

**WILBUR GO, PETITIONER, VS. HON. JOSE P. TABANDA IN HIS
CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT
OF BATAAC, ILOCOS NORTE, BRANCH 17, AND CIRILO QUILALA,
RESPONDENTS.**

G.R. No. 83536. March 13, 1991

Ponente: PARAS, J.

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PARAS, J.:

Contested in this special civil action for certiorari is the Order of May 30, 1988[1] of the Regional Trial Court of Bataac, Ilocos Norte, Branch 17: (1) striking off the records petitioner Wilbur Go's Answer to an Election Protest, docketed as EPC No. 012-17 entitled "Cirilo M. Quilala v. Wilbur Go, et al."; (2) cancelling the Order of April 27, 1988 which granted Go an extension of five (5) days within which to file an answer; and (3) entering a general denial into the records for failure of Go to file an answer within the prescribed period pursuant to Sections 254(b) and (f) of the Omnibus Election Code. Said Order was allegedly issued with grave abuse of discretion, without or in excess of jurisdiction amounting to lack of jurisdiction.

Petitioner Wilbur Go was the official administration candidate for Mayor in the Municipality of Currimao, Ilocos Norte while private respondent Cirilo M. Quilala was the KBL candidate for the same position in the January 18, 1988 elections.

The Municipal Board of Canvassers of Currimao, Ilocos Norte completed its canvass of the election returns in the afternoon of January 19, 1988, and immediately thereafter proclaimed the winning candidates. The "Certificate of Canvass of Votes etc." dated January 19, 1988 states "that after such canvass, it appears that Wilbur C. Go received 2,594 votes for the Office of Mayor of the aforesaid Municipality, the same being a plurality of the votes legally cast for the said office." (Decision, G.R. No. 82726, entitled Cirilo M. Quilala v. The Hon. Commission on Elections, etc. and Wilbur Go, promulgated August 13, 1990).

On January 21, 1988, Cirilo M. Quilala filed a petition with the Commission on Elections docketed as SPC No. 88-214 praying for a declaration of nullity of the canvass and the proclamation of Wilbur Go and for an order directing the Board of Canvassers to conduct a proper canvass for alleged (a) absence of a representative in the canvassing of the election returns; (b) lack of notice as to the resetting of the canvassing and the time, place and date when the same would take place and (c) prevention by elements of the Philippine Marines of Quilala's representatives from witnessing the canvass (Ibid., p. 2).

On April 6, 1988, the Commission on Elections (Second Division) issued its Decision dismissing SPC No. 88-214 and confirming the validity of the proceeding of the Board of Canvassers of Currimao, Ilocos Norte (Ibid., p. 3).

On April 14, 1988, Cirilo M. Quilala filed a petition for certiorari, prohibition with prayer for the immediate issuance of a restraining order and/or writ of preliminary injunction with this Court docketed as G.R. No. 82726 entitled "Cirilo M. Quilala v. The Hon. Commission on Elections (Second Division), the Municipal Board of

Canvassers of Currimao, Ilocos Norte, and Wilbur Go", questioning the Decision in SPC No. 88-214.

Pending proceedings and judgment of this Court in G.R. No. 82726, Cirilo M. Quilala likewise instituted an election protest on April 21, 1988 before the Regional Trial Court of Batac, Ilocos Norte, Branch 17 docketed as EPC No. 012-17, allegedly for rampant irregularities marring the January 18, 1988 local elections, vote-buying and terrorism committed by Wilbur Go and his companions/leaders rendering the conduct of such election anomalous and Go's election as mayor fraudulent and illegal (Rollo, G.R. No. 83536, p. 24).

On May 30, 1988, the disputed Order was issued by the lower court, viz:

"Acting on the motion for reconsideration filed by the protestant in connection with the extension of time granting a period of five (5) days to the protestee within which to file an answer and finding the same to be against the provisions of Sec. 254(b) in conjunction (with) Sec. 254(f) of the Omnibus Election Code, the Order of the Court dated April 27, 1988 in which the protestee was given an extension of five days to file an answer thereafter is hereby cancelled and stricken off the record and the period of time as appearing in the summons to prevail.

The protestee not having filed an answer within the period as provided by Sec. 254(b), a general denial is deemed to have been entered.

SO ORDERED." (Ibid., p. 21)

A motion to reconsider said Order of May 30, 1988 was filed by Wilbur Go which was denied on even date (Ibid., p. 22).

Hence, this petition.

The Court En Banc's decision in G.R. No. 82726,[2] promulgated on August 13, 1990 dismissing the appealed election protest filed by Cirilo M. Quilala against the petitioner Wilbur Go and thus in effect affirming Go's proclamation as elected Mayor of the Municipality of Currimao, Ilocos Norte renders the present controversy, which is likewise an offshoot of said election protest between the parties, moot and academic.

The decision in G.R. No. 82726 is a judgment on the merits of the case and the same has now become final and executory as of November 15, 1990.

The question presented in this petition (G.R. No. 83536) is merely procedural, i.e. whether the filing of a motion for extension of time to file answer is allowed under the Omnibus Election Code.

It is axiomatic in this jurisdiction that where a decision on the merits in a case is rendered and the same has become final and executory, the action on procedural matters or issues is thereby rendered moot and academic. Therefore, an adjudication of the procedural issue presented for resolution would be a futile exercise in exegesis (Angel v. Inopiquez, 169 SCRA 129 [1989]).

The court will neither determine an abstract proposition nor express an opinion in a case in which no practical relief may be granted in view of supervening events (Bautista v. Board of Energy, 169 SCRA 167 [1989]).

The election protest (EPC No. 012-17) subject matter of this petition and which case was subsequently filed by respondent Quilala against petitioner Go substantially charges the same election offenses as those appearing in the settled SPC No. 88-214. In view of the Court's decision in G.R. No. 82726, affirming Go's proclamation as the duly elected Mayor of the Municipality of Currimao, Ilocos Norte in SPC No. 88-214, both this petition and EPC No. 012-17 should be dismissed for having become moot and academic.

PREMISES CONSIDERED, (a) the petition and (b) EPC No. 012-17 are DISMISSED for having become MOOT

AND ACADEMIC in view of the judgment in G.R. No. 82726 involving the same parties, subject matter and issues.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

[1] Penned by Judge Jose P. Tabanda

[2] Penned by Associate Justice Edgardo L. Paras and concurred in by Chief Justice Marcelo B. Fernan, Associate Justices Andres R. Narvasa, Ameurfina A. Melencio-Herrera, Hugo E. Gutierrez, Jr., Isagani A. Cruz, Florentino P. Feliciano, Emilio A. Gancayco, Teodoro R. Padilla, Irene R. Cortes, Carolina C. Grino-Aquino, Leo D. Medialdea and Florenz D. Regalado.

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