

**ERNESTO PALMA, PEDRO MALABAG, ALFREDO CUEVAS, TOMAS MATIBAG, HERMINIO CASTILLO, EMILIO CUEVAS, MAGDALENO JOPIA, EPIFANIO AGUILA AND CORNELIO MALIBITRAN,
PETITIONERS AND APPELLAN...**

G.R. No. L-17393. November 28, 1962

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

The facts of this case are not in dispute. On January 10, 1960, a Sunday, Mr. Gabriel Jaen, Barrio Lieutenant of Labac, Cuenca, Batangas, presided over a meeting of the Barrio Assembly of Barrio Labac during which it was resolved to hold the election of the barrio officials of Labac on the next Sunday, January 17, from 7:00 a.m. to 6:00 p.m. Thereupon, a Board of Election Tellers was elected, composed of four members: a public school teacher, one belonging to the Nacionalista party, one from the Liberal Party, and a temporary secretary, who is a Nacionalista. Among other things, it was also resolved during said meeting that election should be by secret ballot; that the officers to be elected were one Barrio Lieutenant, four Vice-Barrio Lieutenants, four members of the Barrio Council, and one Barrio Treasurer; and the names of Leonardo Laroza, Marcelo Aquino, and Jose Mandocdoc were submitted as nominees.

On or before 8:30 p.m. of January 13, 1960, herein plaintiffs and defendants (now appellants and appellees), including one Leonardo Laroza who is not a party in this case, filed their respective certificates of candidacy for the aforementioned positions to be filled. Two were candidates for the position of Barrio Lieutenant (one from each party—Nacionalista and Liberal), four Nacionalistas and four Liberals for Barrio Lieutenants, and four Nacionalistas and four Liberals for Council members, and Laroza for Barrio Treasurer.

On the following Sunday, January 17, the members of the Barrio Assembly gathered at about 9:00 a.m. to cast their votes at the school premises of the Labac Elementary of School; but because of an attempt of the Barrio Lieutenant to postpone the elections upon sensing that the Liberals would get elected, the elections were delayed up to 2:00 p.m. that afternoon. The Assembly, however, decided in the presence of the Board of Election Tellers that since the Resolution passed on January 10, 1960 could not be modified by only one person (the Barrio Lieutenant) they proceed with the scheduled elections.

Voting actually started at about 3:00 p.m., and because of the comparatively short time remaining, many of the members were unable to vote, some having become impatient and left, so that only 114 of the 437 registered voters were actually able to cast their votes. After canvassing the votes cast, the Board of Election Tellers duly proclaimed herein plaintiffs elected, including Leonardo Laroza as Barrio Treasurer. Immediately thereafter, Ernesto Palma, Barrio Lieutenant-elect, sent a report of the results to the Provincial Governor of Batangas, the Municipal Mayor of Cuenca, Councilor Cayo Loria of Cuenca, and Mr. Jose Magpantay, the Municipal Secretary of Cuenca.

On January 21, 1960, after three vain attempts to contact Judge Pasia of the Justice of the Peace Court of Cuenca

in his office at the municipal building, the newly elected members of the Barrio Council of Labac had themselves sworn in to office by Judge Godofredo Briones, Justice of the Peace of Padre Garcia, Batangas, who is residing at Cuenca, Batangas.

In the afternoon of the same day, at about 4:00 p.m., Mr. Jaen, the former Barrio Lieutenant, called a meeting of the Barrio Assembly of Labac, during which meeting another set of election tellers, all Nacionalistas, were formed, and another election was held, from 8 o'clock in the evening up to 10 o'clock the following morning, followed immediately thereafter by canvassing up to 1:00 p.m. of January 22, 1960. Herein defendants were elected, to wit: Jose Mandocdoc, as Barrio Lieutenant; Matias Jaen, Feliciano Marasigan, Vicente Malibiran, and Delfin Pasig-pasigan, as Vice-Barrio Lieutenants; and Leoncio Malabag, Raymundo Austria, Pacifico Loria, and Sergio Pantas, as members of the Barrio Council.

On April 11, 1960, plaintiffs-appellants Palma, et. al., filed a complaint for quo warranto in the Court of First Instance of Batangas, praying that they be adjudged as duly elected and qualified members of the Barrio Council of Labac, Cuenca, Batangas, and that defendants-appellees be duly ousted and excluded therefrom; that defendants-appellees be ordered to pay them damages of P750.00, plus costs of the suit, and for other relief, legal, just, or equitable, in the premises. To this complaint, defendants Mandocdoc, et al., filed a motion to dismiss questioning the action for quo warranto, on the ground that the jurisdiction lay not in the Court of First Instance, Branch I, of Batangas, but in the Justice of the Peace Court of Cuenca, Batangas, citing in support thereof Section 7 of the Barrio Autonomy Act (R.A. No. 2370), to wit:

"All disputes over barrio elections shall be brought before the justice of the peace court of the municipality concerned; in the determination and decision thereof, the court shall follow as closely as possible the procedure prescribed for inferior courts in Rule 4, Rules of Court. The decision of the justice of the peace court shall be appealable pursuant to the Rules of Court to the court of first instance whose decision shall be final on questions of fact.' "

Plaintiffs filed their opposition, questioning, among others, the special jurisdiction conferred upon the justice of the peace courts under R.A. 2370.

The Court of First Instance of Batangas, presided by Judge Manuel P. Barcelona, after hearing both parties dismissed the complaint in an order dated July 28, 1962, ruling that the words "All disputes" are clear and unambiguous, categorically expressed in unmistakable terms, and includes all controversies without exception; that disputes over the validity or invalidity of a barrio election is intrinsically a dispute over a barrio election; that the current policy of the Government is to ease the clogged dockets of the Courts of First Instance as may be inferred from the passage of R.A. 2613 increasing the jurisdiction of the justice of the peace courts in criminal and civil cases, taking into account that there are thousands of barrios which -may have cases like the present one, and that the decision of the justice of the peace courts are after all appealable to the courts of first instance; and concluding, therefore, that the jurisdiction of the Justice of the Peace Court of Cuenca in the case at bar becomes incontestable.

Thereafter, plaintiffs perfected an appeal to us; and having been exempted from printing their Record on Appeal, the original records of the court of first instance, in Civil Case No. 774 were elevated here.

In their appeal, appellants question the lower court's finding that it had no jurisdiction to try this case, and pray that the trial court's order dismissing the case be reversed and the case be remanded to the Court of First Instance of Batangas, Branch I, for trial on the merits.

We find the appeal untenable. The very amplitude and imperativeness of the terms employed in paragraph 6 of Section 7 of the Barrio Autonomy Act (R.A. No. 2370)—"all disputes over barrio elections"—rebutts the argument

that the jurisdiction therein conferred upon justice of the peace courts should be limited to disputes arising from ejections the validity of Which is not contested. The statute is too absolute to admit distinctions, and evidences legislative intent to confer extraordinary jurisdiction upon justice of the peace courts for the sake of prompt and inexpensive solutions to the controversies arising from barrio elections. Even conceding appellants' claim that the original wording of the section meant to confer to the justice of the peace courts Jurisdiction only over election contests—and disregarding the significance of the disappearance of such limitative expressions in the final text—still, irregularities in the conduct of elections such as were alleged in the petition are proper grounds of protest under the election laws and not of quo warranto, the latter being limited to cases of disloyalty or ineligibility of the proclaimed candidates (cf. secs. 172, 173, 174, Election Code). The lower court was, therefore, correct in holding that the action interposed by appellants was, in substance, an election contest, and a quo warranto in form alone; hence, it is properly cognizable by the justice of the peace court, and by the court of first instance only upon appeal.

Wherefore, the order of dismissal complained of is affirmed. Appellants shall pay the costs.

Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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