

**FIDELINO C. AGAWIN, PETITIONER, VS. QUINTIN CABRERA AND
HON. ARSENIO ÑAÑAWA, JUDGE OF THE COURT OF FIRST INSTANCE
OF LAGUNA, BRANCH IV, RESPONDENTS.**

G.R. No. L-23885. April 25, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Contestants for the mayoralty post of Pagsanjan, Laguna, in the November 12, 1963 elections were Fidelino C. Agawin, the Nacionalista Party candidate and Quintin Cabrera for the Liberal Party. Cabrera was proclaimed winner on November 14, 1963. Agawin pro-tested.[1] His grounds: frauds, corrupt practices, overspending, vote-buying and other illegal election practices which he described in said protest. Cabrera answered and asserted a counter-protest.

Upon respondent judge's order, a revision of ballots was made and completed. Thereafter, Cabrera moved for the dismissal of the protest alleging that it was filed beyond the reglementary period and that protestant's certificate of candidacy was filed in the wrong office,[2] a jurisdictional defect which was not cured by the amended protest as the latter was lodged beyond the two-week reglementary period for filing an election protest.

On July 11, 1964, respondent judge ruled that protestant's certificate of candidacy was filed with the wrong body, dismissed the protest with costs against protestant.

Reconsideration failed of its purpose.

Claiming grave abuse of discretion in the issuance of the dismissal order, protestant Agawin came to this Court on certiorari.

In the recent elections of November, 1967, petitioner and respondent Cabrera again faced each other for the same position. Cabrera won; Agawin again protested.

Since the contested term of office in the case at bar (1964-1967) has expired, any decision now can no longer be given any practical effect.[3]

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

SO ORDERED.

Reyes, J.B.L., (Acting C.J.), Dizon, Makalintal, Bengzon, J.P., Zaldivar, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] Election Case No. SC-470, Court of First Instance of Laguna, Branch IV, entitled "Fidelino C. Agawin, Protestant, vs. Quintin Cabrera, Protestee." The protest was amended on December 9, 1963.

[2] Protestant filed his certificate of candidacy with the Commission on Elections instead of filing it with the municipal secretary as directed by Sec. 36, par. (c) of the Revised Election Code.

[3] See: *Gonzaga vs. Bico*, L-20291, February 27, 1965; *Tuanda vs. Dionaldo* (1966), 17 Supreme Court Reports 646 (Resolution).

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