

PHILIPPINE CONSTITUTION ASSOCIATION, SALVADOR ARANETA, JUAN V. BORRA, JOSE NUGUID, JOSE NOLLEDO, AND RAMON A. GONZALES, PETITIONERS, VS. HON. CORNELIO T. VILLAREAL, IN HIS CAPAC...

G.R. NO. L-33517. March 29, 1974

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d2e3141bcc72/>

FERNANDO, J.:

Petitioner Philippine Constitution Association, joined by other petitioners,[1] all delegates to the 1971 Constitutional Convention, suing in their capacity as such as well as citizens and taxpayers, filed this mandamus proceeding on May 15, 1971 praying that a writ be issued ordering respondents Cornelio T. Villareal, in his capacity as Speaker of the then House of Representatives, the Chief Accountant thereof, as well as its Auditor, to inspect and examine the books, records, vouchers and other supporting papers of the House of Representatives that have relevance to the alleged transfer of P26.2 million from various executive offices to the House of Representatives as well as its books, records, vouchers and other supporting papers dealing with the original outlay of the P39 million as appropriated for the 1969-1970 fiscal year. On May 19, 1971, this Court adopted a resolution of the following tenor: "The respondents are hereby required to file an answer to the petition for mandamus within 10 days from notice hereof, and not to move to dismiss the petition." [2] There was, on June 16, 1971, an answer and motion to dismiss on behalf of respondents seeking the dismissal of the suit on the ground of lack of jurisdiction under the theory of separation of powers, absence of a cause of action, lack of legal personality to sue, non-joinder of indispensable parties as well as the mischievous consequences to which a suit of such character would give rise. Subsequently, there was a reply by petitioners on June 26, 1971 and a rejoinder by respondents on June 28, 1971. There was even a surrejoinder by respondents on July 6 of the same year, as well as a reply thereto on the very same day. Then came the hearing on August 4, 1971.

There is no need, however, to pass on the merits of the various legal issues raised as in accordance with the ruling in *Philippine Constitution Association, Inc. vs. Gimenez*, [3] promulgated on February 28, 1974, a suit of this character has become moot and academic with the effectivity of the present Constitution and the consequent abolition of the House of Representatives. It may not be amiss to quote the excerpt from the resolution declaring moot and academic the above case against Auditor General Gimenez: "Parenthetically, it is to be observed that such difficulty need not attend a petition of this character if filed now in view of the specific provision in the present Constitution: 'The records and books of accounts of the National Assembly shall be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually the itemized expenditures for each Member.'" [4]

WHEREFORE, the above petition is declared moot and academic.

Zaldivar, Chairman, Barredo, Antonio, and Fernandez, JJ., concur.

Aquino, J., took no part.

[1] The other petitioners were Salvador Araneta, Juan V. Borra, Jose Nuguid, Jose Nollado and Ramon A. Gonzales.

[2] Resolution dated May 18, 1971.

[3] L-21786.

[4] Ibid, Citing Article VIII, Section 8, par. (2) of the Constitution.

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.