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SECOND DIVISION

[G.R. No. L-28357. June 30, 1976]

ELECTION REGISTRATION BOARD OF AGOO, LA UNION and ANDRES L. BOADO, *petitioners, vs.* **HONORABLE SANTIAGO RANADA and AGUSTIN C. CHAN,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; WHEN PETITION MAY BE DISMISSED. — Where during the pendency of an action challenging the order of a trial court which required an Election Registration Board to include the application for registration of a voter in the permanent list of voters, the provisions of law on the proper procedure in inclusion proceedings under the former Code had undergone a change with the enactment of the Election Code of 1971 and that based on reports, the Commission on Elections is presently at work on another Electoral Code, a ruling on the action would be purely academic and would not serve any useful purpose, and hence the petition for *certiorari* will be dismissed for being moot and academic.

R E S O L U T I O N

FERNANDO, *J.*:

What gave rise to this *certiorari* proceeding was an order of the then respondent Judge Santiago Ranada of the Court of First Instance of La Union, Branch III, now deceased, requiring petitioner Election Registration Board of Agoo, La Union[1] to include the application for registration of private respondent Agustin C. Chan in the permanent list of voters of such municipality. The objection to such inclusion was based on the fact of alienage. There is evidence that while born in the

[1] The other petitioner is one Andres L. Boado, identified as duly registered voter and candidate in the 1967 local elections of such municipality.

Supreme Court E-Library

Philippines, private respondent is a son of a Chinese father and a Filipino mother. Petitioner Election Registration Board was dissatisfied with the mode respondent Judge conducted the inclusion proceeding, as he allegedly prevented further cross-examination of respondent Chan to enable full inquiry into his citizenship. Respondent Judge, as admitted by petitioner, based such a ruling on the ground that he should proceed solely in accordance with the procedure set forth in the Election Code, more specifically Sections 28 and 29 of the then latest amendatory Act.[2] In the language of his Answer: "Respondent [denies] the allegations contained in par. 18 of the Petition, the truth of the matter being that the respondent Judge acted with jurisdiction and in compliance with law by limiting the issues of the case considering — (a) that Secs. 28 and 29 of Rep. Act 3588, as amended, are clear and leave no room for interpretation; (b) that inclusion proceeding being summary in nature and should be decided and terminated within fifteen (15) days from the filing of the same (Sec. 10, Rep. Act 3588, as amended) which period was later reduced to two (2) days (Sec. 1[a], Rep. Act 5178), the respondent Judge correctly exercised his inherent power to limit and define the issues so as to avoid the presentation of irrelevant and immaterial evidence merely for delay."[3] This is also relevant: "[Respondent denies] the allegations of par. 19 of the Petition that respondent Chan closed his evidence without presenting proof regarding his qualifications as a voter, particularly, his citizenship, the truth of the matter being that he presented proof that he is a Filipino citizen, a portion of which was even quoted in par. 9 of the Petition. [Respondent] further [denies] that petitioners ever presented documentary evidence to the effect that respondent Chan's father, mother, brother and sister are Chinese citizens, the truth of the matter being that the alleged evidence were not properly marked and presented but were merely attached as annexes to the petitioner's *Ex Parte* Urgent Motion dated October 23, 1967 x x x As such, there was no evidence for respondent Chan to rebut."[4]

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[2] Republic Act No. 4730.

[3] Answer. par. 16.

[4] *Ibid.* par. 17.

Supreme Court E-Library

The challenged order was issued as far back as October 28, 1967, the election for municipal offices having been scheduled for November of that year. Since then there was another election for local officials, the one held in 1971. It is to be noted likewise that for such election, the then Congress of the Philippines enacted the Election Code of 1971.[5] The provisions of law, therefore, had undergone a change. It would be purely academic at this time then if, as sought by petitioners, this Court should rule on the proper procedure in inclusion proceedings mandated by the former Code. Nor is it to be lost sight of that the fires of controversy that must have prompted the determined and resolute effort to exclude private respondent must have died down with the passage of time, as well as the altered circumstances. There are reports, that even now, the Commission on Elections is at work on another Electoral Code, preparatory to the full implementation of the present Constitution. It will not serve any useful purpose then, not only for the parties but even for the state of the law, to resolve the issues posed by this *certiorari* proceeding.

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

Barredo, Antonio, Aquino and *Martin, JJ.,* concur.

Concepcion, Jr., J., is on leave.

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[5] Republic Act No. 6388 (1971).