

LORENZO F. MIRAVITE, PETITIONER, VS. THE COMMISSION ON ELECTIONS, MANUEL LOCSIN AND AMANIO SORONGON, RESPONDENTS.*G.R. No. L-32799. November 13, 1974*

Ponente: ANTONIO, J.

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Petition for declaratory relief filed by Lorenzo F. Miravite, a candidate in the Third District of Iloilo for the election of delegates to the 1971 Constitutional Convention, pursuant to Section 19 of Republic Act No. 6132 (The 1971 Constitutional Convention Act), asking the Court to resolve the following issues: (1) What body, entity or court has jurisdiction over contests involving the election of delegates to the 1971 Constitutional Convention? (2) What is the prescriptive period for filing election protests – the one provided for in the Revised Election Code, or the one to be fixed in the rules to be adopted by the Convention?

It was alleged, among others, that petitioner was a candidate duly registered and voted for in the above-mentioned election for Constitutional Convention delegates; that anomalies occurred in the conduct of the election and in the canvassing and counting of the votes cast, on account of which he stood to lose in said election; that he was contemplating to file the corresponding protest with the proper court or office; and that there is, however, an apparent conflict between (a) paragraph 1, Section 6 of Republic Act No. 6132, which provides that "[t]he election of delegates shall be governed by the provisions of the Revised Election Code, as amended, and Republic Act Numbered Thirty-five hundred eighty-eight, as amended x x x, " and (b) Section 13 of said Act, which provides that "x x x [t]he convention shall be the sole judge of the election, returns, and qualifications of its members and it may organize and adopt such rules as it may see fit," by reason of which conflict petitioner did not know with what court or office to file a protest and within what period.

The election of delegates to the 1971 Constitutional Convention was held on November 10, 1970, and on November 17, 1970, this petition was filed. During the pendency of this petition, however, the Constitutional Convention began to perform its functions on June 1, 1971 and on November 29, 1972, approved the proposed Constitution and transmitted the same to the President of the Philippines for submittal to the people. On November 29, 1972, the President issued Decree No. 73 submitting the proposed Constitution to the people for ratification or rejection. As a result of its ratification by an overwhelming majority of all votes cast by the members of the Citizens' Assemblies throughout the Philippines at a plebiscite held for the purpose from January 10 to 15, 1973, the said Constitution came into effect as of 12:00 noon of January 17, 1973. The 1971 Constitutional Convention having thus discharged its function and accomplished its purpose, it thereafter ceased to exist, hence, the issues raised in this petition must accordingly be considered moot and academic.

WHEREFORE, the present petition is hereby dismissed, without pronouncement as to costs.

Fernando, (Chairman), Barredo, Fernandez, and Aquino, JJ., concur.

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