

MELCHOR DILIZO LAGASCA, PETITIONER, VS. VICENTE DE VERA, FRANCISCO ENAGE AND LEOPOLDO ROVIRA, RESPONDENTS.*G.R. No. L-1649. October 29, 1947*

Ponente: PERFECTO, J.

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In communications addressed to the Commission on Elections, Reverend Melchor Dilizo Lagasca, herein petitioner, signed himself as President of the Goodwill Party, asking that the latter be recognized as a duly organized political party, that its party ticket be printed on the official ballots for national officers, and that it be granted the right to propose election inspectors in connection with the elections to be held on November 11, 1947.

In a decision rendered on August 27, 1947, the Commission on Elections denied petitioner's prayers upon the conclusion that the so-called Goodwill Party is not a political party as contemplated in the Election Code. The Commission invoked the decisions of the Supreme Court in *Moncado vs. Commission on Elections*, G. R. No. 48607, and *Tigbatas Party vs. Commission on Elections*, G. R. No. 48594, and section 76 of the Election Code, section 3 of Commonwealth Act No. 666, and sections 80 and 124 of the Revised Election Code.

The facts in this case as found by the Commission on Elections appear in the appealed decision as follows:

"In the papers submitted by Mr. Lagasca, it is made to appear that the Goodwill Party is formerly the National Welfare Services Party. However when asked about the nature of the Goodwill Party, he stated that the Goodwill Party is only one of the twelve departments of the National Welfare Services, Inc., an organization, according to him, dedicated to the lofty object of promoting brotherhood among mankind, the Goodwill Party being the political department. He could not produce any evidence to show that the Goodwill Party is composed of or supported by a more or less known group of people pursuing the same political ideals. Mr. Lagasca limited himself to presenting to this Commission unsigned mimeograph copies of the "creed and platform" of the Goodwill Party without stating how, when and by whom said "creed and platform" was adopted and ratified. Our records further show that the Goodwill Party or the National Welfare Services, Inc., does not have a fixed address where this Commission may send its communications. Mr. Lagasca simply appeared in this Commission from time to time to file his various petitions and when asked to furnish the address of his party or its headquarters, the general address of Manila is given. In the Certificate of Candidacy for said party signed by Mr. Lagasca, as President and one Amada C. Capinpin, as Acting Secretary, the following names were listed as its official candidates for Senators.

1. Jose P. Laurel Manila
2. Melchor Dilizo Lagasca Manila
3. Pedro C. Mendiola Manila
4. Claro M. Recto Manila
5. Hilario Moncado Quezon City

6. Santiago Fonacier Rizal City

7. Ricardo Gonzales Manila

8. Alauya Alonto Cotabato, Cotabato

"The Certificate of Candidacy states that the above named persons were never consulted at all; that they all belong to the Liberal Party with the exception of Melchor Dilizo Lagasca who belongs to the Goodwill Party and Bishop Santiago Fonacier who belongs to the Nationalista Party."

Petitioner seeks review of the decision. He alleges that the Commission on Elections abused its discretion in not recognizing the Goodwill Party as a political party as defined by section 80 of the Revised Election Code, which reads as follows:

"Definition of political party.—Political Party or, simply party, when used in this Code, means an organized group of persons pursuing the same political ideals in a Government and includes its branches and divisions."

Petitioners alleges that the Goodwill Party is a political party composed of approximately 453,989 members. He also alleges that the Goodwill Party is formerly the National Welfare Services Party, the role and functions of which it assumed since May 8, 1946. It is also alleged that the National Welfare Services Party was recognized as a political party on March 14, 1946.

The petition accompanied by Annex A, a petition dated August 1, 1947, addressed by petitioner to the Commission on Elections, alleging that the Goodwill Party is entitled to have its candidates' names printed in the official ballots and alleging that it has now 453,989 voters as against 396,224 voters in 1946; Annex B, a certificate of candidacy of twelve candidates for senator, none of them having been consulted as to whether they are agreeable to their candidacy or not, signed by petitioner as President and Amada C. Capinpin as Acting Secretary of the Goodwill Party, Annex C, the platform of the Goodwill Party signed by Reverend Gregorio Rumbawa as Assistant Secretary; Annex C-1, the proposed candidate's creed and platform to be signed by all the candidates of the party; Annex D, a copy of the decision of the Commission on Elections, dated August 27, 1947; Annex E, a resolution of the Commission on Elections dated March 1, 1946, to the effect that the National Welfare Services Party does not come within the purview of a political party as defined in section 76 of the Election Code and as contemplated by section 2 of Commonwealth Act No. 725 and that it has no right to file a certificate of candidacy; Annex F, a resolution of the Commission on Elections dated March 14, 1946, giving due course to the certificates of candidacy of Francisco Zanduetta and Paul Versoza as candidates of the National Welfare Services Party. It also includes as supplement the two-year plan and program for the National Welfare Services, Incorporated, by Melchor Dilizo Lagasca, President and general manager dated November 14, 1946.

Respondents answered alleging that petitioner did not have a permanent address whatsoever; that the so-called Goodwill Party is neither organized nor is it composed of a group of persons pursuing the same political ideals in a government, it having no other members than petitioner himself and possibly another, Amada C. Capinpin, who signed as acting secretary; that petitioner has not presented any other proof of membership or organizations aside from his gratuitous and unsubstantiated claim; that all its candidates do not belong to the Goodwill Party, except the petitioner himself; that one of petitioner's candidate, Claro M. Recto, has declined to become a candidate of the so-called Goodwill Party.

The whole issue in this case hinges on the question whether the Goodwill Party is a political party under the purview of the Election Code. As described by the Code, a political party is "an organized group of persons pursuing the same political ideals in a government." There cannot be any quarrel that the platform of the Goodwill Party, Annex C, embodies many ideals of a political character. But nowhere appears the existence of "an

organized group of persons" pursuing said ideals. Petitioner's claim of a membership of 453,989 individuals is not enough. It is necessary that there should be "an organized group." There is absolutely no evidence on record as to the existence of an organized group of persons that composed the so-called Goodwill Party. In order that a group of persons be organized, it is necessary that all of them be joined in a corporate body, articulate, with the attributes of a social personality. A constitution, by-laws, rules, or some kind of charter is needed so as to give existence to the organization. Some kind of agreement, written or unwritten, must exist on how the group is to function, to be presided over, and how it is to express its collective will. Nothing of that sort has been shown in regard to the Goodwill Party. By half a century of experience in democracy, our people have been used to identify political parties by the existence of their leaders and directors, boards, committees, and other organizations. These external manifestations of the existence of a political party were not shown by petitioner with regard to his Goodwill Party. The alleged membership of 453,989 persons has not been proved by anything to be relied upon. No list of them has been shown although petitioner was asked about said list. This Court cannot decide a question of fact by merely relying on an allegation of petitioner which is denied by respondent.

Petitioner's allegation as to the existence of the Goodwill Party as a political party is squarely challenged in respondents' answer. Petitioner cannot overcome the latter's denials without presenting competent evidence to show the truth of his allegations. At the hearing of this case, members of this Court had suggested the need that petitioner should offer evidence to substantiate his allegation as to the existence of the Goodwill Party, but petitioner chose not to offer any evidence at all. When there is a controversy on a fact, the controversy can only be decided with the evidence in view. Who alleges a fact has the burden of proving it. Mere allegation is not an evidence. Much as we may value petitioner's allegations, the law imposes on us the duty of not accepting them if they are challenged by respondents unless proved by competent evidence.

We are constrained to conclude that, upon the facts found by the Commission on Elections in its decision of August 27, 1947, which were not disproved by petitioner, the so-called Goodwill Party is not a political party.

The petition is dismissed.

Moran, C.J., Paras, Feria, Pablo, Hilado, Bengzon, Briones, Padilla, and Tuason, JJ., concur.

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