

SIXTO CASIN, PETITIONERS, VS. HERMOGENES CALUAG, JUDGE OF COURT OF FIRST INSTANCE OF ALBAY, AND TEODORO REGALADO, RESPONDENTS.

G.R. No. L-1939. April 19, 1948

Ponente: FERIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/61a9c7dea9cf/>

FERIA, J.:

This action entitled a special civil action of certiorari and mandamus is, in fact and in law, an action of mandamus by the petitioner against the respondent judge because the latter has refused to take cognizance of, and dismissed, The action of quo warranto instituted by the petitioner against the respondent Teodoro Regalado, on the ground of lack of jurisdiction as prayed for by the latter in his motion to dismiss said action.

The petition for quo warranto alleges that the respondent Teodoro Regalado is not eligible to the office of Mayor of Malinao, Albay, because of disloyalty to the Republic of the Philippines, under the provisions of section 172 of the Revised Election Code.

The defendant filed a motion for dismissal of the petitioner's action on the ground that the Court of First Instance of Albay has no jurisdiction to try and decide the said action, because the People's Court had already acquired jurisdiction over the criminal action of treason instituted against the respondent Teodoro Regalado, constituted by substantially the same acts of disloyalty alleged in the petition of quo warranto, and the respondent judge dismissed the petitioner's claim as prayed for by the respondent defendant.

It is our considered opinion that the Court of First Instance of Albay has jurisdiction to try and decide the special civil action of quo warranto independently from the criminal action for treason pending before the People's Court, and therefore the respondent judge failed to perform an act which the law specifically enjoins as a duty resulting from his office as judge, that is, that of taking cognizance of a case over which the court which he presides has jurisdiction, and appeal is not a speedy and adequate remedy in the present case.

A person may be declared in a special civil action of quo warranto to be disloyal to the Republic of the Philippines, which was denominated or called the Commonwealth of the Philippines before the complete withdrawal of the sovereignty of the United States from these Islands, and ineligible to hold public office under section 172 of the Revised Election Code, if the preponderance of evidence so shows, although said person has been or will be acquitted of the crime of treason. Because the law provides as a ground of disqualification, not the conviction of the candidate of the crime of treason or any other act constituting disloyalty, but the mere fact of being disloyal. Undoubtedly, the object of the law is to disqualify a person, who is shown to be disloyal to the Government of the Philippines by a preponderance of evidence in a quo warranto proceedings, to hold a public office in said government. Of course, a person convicted of the crime of treason or any other offense constituting disloyalty to the government is, a fortiori, disqualified to hold a public office. Had the lawmakers intended to require conviction of disloyalty as a ground for disqualification, it would have so expressly provided. For instance, in a civil action for absolute divorce, the law requires conviction of one of the spouses of the crime of

adultery, and the mere fact that the husband or wife has committed said crime is not sufficient for granting a divorce; while under article 1433 in connection with article 105 of the Civil Code, the mere commission of adultery, without necessity of conviction for the commission thereof, is a sufficient ground for granting a petition for separation of properties of husband and wife.

Under the Penal Code, conviction for treason requires the testimony of at least two witnesses to an overt act or to each and every part or bit thereof; while in a special civil action of quo warranto, as in all civil cases, a mere preponderance of evidence is sufficient for granting the relief demanded. The parties to the criminal action for treason against the respondent are the People of the Philippines as prosecutor and Teodoro Regalado as defendant, while in the case of quo warranto at bar the parties are the petitioner and the respondent.

To construe section 172 of the Revised Election Law as requiring a previous conviction of a crime constituting disloyalty to the government, would be to thwart, partially or in toto, the purpose of the law. The law requires that a quo warranto proceeding against a provincial or municipal officer on the ground of ineligibility be decided within thirty days from the filing of the complaint. It is of judicial notice that it would require quite a long period of time before final conviction of a defendant in a criminal case may be secured; and in the meantime such defendant, although disqualified for reason of disloyalty, may continue holding possession of the office to which he has been elected during the whole term or a greater portion thereof.

In view of the foregoing, it is evident that the fact that there was pending before the People's Court a criminal action for treason against Teodoro Regalado did not preclude the court presided by the respondent judge from taking cognizance of the quo warranto action against said Teodoro Regalado.

Therefore, the respondent judge should and is ordered to proceed with the trial of the case, with costs against the other respondent. So ordered.

Pablo, Perfecto, and Bengzon, JJ., concur.

FERIA, J.:

I certify that Justice Pedro Tuason concurs in this decision, but he does not sign it because he went down to Manila.

Petition granted.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.