

CASIANO IGNACIO, ET AL., PETITIONERS, VS. THE COMMISSION ON ELECTIONS, RESPONDENT.

G.R. No. L-16131. March 27, 1961

Ponente: DIZON, J.

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DIZON, J.:

On September 11, 1959, petitioners Casiano Ignacio, Saturnino Baybayan, Saturnino Gallego, Urbano Zamora, Jose Villafuerte and Alfredo Ramos filed with the Commission on Elections a joint certificate of candidacy for the position of municipal councilor of Ipil, Zamboanga del Sur, thru Joaquin Funda, Chairman of the Nacionalista Party local directorate, who verified it before Notary Public Teofilo Rollo. On October 6 of the same year the Commission on Elections refused to give due course to the same upon the ground that it was "subscribed under oath only by the party president and not by the secretary also of the party" as required by Section 35 of the Election Code. Two days later, after receiving notice of the action thus taken by the Commission, Ignacio and his companions filed a "letter-request" for reconsideration explaining the failure of the secretary of the party to verify the certificate of candidacy and submitting at the same time a corrected certificate of candidacy sworn to both by the chairman and the secretary of the local directorate of the Nacionalista Party. This notwithstanding, the Commission on Elections refused to reconsider its previous resolution. Thereupon the present petition for review by writ of certiorari was filed by the petitioners named heretofore against the Commission on Elections.

The record discloses that, upon application of petitioners, this Court, on October 29, 1959, issued a preliminary injunction restraining the respondent Commission, its officers and agents, "from enforcing the resolution of the Commission on Elections, dated October 6, 1959" and ordering them "to distribute petitioners' certificate of candidacy to polling places at Ipil, Zamboanga del Sur, before the November 10, 1959 elections". Said writ was served on the Commission and duly complied with by the latter.

On March 3, 1961 petitioners, thru counsel, filed a motion to dismiss on the ground that the issue involved has become academic, the elections having been held and some of petitioners having been elected to office. In this connection the Commission on Elections, thru its legal officer, has made of record that, according to its records, petitioners Casiano Ignacio, Saturnino Baybayan, Jose Villafuerte and Alfredo Ramos were elected councilors of Ipil in the last elections held on November 10, 1959, while the other petitioners, Saturnino Gallego and Urbano Zamora, were not.

We find the motion to dismiss well founded. Consequently, the present action is dismissed, without costs.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera and Paredes, JJ., concur.

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