

## EN BANC

[ G.R. No. 177927, February 15, 2008 ]

**FLORANTE S. QUIZON, Petitioner, vs. HON. COMMISSION ON ELECTIONS (SECOND DIVISION), MANILA, ATTY. ARNULFO H. PIOQUINTO (ELECTION OFFICER, ANTIPOLO CITY) and ROBERTO VILLANUEVA PUNO, Respondents.**

### D E C I S I O N

#### YNARES-SATIAGO, J.:

This petition for mandamus with prayer for preliminary injunction seeks to compel the Commission on Elections (COMELEC) Second Division to resolve the petition and supplemental petition for disqualification and cancellation of certificate of candidacy filed by Florante S. Quizon against Roberto V. Puno.

The facts are as follows:

Petitioner Quizon and private respondent Puno were congressional candidates during the May 14, 2007 national and local elections.

On April 17, 2007, Quizon filed a *Petition for Disqualification and Cancellation of Certificate of Candidacy*<sup>[1]</sup> against Puno docketed as SPA-07-290. Quizon alleged that Puno is not qualified to run as candidate in Antipolo City for failure to meet the residency requirement prior to the day of election; and that Puno's claim in his Certificate of Candidacy (COC) that he is a resident of 1906 Don Celso Tuazon, Valley Golf Brgy. De la Paz, Antipolo City for four years and six months before May 14, 2007 constitutes a material misrepresentation since he was in fact a resident of Quezon City.

On April 24, 2007, Quizon filed a *Supplement*<sup>[2]</sup> to the petition claiming that Puno cannot validly be a candidate for a congressional seat in the First District of Antipolo City since he indicated in his COC that he was running in the First District of the Province of Rizal which is a different legislative district.<sup>[3]</sup>

Subsequently, concerned residents of the First District of Antipolo City wrote a letter dated April 27, 2007<sup>[4]</sup> seeking clarification from the COMELEC on the legal and political implications of the COC of Puno, who was seeking public office in the First District of the Province of Rizal but waging his political campaign in the City of Antipolo, which is a separate and distinct legislative district. They prayed that Puno's COC be declared as invalid and that the same be cancelled.

On June 5, 2007, Quizon filed this Petition for Mandamus alleging that the COMELEC had not rendered a judgment on the above-mentioned petitions and that the unreasonable delay in rendering judgment deprived him of his right to be declared as the winner and assume the position of member of the House of Representatives.

[5]

Meanwhile, on July 31, 2007, the COMELEC Second Division promulgated its Resolution, thus:

WHEREFORE, premises considered, the instant Petition for Disqualification and Cancellation of the Certificate of Candidacy of respondent Roberto V. Puno is hereby DISMISSED. Respondent is a resident of the 1st District of Antipolo City, and is thus qualified to run as a Member of the House of Representatives of the same district.<sup>[6]</sup>

Quizon filed a motion for reconsideration with the COMELEC En Banc which remains unresolved up to this date.

In his Comment, Puno argues that the petition for mandamus was mooted by the July 31, 2007 Resolution of the COMELEC Second Division. He also alleged that the petition must be dismissed for the act sought to be performed is a discretionary and not a ministerial duty; and for failure of Quizon to show that he is entitled to the writ.

The Office of the Solicitor General agrees that the petition for mandamus was mooted by the July 31, 2007 Resolution of the COMELEC Second Division. It likewise posits that any question regarding Puno's qualifications now pertains to the House of Representatives Electoral Tribunal (HRET).

In the instant petition, Quizon prays that the Court order the COMELEC to resolve his pending petition for disqualification.

We dismiss the petition.

The principal function of the writ of mandamus is to command and to expedite, not to inquire and to adjudicate.<sup>[7]</sup> Here, Quizon prayed that COMELEC be ordered to resolve the petition for disqualification. However, pending resolution of the instant petition for mandamus, the COMELEC issued its Resolution on the petition for disqualification rendering the instant case moot.

A moot case is one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value. Generally, courts decline jurisdiction over such case or dismiss it on ground of mootness. However, Courts will decide cases, otherwise moot and academic, if: first, there is a grave violation of the Constitution; second, the exceptional character of the situation and the paramount public interest is involved; third, when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and fourth, the case is capable of repetition yet evading review,<sup>[8]</sup> none of which are present in the instant case. Hence, since what is sought to be done by COMELEC has been accomplished, there is nothing else that the Court can order the COMELEC to perform.

Moreover, the petition failed to meet the requisites for mandamus.

As a general rule, the writ of mandamus lies to compel the performance of a ministerial duty. When the act sought to be performed involves the exercise of