

****Title:****

Tayko et al. v. Capistrano et al., 53 Phil. 866 (1929)

****Facts:****

The petitioners, Felipe Tayko, Eduardo Bueno, Bautista Tayko, Bernardo Solde, and Vicente Elum, filed a petition for a writ of prohibition to enjoin Nicolas Capistrano, Acting Judge of the Court of First Instance of Oriental Negros (CFI), from taking cognizance of certain election-related civil and criminal cases. The petitioners based their claim on the following key assertions:

1. The respondent judge, Capistrano, was appointed as a judge to hold office until the age of 65 and had now reached that age, thus disqualifying him under section 148 of the Administrative Code as amended.
2. Due to numerous election protests and criminal cases filed in the CFI arising from the last election on June 5, 1923, the Honorable Sixto de la Costa was designated to hear these cases under an understanding with Capistrano that Capistrano would handle ordinary cases.
3. Capistrano allegedly tried to hear these election cases contrary to the agreed-upon understanding with de la Costa.
4. Capistrano, in his capacity as judge, influenced the filing of criminal charges against the petitioners by appointing a deputy fiscal to act when the provincial fiscal refused to file charges citing insufficient evidence.

Procedurally, the petitioners claimed that Capistrano lost jurisdiction over these matters upon reaching the age of 65 and accused him of acting without legal authority. The respondents demurred to the petition, arguing the facts did not support a claim for prohibition and asserted that Capistrano was at least a de facto judge whose authority could not be collaterally attacked.

****Issues:****

1. Whether a prior understanding between judges regarding case assignments divests Capistrano of jurisdiction over the election protests and criminal cases.
2. Whether Capistrano's appointment of a deputy fiscal, due to the regular provincial fiscal's refusal to file charges, disqualifies him from adjudicating the criminal cases.
3. Whether Capistrano is disqualified from his duties due to reaching the age of 65, and whether he can be considered a de facto judge.

****Court's Decision:****

****1. Jurisdiction Based on Understanding Between Judges:****

The Court held that a writ of prohibition lies only for actions without or in excess of jurisdiction (Sec. 226, Code of Civil Procedure). The alleged understanding regarding case assignments did not strip Judge Capistrano of his jurisdiction as legally conferred. There was no specific allegation that cases in question were reassigned to another judge definitively.

****2. Appointment of Deputy Fiscal:****

The Court found that Capistrano acted within his jurisdiction when appointing a deputy fiscal under Sec. 1679 of the Administrative Code. The complaint failed to show an abuse of discretion by merely labeling the appointment as “unjustifiable.” Judicial discretion in determining a provincial fiscal’s failure to perform duties is pertinent, and Capistrano’s action held legal grounds.

****3. Disqualification Due to Age - Status as De Facto Judge:****

The core of the petitioner’s argument was Capistrano’s disqualification upon reaching 65 years. The Court acknowledged that Capistrano ceased being a judge de jure upon turning 65. However, based on principles set forth in *Brown v. O’Connell*, he was considered a de facto judge, acting under color of authority until replaced, assuming good faith in his continued service. Claims against the exercise of office by de facto judges must be pursued via quo warranto proceedings, not by prohibition.

****Doctrine:****

The decision reiterates that:

1. Jurisdiction vested by law cannot be reassigned or negated through mutual understandings between judges unless reflected in legal reassignment.
2. Judges have discretion under Administrative Code Sec. 1679 to appoint deputies if a provincial fiscal fails to act, and such appointments do not constitute exceeding jurisdiction without demonstrated abuse of discretion.
3. A judge holding over after the expiry of a term, without a successor appointed, is a de facto judge. The legality of a de facto judge’s acts stands until challenged by quo warranto.

****Class Notes:****

Key Legal Concepts:

- Prohibition Writ: Remedy to prevent inferior courts from acting without jurisdiction, not substitutive for quo warranto.
- ****De Facto Officer Doctrine****: Holds that acts performed by individuals in office under

color of authority remain valid until their title is directly contested.

- **Administrative Code Sec. 148**: Establishes mandatory retirement at age 65.
- **Administrative Code Sec. 1679**: Allows a judge to appoint acting fiscal in specific situations of inaction or disqualification by a provincial fiscal.

Historical Background:

This case took place within the context of a post-colonial Philippine judicial system still adapting governance frameworks inherited from the American regime. The emphasis on codified administrative and judicial procedures reflects ongoing transitions toward institutional stability. While ensuring proper judicial conduct and adherence to administrative protocols, the Court's approach demonstrates early Philippine judiciary's efforts to balance enforcement with equitable judicial policy. This was an era where judicial clarity in office tenure and role legitimacy were paramount to uphold public trust in a budding democratic establishment.