

JOSE C. ZULUETA, PETITIONER, VS. COMMISSION ON ELECTIONS, RESPONDENT.

G. R. No. L-21997. May 27, 1965

Ponente: PAREDES, J.

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PAREDES, J.:

On July 19, 1961, the Office of the President of the Philippines promulgated an Unnumbered Provincial Circular, ordering" the disbanding of Secret, Confidential and/ or Special Agents of Provincial Governors, who were without or with nominal compensations only, and to desist from appointing such agents.

Under date of October 15, 1963, the respondent Commission on Elections, invoking Section 2, Art. X of the Constitution, which imposes upon said body the duty of maintaining free, orderly and honest elections, passed a Resolution, adopting as its own the contents of the said Unnumbered Provincial Circular of July 19, 1961. Respondent further ordered the confiscation of firearms issued and/or are in the possession of such agents, whether they were appointed by provincial governors, city mayors, or municipal or district mayors. For the enforcement of said Resolution respondent commissioned the Philippine Constabulary.

Petitioner Jose C. Zulueta, then Governor of the Province of Iloilo, claiming that the Resolution is unconstitutional, illegal, arbitrary, unfair, unreasonable, and that, in promulgating, enforcing and/or threatening, attempting, or continuing to enforce the same, respondent Commission on Elections has committed and will continue to commit act or acts without jurisdiction and/or with grave abuse of discretion, presented this instant proceedings of Certiorari, Prohibition, and Injunction with Preliminary injunction. Petitioner advanced four (4) reasons as basis of the petition, among which are that it will deprive him of his primordial power, duty and responsibility of maintaining and preserving peace and order in the Province of Iloilo; that the resolution is a denial of due process; that the Unnumbered Provincial Circular, dated July 10, 1961, is the subject of Civil Case No. 6406 (Jose C. Zulueta vs. The Executive Secretary and the Iloilo P.C. Provincial Commander) of the CFI of Iloilo, where an injunction had been issued, restraining the Provincial Commander from enforcing said Circular, but the Resolution directs the PC to do just what had been enjoined in said Civil Case. Petitioner further prayed that to preserve a status quo an injunctive order be issued, upon the posting of a reasonable bond.

The petition was given due course. On October 30, 1963, respondent presented its Answer, and, after the usual Admissions and Denials, urged the dismissal of the petition on the following grounds:

(1)

The resolution in question was promulgated pursuant to the constitutional powers of the respondent Commission on Elections;

(2)

It was based on an executive order or regulation, ordering the disbanding of special agents and confiscation of their firearms;

(3)

It is based on factual past and present menace to the voters and election officials;

(4)

It did not violate the rule on due process; and

(5)

It is a valid resolution in accordance with existing laws.

The case was orally argued, and it appearing that the Resolution in question affected only those special agents with or without nominal compensation, the interpretation and application of which petitioner agreed, no Writ of Preliminary Injunction was issued.

We feel that the issues raised in the case at bar have already been rendered moot and academic, since, in the 1963 elections, petitioner Mr. Zulueta lost his bid for re-election, for Governor of the Province of Iloilo. It will be noted that no other person in the same situation as Mr. Zulueta had attempted to impugn the Resolution of the respondent Commission on Elections, a circumstance which shows that it was only he who objected thereto. Further elucidation of the issues raised by petitioner, therefore, would no longer serve any practical and useful purpose in the premises.

Conformably with all the foregoing, the petition for Certiorari, Prohibition, Injunction with Preliminary Injunction is hereby dismissed. No pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Regala, Dizon, Makalintal, Bengzon J. P. and Zaldivar, JJ., concur.

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