

BINGING HO, PETITIONER, VS. THE COMMISSION ON ELECTIONS AND BONSAN GO, RESPONDENTS.

G.R. No. L-29945. June 30, 1970

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/667702c1509a/>

MAKALINTAL, J.:

Petitioner Binging Ho and respondent Bonsan Go were among the candidates for the position of Mayor in the municipality of Bongao, Sulu, in the regular elections held on November 14, 1967. On November 27, 1967 Binging Ho filed a petition for judicial recount of votes in pre-cinct No. 13 on the ground of material discrepancies in certain entries in the election return. The recount having been conducted, the Court on March 26, 1968, issued an order for the municipal board of canvassers of Bongao "to convene and make the canvass of Precinct No. 13..., using the judicial canvass return so that the canvass for all the precincts of the municipality of Bongao would be completed and after the canvass the Municipal Board of Canvassers, Bongao, Sulu, shall proclaim the winning candidate, whoever he is ..."

From the foregoing order Bonsan Go appealed to this Court, where the case was docketed as Case G. R. No. L-29051. The notice of appeal was filed on April 3, 1968.

On June 6, 1968 the Commission on Elections, acting on a petition of Bonsan Go to hold in abeyance the canvass of the votes in precinct No. 13, according to the judicial return, denied the same and ordered the municipal board of canvassers to complete the canvass and proceed with the proclamation of the winning candidate for Mayor. On July 9, 1968, however, having been informed that the decision of the Court of First Instance of Sulu in the judicial re-count case had been appealed, the Commission on Elections issued a resolution "to hold in abeyance the implementation of the resolution...of June 6, 1968 until final disposition of the case by the Supreme Court, and until further orders from the Commission."

In the meantime, on June 13, 1968, Binging Ho was proclaimed by the municipal board of canvassers; and on July 10, 1968, he was again proclaimed by the municipal council of Bongao, acting as canvassing board. These two proclamations were set aside by the Commission on Elections in a resolution promulgated October 22, 1968, wherein the resolution of July 9, 1968 was reiterated. Binging Ho moved to reconsider, but his motion was denied on December 10, 1968, one of the grounds of the denial being the pendency in this Court of the appeal in the judicial recount case, "the outcome of (which) will affect the mayoralty election in Bongao, Sulu, because the case involves a judicial determination of the true and correct result of the election for mayor in said municipality..."

Against the aforesaid orders of October 22 and December 10, 1968 Binging Ho filed the instant petition before us, praying that they be annulled and set aside, alleging that his proclamation on June 13, 1968 was made pursuant to the directive of the Commission on Elections itself dated June 6, 1968 and in accordance with the order of the Court of First Instance of Cebu in the judicial recount case. Respondents filed their respective answers to the petition, and thereafter petitioner submitted his memorandum in lieu of oral argument.

On July 28, 1969 the appeal from the order of the Court of First Instance of Sulu (G. R. No. L-29051) was decided by this Court, the dispositive portion of the decision being as follows:

"FOR THE FOREGOING CONSIDERATIONS, the orders appealed from are affirmed. The Municipal Board of Canvassers of Bongao, Sulu, is hereby ordered to con-vene, in 3 days from receipt of this decision, for the purpose of canvassing the returns from all the precincts in the municipality including the judicial return from Precinct No. 13, and im-mediately thereafter, to proclaim the winning candidate for the position of Municipal Mayor on the basis of the total votes appearing in the returns. Costs against the respondent-appellant."

In view of the said decision it is clear that the instant petition has become moot and academic, the relief prayed for by petitioner in effect having been achieved by him in that other case. Wherefore the petition is dismissed, without costs.

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

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.