

**PACIFICO DELA SERNA AND DATU ISHAK AMPATUAN, PETITIONERS,
VS. COMMISSION ON ELECTIONS, PROVINCIAL BOARD OF
CANVASSERS OF COTABATO, JOSE V. TORRES, AND ALFONSO
ANGELES, RESPONDENTS.**

G.R. Nos. L-34797-98. August 31, 1977

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

This proceeding for mandamus with restraining order was instituted by petitioners in March of 1972 to compel respondent Commission on Elections[1] to call for new elections in certain precincts of Ampatuan, Maganoy, Lutayan, and Datu Piang in the province of Cotabato, the allegation being that there was violence or terrorism employed in such places. The respective answers of the respondents were not filed until April of the same year. Thereafter, the parties were required to file memoranda. The memorandum for petitioners was not submitted until August 10, 1972. Thereafter, respondent Commission on Elections under the 1935 Constitution went out of existence in view of the present Constitution which took effect on January 17, 1973. As of that date then, the case presented a moot and academic character. It was not surprising, therefore, that on August 13, 1977, a manifestation came from petitioners. It is worded thus: "[Come now] petitioners, thru their undersigned counsel, in compliance with the resolution of this Court dated April 15, 1977, to this Honorable Court, most respectfully manifest that they have no objection to the dismissal of this case, for being moot and academic." [2] Earlier, as far back as April 29, 1977, private respondent J. Torres was quite categorical in his affirmation "that the instant case has become moot and academic and should accordingly be dismissed." [3]

WHEREFORE, the case is dismissed for being moot and academic.

Barredo, (Acting Chairman), Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

[1] The other respondents are the Provincial Board of Canvassers of Cotabato, Jose V. Torres and Alfonso Angeles.

[2] Manifestation dated August 13, 1977.

[3] Compliance of respondent J. Torres dated April 29, 1977.

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