96 Phil. 659

[G.R. No. L-8014. March 14, 1955]

PEDRO V. VILAR, PETITIONER AND APPELLANT, VS. GAUDENCIO V. PARAISO, RESPONDENT AND APPELLANT.

D E C I S I O N

BAUTISTA ANGELO, J.:

In the general elections held on November 13, 1951, Pedro V. Vilar and Gaudencio V. Paraiso were among the candidates registered and voted for the office of mayor of Rizal, Nueva Ecija. After the canvass was made, Vilar obtained 1,467 votes while Paraiso garnered 1,509, and as a result the municipal board of canvassers proclaimed the latter as the mayor duly elected with a plurality of 41 votes. However, contending that Paraiso was ineligible to hold office as mayor because he was then a minister of the United Church of Christ in the Philippines and such was disqualified to be a candidate under section 2175 of the Revised Administrative Code, Vilar instituted the present *quo warranto*

proceedings praying that Paraiso be declared ineligible to assume office and that his proclamation as mayor-elect be declared null and void. He also prayed that he be declared duly elected mayor of Rizal, Nueva Ecija, in lieu of respondent Paraiso.

Respondent in his answer denied his ineligibility and claimed that he resigned as minister of the United Church of Christ in the Philippines on August 21, 1951, that his resignation was accepted by the cabinet of his church at a special meeting held in Polo, Bulacan on August 27, 1951, and that even if respondent was not eligible to the office, petitioner could not be declared elected to take his place.

After due trial, the court found respondent to be ineligible for the office

of mayor, being an ecclesiastic, and, consequently, it declared his proclamation as mayor null and void, but refrained from declaring petitioner as may-or-elect for lack of sufficient legal grounds to do so. From this decision both parties have appealed, respondent from that portion finding him ineligible, and petitioner from that portion holding he cannot be declared elected as mayor for lack of sufficient legal grounds to do so.

The case was originally taken to the Court of Appeals. However, as the latter court found that while petitioner raises in his brief only questions of law respondent raises both questions of law and fact, and both appeals are indivisible in that they pertain to only one case, that court resolved to certify it to this Court pursuant to the provisions of sections 17 and 31 of the Judiciary Act of 1948, upon the theory that one of the appeals is exclusively cognizable by the Supreme Court.

The only issue before us is whether respondent, being an ecclesiastic, is ineligible to hold office under section 2175 of the Revised Administrative Code, or whether he actually resigned as minister before the date of the elections, and his resignation duly accepted, as claimed, thereby removing his disability. As may be noted, this is a question of fact the determination of which much depends upon the credibility and weight of the evidence of both parties.

The evidence for petitioner tends to show that respondent was ordained as minister of the Evangelical Church of the Philippines in 1944 and as such was given license to solemnize marriages by the Bureau of Public Libraries; that since 1944 up to 1950 he acted as minister in the town of Rizal, Nueva Ecija, continuously and without interruption and has been renewing his license to solemnize marriages as prescribed by the regulations of the Bureau of Public Libraries; that on April 19, 1950, respondent transferred to the United Church of Christ in the Philippines, having been assigned to work in the same place and chapel during the years 1944-1950; that on April 7, 1951, respondent applied for, and was issued, a license to solemnize marriages by the Bureau of Public Libraries as minister of the new church up to the end of April, 1952; that said license has never been cancelled, as neither the head of the united church nor respondent has requested for its cancellation; and that respondent has been publicly known as minister of the United Church of Christ. but he has not attached to his certificate of candidacy a copy of his alleged resignation as

minister.

The evidence for the respondent, on the other hand, tends to show that while he was formerly a minister of the United Church of Christ in the Philippines, he, however, filed his resignation as such minister on August 21, 1951, because of his desire to engage in politics; that said resignation was accepted by the cabinet of his church at a special meeting held in Polo, Bulacan on August 27, 1951; that respondent turned over his chapel and his office to the elder members of his religious order on August 21, 1951, and since then he considered himself separated from his order and in fact he has refrained ever since from conducting any religious services pertaining to that order.

Which of these versions is correct?

After carefully examining the evidence of record, and after weighing its credibility and probative value, we have not found any reason for deviating from the finding of the trial «ourt that respondent never ceased as minister of the order to which he belonged and that the resignation he claims to have filed months before the date of the elections is but a mere scheme to circumvent the prohibition of the law regarding ecclesiastics who desire to run for a municipal office. Indeed, if respondent really and sincerely intended to resign as minister of the religious organization to which he belonged for the purpose of launching his candidacy why did he not resign in due form and have the acceptance of his resignation registered with the Bureau of Public Libraries.[1] The importance of resignation cannot be underestimated. The purpose of registration is two-fold: to inform the public not only of the authority of the minister to discharge religious functions", but equally to keep it informed of any change in his religious status. This information is necessary for the protection of the public. This is especially so with regard to the authority to solemnized marriages, the registration of which is made by the law mandatory (Articles 92-96, new Civil Code). It is no argument to say that the duty to secure the cancellation of the requisite resignation devolves, not upon respondent, but upon the head of his organization or upon the official in charge of such registration, upon proper showing of the reason for such cancellation, because the law likewise imposes upon the interested party the duty of effecting such cancellation, who in the instant case is the respondent himself. This he failed

to do. And what is more, he failed to attach to his certificate of candidacy, a copy of his alleged resignation as minister knowing full well that a minister is disqualified by law to run for a municipal office.

It is true that respondent attempted to substantiate his claim by submitting as evidence certain documents purporting to show the alleged resignation and its acceptance by the cabinet of his church at a meeting held on August 27, 1951, but, considering said documents in the light of the shortcomings we have pointed out above, one cannot help but brand them as self-serving or as documents merely prepared to serve the political designs of respondent in an attempt to obviate his disqualification under the law. And this feeling appears strengthened if we examine the so-called minute book wherein, according to witness Jose Agpalo, are entered the minutes of all the meetings of the church, because upon an examination thereof one would at once get the impression that it was prepared haphazardly and net with such seriousness and solemnity that should characterize the religious activities of a well established religious order. As the trial court aptly remarked "All these lead the court to believe with the petitioner, that the supposed resignation and acceptance were made at a later date to cure the ineligibility of the respondent." We are therefore constrained to hold that respondent is disqualified to hold the office of mayor as found by the trial court.

As to the question whether, respondent being ineligible, petitioner can be declared elected, having obtained second place in the elections, our answer is simple: this Court has already declared that this cannot be done in the absence of an express provision authorizing such declaration. Our law not only does not contain any such provision but apparently seems to prohibit it. This is what we said in at least two cases where we laid down a ruling which is decisive of the present case.

> "* * *. In the first case when the person elected is ineligible, the court cannot declare that the candidate occupying the second place has been elected, even if he were eligible, since the law only authorizes a declaration of election in favor of the person who has obtained a plurality of votes, and has presented his certificate of candidacy." (Nuval *vs*. Guray, 52 Phil.,

645.)

> "Section 173 of Republic Act No. 180 known aa the Revised Election Code, does not provide that if the contestee is declared ineligible the contestant will be proclaimed. Indeed it may be gathered that the law contemplates no such result, because it permits the filing of the contest by any registered candidate irrespective of whether the latter occupied the next highest place or the lowest in the election returns." (Llamoso *vs*. Ferrer, et al., 84 Phil., 489, 47 Off. Gaz., [No. 2] p. 727.)

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

Paras C.J., Pablo, Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Labrador, Concepcion and *Reyes, J.B.L., JJ.*, concur.

Judgment affirmed.

---

[1] Regulations for the enforcement of the Marriage Law issued by the Director of Public Libraries and approved by the Secretary of Education on February 26, 1951, in connection with Article 95, new Civil Code.

Date created: October 09, 2014