

**AMANTE PURISIMA, PETITIONER, VS. HON. DEOGRACIAS S. SOLIS,
JUDGE OF THE COURT OF FIRST INSTANCE OF ILOCOS SUR AND
GREGORIO CORDERO, RESPONDENTS.***G.R. No. L-27491. January 31, 1972*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/63a2ce40e56f/>**MAKALINTAL, J.:**

This case is an offshoot of the decision of this Court in L-22335, Amante P. Purisima vs. Hon. Angelino C. Salanga, Judge of the Court of First Instance of Ilocos Sur, et al., promulgated December 31, 1965 (15 SCRA 704). The principal protagonists there, Purisima and Gregorio Cordero, were among the candidates for the three positions of Provincial Board Members of the said province in the elections of 1963. On account of discrepancies in the election returns from 41 precincts Purisima filed a petition for judicial recount under Section 163 of the Revised Election Code then in force.

Reversing the order of dismissal rendered by the trial court, We directed respondent Judge Salanga in the case above-mentioned to proceed with the recount therein prayed for. The late Judge Deogracias S. Solis, who had taken over the said court in the meantime, started to implement our decision. It was discovered, however, that in some precincts[1] the ballot boxes and their contents showed indications that they had been tampered with, and so the petitioner, Amante P. Purisima, moved that the recount be stopped and that the untampered Commission on Elections (COMELEC) copies of the election returns be used to determine the number of votes respectively received by the contending parties and to provide the basis for the corresponding canvass. In a resolution dated February 4, 1967 the respondent Judge denied the motion and ordered the recount to continue, on the ground that the judgment of this Court of December 31, 1965 in L-22335 was clear and unequivocal to that effect, and that the petitioner's remedy with respect to the tampering of the ballot boxes and of the ballots themselves was in a proper election protest. The petitioner moved to reconsider but was turned down in an order dated April 6, 1967, and thereafter came to this Court in the present case on a petition for certiorari with preliminary injunction. A temporary restraining order was issued, and after respondent Gregorio Cordero had filed his answer, and failed to submit a memorandum in lieu of oral argument, the case was deemed submitted for decision.

The term of the office disputed by the parties expired on December 30, 1967, and even before that date, or on May 31, 1967, the petitioner was appointed Judge of the Court of Agrarian Relations. However, he has presented a motion, dated November 26, 1971, praying that a decision be rendered on the merits, alleging that if he is declared winner he will take appropriate steps so that he may be given service credit for the time he would have occupied the position of Provincial Board Member from January 1, 1964 up to the date of his assumption of office in the Judiciary, which service credit may be material in connection with the retirement benefits to which he may be entitled later.

We are of the opinion that this case has become moot and academic – with respect to both parties, because the term of the disputed office has already expired; and with respect to petitioner in particular, also because by his

acceptance of a position in the Judiciary he has in effect abandoned his claim in the present case. Even the question of who would have been entitled to succeed herein petitioner upon his assumption of a position as Judge, if he had succeeded in being proclaimed as the winner over respondent Cordero, has likewise become moot.

WHEREFORE , the petition is dismissed, without costs.

Concepcion, C.J., Reyes, J. B. L., Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Precincts 1 to 8, inclusive, of Angaki, and 1 to 3, inclusive of San Emilio.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.