

**ESMERALDO MORELOS AND IRENEO ARAGON, PETITIONERS, VS.
HON. FRANCISCO DELA ROSA, BENJAMIN L. PROTACIO, PAMFILO
TOLENTINO, FELIX CRUZ, TEODORO DELA CRUZ, AGAPITO
GONZALES, IRENEO ...**

G.R. No. L-33559. February 10, 1981

Ponente: GUERRERO, J.

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GUERRERO, J.:

In a petition for Annulment of Election with Injunction filed in the Municipal Court of Parañaque, Rizal, seeking the annulment of the elections held on January 28, 1968 at Barrio Baclaran, Parañaque, Rizal for the positions of barrio captain and barrio councilmen, petitioners therein allege that said elections were null and void ab initio for the following reasons:

- The list of voters (3,516 voters only) used was null and void because it was made during the illegal registration on January 7, 1968 conducted without proper notice by an illegal board of election tellers, resulting in the disenfranchisement of about 2/3 of the qualified voters of Baclaran;
- The election was not conducted, the votes were not counted, and the alleged winners were not proclaimed, by a duly elected board of election tellers;
- The election was not determined, fixed and/or sanctioned by the Baclaran Barrio Council as required by law;
- Official ballots were not used and all election paraphernalia were supplied by NP candidates; and
- The election was conducted in open space, frauds and irregularities were committed such that several persons were able to vote several times while many registered voters who went to the polling place were informed that other persons used their names in voting and that "they have voted already." [1]

Named as respondents were the barrio captain-elect, the barrio councilmen-elect, and public school teachers and other persons who were members of the boards of election tellers.

The Municipal Court, after trial, dismissed the petition, [2] holding that "the grounds laid down by x x x petitioners for the annulment of the election are not the justifiable grounds in contemplation of law sufficient to support such annulment." On appeal to the Court of First Instance of Rizal, Branch VII, Pasay City, a decision [3] was rendered by herein respondent Judge affirming the dismissal of the petition for annulment for the reason that the Court will refuse to annul an election conducted in a manner which substantially gave a free and fair expression of the popular will. [4]

Herein petitioners now appeal from the foregoing decision of respondent Judge, raising questions of law.

By reason of the expiration of the term of office of the positions disputed by herein parties, the instant case has been rendered moot and academic. [5] Subsequent to the elections in 1968, elections in the barrio level were held anew in January 1972, pursuant to the provisions of Republic Act No. 3590, as amended, otherwise known as the

Revised Barrio Charter.[6] As held in the abovementioned cases, petitioners have lost their standing, and it would serve no useful purpose for this Court to make any pronouncement on the matter.

WHEREFORE, the petition is hereby DISMISSED for being moot and academic.

SO ORDERED.

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

[1] Annex "A" to Petition, p. 3; Rollo, p. 31.

[2] Annex "F" to Petition; Rollo, pp. 44-49.

[3] Annex "H" to Petition; Rollo, pp. 51-64.

[4] Ibid., pp. 63-64.

[5] Kotico, et al. vs. COMELEC, et al., L-29465, Sept. 30, 1976, 73 SCRA 127, 129-130; Bitangcol vs. CA and Gordon, L-30858, March 29, 1977, 76 SCRA 95-97; Abirin vs. COMELEC, et al., L-36157, August 27, 1980. See also the recent cases of Jaugan vs. Hon. Bullecer, L-35148, November 28, 1980; and Agda vs. San Juan, L-36008, November 28, 1980.

[6] This Act has been adopted as the Barangay Charter under Presidential Decree No. 557, Sept. 21, 1974, declaring all barrios in the Philippines as barangays. See also Presidential Decree No. 431, April 8, 1974.

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