

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

G.R. No. L-27583. January 30, 1968

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c8d2172c36a8/>

DIZON, J.:

This appeal by certiorari from the decision of the Court of Appeals in C.A.-G.R. No. L-36010 was taken on May 29, 1967. Finding, upon a preliminary consideration of the issues raised in the petition, that the same were substantial and meritorious, We gave due course to the appeal on June 22 of the same year, and We required the respondent to answer the petition, in the form of a brief, within fifteen days from notice. His counsel received notice thereof on July 1 of the same year. On the 15th of said month, however, said counsel filed a motion for a ten-day extension of the period within which to file respondent's brief, which motion We granted on the 24th of the same month. Again, on October 10, 1967, counsel for respondent filed a petition for additional time to file his brief or to set the case for oral argument, and on the 9th of the following month We issued a resolution considering the case submitted for decision, without respondent's brief, in view of his failure to file the same within the period granted him for the purpose.

On August 17, 1967 petitioner filed a MANIFESTATION AND MOTION advising the court that respondent Jesus Jimenez, Sr. had died, and prayed that We consider for action the allegations made in paragraphs 4 and 5 of said Manifestation which read as follows:

"4. That since Petitioner is the incumbent municipal mayor (and the protestee), the Petitioner believes:

'First. That the present petition survives the death of the Respondent in view of the decisions of the Court of First instance of Bohol and the Court of Appeals in favor of Respondent-Protestant;

'Second. That since the decision of the Court of Appeals, subject of the present petition, and of the Court of First Instance of Bohol, are not yet final, the death of the Protestant (Respondent herein) makes such decisions *functus officio*;

"5. That the contingent right of the Protestant Jesus Jimenez, Sr. (Respondent) to hold the contested position is strictly personal and cannot be transmitted to his heirs; that the decision of the Court of Appeals does not impose any pecuniary liability against Protestee-Petitioner payable to Protestant-Respondent; nor does the decision of the Court of First Instance so provide."

In view of petitioner's pleading mentioned in the preceding paragraph, on October 10, 1967 We issued a resolution requiring counsel for respondent to answer the same within five days from notice. It was only on October 19, 1967 that said counsel filed a pleading entitled ANSWER AND OPPOSITION TO MANIFESTATION AND MOTION, claiming that the present appeal has not become moot for the reason that it involved firstly, petitioner's right to continue holding the position of Mayor of Inabanga, Bohol, and secondly, the right of respondent (already deceased) to recover costs, including reimbursement of expenses incurred in connection with the election protest, attorney's fees, and damages suffered by virtue of the deprivation of his right

to the office of Mayor of Inabanga.

As a result of the abovementioned opposition, we denied the motion to dismiss the appeal on November 7, 1967.

It is obvious, however, not only that respondent Jimenez is already dead but that the term for the contested office of Mayor of Inabanga, Bohol, has already expired, the present election protest having arisen out of the general elections held in November 1963.

IN VIEW OF THE FOREGOING, the present appeal is hereby dismissed, without costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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.