE LOST AND ANY RELIEF THAT MAY BE GRANTED MAY NO LONGER BE ENFORCED.**— Considering the admissions of petitioner as recited above, there is merit to the contention of respondents that this case has indeed become moot and academic. Petitioner, having ceased as a cooperative entity and its franchise lapsed, it has lost its legal standing and whatever reliefs that may be granted may no longer be enforced or executed.

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## RESOLUTION

**GUERRERO, *J.*:**

This is a petition for review by way of *certiorari* of the judgment of the Court of First Instance of Leyte, Branch IV in Special Civil Action No. 5052 entitled "*Tamda Service Cooperative, Inc., Plaintiff, vs. The City Mayor of Tacloban City, et al., Defendants*" for *mandamus* with preliminary injunction and damages dated May 20, 1974 dismissing the action on the ground that the plaintiff Tamda Service Cooperative, Inc. may not lawfully organize for the purpose of engaging in the operation of motor vehicles for hire by the general public, it being an activity totally alien to the nature and purposes of cooperatives as contemplated in the Non-Agricultural Cooperative Act (R.A. 2023), citing the opinion of the Honorable Secretary of Justice dated March 29, 1973 who also ruled that the Cooperatives Administration Office erred in registering the plaintiff as a cooperative to operate motorized cabs principally for hire to the general public and that the Public Service Commission likewise erred in registering and granting a franchise to the cooperative operating as common carrier.

In the Resolution of this Court dated January 17, 1975, the Court resolved to give due course to the petition. In due time, both petitioner and respondents filed their respective briefs and on June 27, 1975, the petition was submitted for decision.

Meanwhile, in a Manifestation dated October 4, 1978, respondents prayed this Court to dismiss the petition on the ground that petitioner is no longer legally existing due to non-compliance with requirements under Presidential Decree No. 175 in failing to submit copies of its financial statements and minutes of its meetings to the Ministry of Local Government and Community Development Regional Office No. VIII, the agency in charge of the supervision of cooperatives under said decree, as certified to by the Assistant Regional Director, and that petitioner is no longer legally authorized to operate motorized tricycle services within Tacloban City as its Certificate of Public Convenience issued by the Public Service Commission in Case

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No. 17-568 for a period of 5 years from Sept. 24, 1971 had already expired.

Respondents conclude that the instant petition has become moot and academic considering that the legal existence of petitioner as a cooperative and as a licensee to operate motorized tricycle services in Tacloban City has long ceased.

Petitioner, having been required to comment on said Manifestation, admitted its failure to submit copies of its financial statements and minutes of its meetings to the Ministry of Local Government and Community Development because of its inability to secure a business permit as a cooperative from respondent city officials but denied that it is no longer existing since its application for re-registration has not been denied nor has it been ordered liquidated by the Director of the Bureau of Cooperative Development. Petitioner also admitted its failure to renew its franchise.

Considering the admissions of petitioner as recited above, there is merit to the contention of respondents that this case has indeed become moot and academic. Petitioner, having ceased as a cooperative entity and its franchise lapsed, it has lost its legal standing and whatever reliefs that may be granted may no longer be enforced or executed.

**WHEREFORE, IN VIEW OF THE FOREGOING**, the instant petition is hereby dismissed. No costs.

**SO ORDERED.**

*Teehankee (Chairman), Makasiar, Fernandez, De Castro,* and *Melencio-Herrera, JJ.*, concur.