

**RAFAEL LAZATIN, JUANITA NEPOMUCENO, BREN GUIAO, AND
IMIGDIO LINGAD, PETITIONERS, VS. COMMISSION ON ELECTIONS,
THE REGIONAL COMMANDERS OF REGION III, THE PC PROVINCIAL
COMMANDER ...***G.R. No. 67215. January 04, 1985*

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-67215/>**FERNANDO, C.J.:**

In this suit for mandamus with preliminary injunction and/or temporary restraining order, filed on May 7, 1984, petitioners Rafael Lazatin, Juanita Nepomuceno, Bren Guiao and Imigdio Lingad sought to direct respondent Commission on Elections "to order all Election registrars of Pampanga and Angeles City not to transfer the ballot boxes to places other than the designated election precincts for purposes of voting and counting of ballots" and to "deputize the Citizen Military Training Corps (formerly ROTC) to safeguard the May 14, 1984 election in Pampanga and Angeles City in lieu of the Military Respondents." [1] The petition was placed on the agenda for May 8, 1984. After deliberation, the Court issued the following resolution: "The Court, after considering the pleadings filed and deliberating on the issues raised, without giving due course to the petition for mandamus with preliminary injunction and/or temporary restraining order, Resolved to: (a) file COMMENT, not to file a motion to dismiss, not later than 1:00 P.M. tomorrow, May 9, 1984; and (b) SET this case for hearing also tomorrow, May 9, 1984, at 3:00 P.M." [2] The required Comment was filed on May 9, 1984 by Assistant Solicitor Generals Nathanael P. de Pano, Jr. and Ruben E. Agpalo and Solicitor Aurora Cortes Jorge. It contended that there was lack of jurisdiction of the Court to entertain the petition for mandamus, its competence not extending to the supervision and direction of the purely administrative function of enforcing and administering the election law. Moreover, it also contended that mandamus does not lie. This was in answer to the allegation that respondent Commission was asked in a letter dated April 25, 1984 to deputize the military training corps to enforce election laws for the May 14, 1984 election and to direct all election registrars not to allow the counting of ballots or votes in places other than the specified or designated precincts, but that no action was taken on such plea. The Comment stated that there was no rejection of such request but only that the actions sought "are not appropriate nor called for." [3] It prayed for the dismissal of the petition.

The parties were thereafter heard on May 9, 1984. On the same day, this resolution was issued after the hearing: "The Solicitor General manifested to the Court that he has no objection to the position of the petitioners that the Commission on Elections should act one way or the other on the petitioners' letter dated April 24, 1984 requesting the Commission on Elections to (a) deputize the Citizen Military Training Corps [formerly ROTC] to protect and safeguard the conduct of the elections in Pampanga on May 14, 1984; and (b) direct all election registrars of the province not to allow ballot boxes to be transferred in any other place other than the specified precincts during the actual voting and the counting of votes." [4] Counsel for the Commission, Attorney Zoilo Gomez, Jr., assured the Court that the matter would be resolved according to law.

It is thus clear that no question arises as to the supervisory authority of this Court extending to an inquiry into an

alleged failure of respondent Commission to act. If such indeed be the case, then mandamus may issue for the Commission on Elections to decide the issue raised. That is the body called upon to act, not this Court, except in those rare instances where the imminence of the election calls for a prompt determination lest the exercise of the constitutional right of suffrage is rendered futile.[5] This is not one of such cases. The election of May 14, 1984 was duly held. Petitioners apparently were satisfied with the manner respondent Commission discharged its function as they were not heard from thereafter.

WHEREFORE, the Court Resolved to declare this case as moot and academic.

No costs.

Makasiar, Aquino, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., De La Fuente, and Cuevas, JJ., concur.

Teehankee, J., reserves the filing of separate opinion.

[1] Petition, Prayer, 8.

[2] Resolution of this Court of May 8, 1984.

[3] Comment, 9.

[4] Resolution of this Court of May 9, 1984.

[5] Cf. *Moya v. Del Fierro*, 69 Phil. 199 (1939).

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.