

ROBINSON LOMO, PETITIONER, VS. HON. GARISON G. MABELIN, ET. AL., RESPONDENTS.

G.R. No. 68649. December 29, 1986

Ponente: FERNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-68649/>

FERNAN, J.:

This petition seeks to annul the order of respondent Judge Garison Mabelin of the Regional Trial Court of Oroquieta City denying petitioner's application for the issuance of a writ of preliminary injunction to enjoin respondent J. Antonio Lim from assuming the position of Director of the Misamis Occidental II Cooperative, Inc. [MOELCI II] representing Jimenez-Panaon District; and to compel the members of Election Committees of MOELCI II to proclaim herein petitioner Robinson Lomo as the duly elected director for the said district.

The factual background of the present con-troversy is as follows:

On January 21, 1984, the Board of Directors of MOELCI II passed Resolution No. 1096, S-84[1] calling for an election to be held on February 18, 1984 at the Jimenez Central School and Panaon Central School for the purpose of electing a director to represent the Jimenez-Panaon District. On February 3, 1984 or fifteen days before the scheduled election, J. Antonio Lim filed his certificate of candidacy for director.[2] The following day, Flavio Casile, Chairman of the Nomination Committee, submitted to the Board of Directors the name of J. Antonio Lim as the lone candidate for board member in the Jimenez-Panaon District.[3]

On February 13, 1984, petitioner Robinson Lomo filed his certificate of candidacy[4] likewise for the position of director of the Jimenez-Panaon District which was received by the Nomination Committee on the same date. The next day, Casile sent a letter to the petitioner informing him that his certificate of candidacy "is ruled disqualified" as it did not meet the deadline fixed in the Rules and Regulations for MOELCI II district elections.[5] Section C of said Rules and Regulations provides that the limit period for the filing of the certi-ficate of candidacy shall be made not later than fifteen [15] days before election day.[6]

In the early morning of February 18, 1984, a general assembly meeting attended by 146 MOELCI II members was held at the Jimenez Central School Conference Hall. During the meeting, twenty-two [22] members presented a "Nomination" endorsing the candidacy of Robinson Lomo for the position of Board Member,[7] pursuant to Section 6, Article IV of the By-Laws, which reads in part:

"SECTION 6. Nominations. x x x Other nominations may be made by the petition of fifteen or more members of the district and such nomination shall be posted at the same place where the list of nomination by the committee is posted." [8]

After deliberating on the legality of the "Nomination", the majority of those present re-solved to give due course to the petition of the 22 members.

Immediately after the general assembly meeting, the election followed. The results of the election showed that Robinson Lomo obtained 655 votes as against J. Antonio Lim's 554 votes or a margin of 101 votes. However, all

the votes cast in favor of Robinson Lomo were declared stray votes by the Election Committees for the reason that he is not an official candidate.

This notwithstanding, Robinson Lomo, on the strength of the plurality of votes he garnered during the election, took his oath of office as director on Feb. 20, 1984 before the Municipal Circuit Judge of Sinacaban and Jimenez.[9]

On the other hand, on February 22, 1984, the Election Committees proclaimed J. Antonio Lim as the winner.[10] On February 25, 1985, the Board of Directors passed Resolution No. 1115-S-84 confirming and recognizing the election of J. Antonio Lim.[11]

Petitioner Robinson Lomo filed a petition before the Regional Trial Court of Oroquieta City, presided by respondent Judge, praying, among others, that an order be issued prohibiting J. Antonio Lim from taking his oath of office as director and enjoining the Board of Directors from allowing him to sit as director; and that after hearing, a writ of preliminary injunction and/or preliminary mandatory injunction be issued commanding the Election Committees to proclaim petitioner as the duly elected director.

On March 2, 1984, respondent Judge issued a temporary restraining order. However, on March 23, 1984, the application for injunction was denied after a finding by the court that petitioner would not suffer great and irreparable injury if J. Antonio Lim were allowed to take his oath.[12] Consequently, on March 25, 1984, J. Antonio Lim took his oath of office. On September 20, 1984, petitioner instituted the present petition contending that his verified petition filed with the court below indicated the damage which he suffered and continues to suffer as a result of the wrongful acts of the respondents, if not enjoined. Petitioner claimed that he was able to clearly prove by evidence, testimonial as well as documentary, that he was properly nominated by at least 15 members of the MOELCI II pursuant to the By-Laws and that since he obtained a clear majority of the total votes cast, the election committees should have allowed him to assume the post for which he was duly elected.

We deem it unnecessary to pass upon the issues raised in view of supervening events which had rendered the same moot and academic.

It appears that on April 23, 1986, petitioner was designated Vice-Mayor of the Municipality of Jimenez, Misamis Occidental effective May 1, 1986 pursuant to an appointment extended by the Minister of Local Government[13] and that on May 5, 1986, he took his oath of office as such before Alfonso Tan, the City Mayor and Governor-Designate.[14]

By having assumed an elective office above the level of a barangay captain, petitioner is precluded from serving as a director of MOELCI II by virtue of Section 3 of the Cooperative's By-Laws, the pertinent portion of which reads:

"SECTION 3. Qualifications. - x x x No person shall be eligible to become or to remain a Board Member of the Cooperative who:

x x x x x x x x

c] holds an elective office in the government above the level of a Barangay Captain;"[15]

The purpose of the petition is to have the petitioner installed as director-elect of MOELCI II for the district of Jimenez-Panaon. However, considering that petitioner's alleged right to the controverted office has been forfeited by his assumption as Vice-Mayor, the instant petition should be dismissed. It is a well-settled rule that courts will not determine a moot question or abstract proposition nor express an opinion in a case in which no practical relief can be granted.[16]

WHEREFORE, the petition is hereby dismissed for being moot and academic. No costs.

SO ORDERED.

Feria, (Chairman), Alampay, Gutierrez, Jr., and Paras, JJ., concur.

- [1] Annex "2", p. 88, Rollo.
- [2] Annex "9", p. 86, Rollo.
- [3] Annex "15", p. 108, Rollo.
- [4] Annex "10", p. 98, Rollo.
- [5] Annex "12", p. 104, Rollo.
- [6] Annex "11", p. 99, Rollo.
- [7] Annex "G", p. 24, Rollo.
- [8] Annex "B", p. 18, Rollo.
- [9] Annex "K", p. 28, Rollo.
- [10] Annex "20", p. 120, Rollo.
- [11] Annex "22", p. 122, Rollo.
- [12] Annex "N", pp. 41-43, Rollo.
- [13] Annex "26", p. 227, Rollo.
- [14] Annex "27", p. 228, Rollo.
- [15] Annex "I", p. 73, Rollo.
- [16] Bongat vs. Bureau of labor Relations, 136 SCRA 225.

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.