

MARGARITO J. LOFRANCO, PETITIONER, VS. JESUS JIMENEZ, SR., RESPONDENT.

G.R.

No. L-27583. October 10, 1967

Ponente: DIZON, J.

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DIZON, J.:

On August 9, 1967 We issued a resolution considering this case "submitted for decision without respondent's brief" in view of the latter's failure to file such brief within the period granted him for the purpose. Ten days later, petitioner filed a manifestation and motion stating therein, among other things, that on the 15th of the same month and year he had received a copy of respondent's motion for additional time within which to file his brief etc.; that according to information received by him, respondent Jesus Jimenez, Sr. (protestant-appellee in this case had died as shown by the death certificate annexed to said manifestation and motion filed by Rev. Fr. Marce, A. Castro, Parish Priest of Inabanga, Bohol; that respondent's right to the contested position of municipal mayor was strictly personal the present appeal has become moot and should, therefore, be dismissed.

WHEREFORE, counsel for respondent who according to the record are Messrs. Salonga, Ordonez, Yap, Sicat and Associates, Suite 322-327 Rufino Building, Ayala Avenue, Makati, Rizal, and Attys. Carillo, Torres, Jimenez and Associates, Cebu Center Bldg., Cebu City, are hereby required to answer said manifestation and motion within five (5) days from notice hereof.

Reyes, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernandez, JJ., concur.
Conception, C.J., and Bengzon, J.P., J., took no part.

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