

RESTITUTO TUANDA, PETITIONER-APPELLANT, VS. SIMPLICIO DIONALDO, AND THE COURT OF APPEALS, RESPONDENTS AND APPELLEES.

G. R. No. L-20117. July 15, 1966

Ponente: REGALA, J.

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REGALA, J.:

This is a petition to review a decision of the Court of Appeals In an election case.

In the elections of November 10, 1959, Simplicio Dionaldo was proclaimed mayor-elect fay the Municipal Board of Canvassers of the municipality of Jlmalalud, Negros Oriental, for having obtained 1,372 votes as against 1,356 votes for Restituto Tuanda, his rival. In due time, the latter filed an election protest contesting the said proclamation. After trial by the Court of First Instance of the province, the protestee was declared the duly elected mayor winning over the protestant by a plurality of six votes. From this judgment the protestant appealed to the Court of Appeals.

After a review of the case, the Court of Appeals affirmed the judgment of the trial court declaring the protestee as the winner, with the modification, however, that protestee won over the protestant with a majority of only two votes. Not satisfied, the protestant Restiuto Tuanda brought the instant petition.

The main question raised in this case is who, between the protestant and the protestee, should be declared the winner during the election of November 10, 1959, for the mayoralty position in the municipality of Jimanalud, Negros Oriental. Considering that the term of office of all local officials elected in the November 1959 elections had expired on December 30, 1963, there is no need to resolve the issue and to make a pronouncement as to who should have been declared the mayor-elect. This case has become moot and academic.

WHEREFORE, the petitions hereby dismissed. No costs.

Concepcion, C. J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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