

THE PHILIPPINE PUBLIC SCHOOL TEACHERS ASSOCIATION (PPSTA) COMMISSION ON ELECTIONS AND THE 1972 PPSTA BOARD OF DIRECTORS, PETITIONERS, VS. HONORABLE SERGIO A. F. APOSTOL, PRESIDI...

G.R. NO. L-36966. February 28, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court sets aside the judgment of respondent court annulling the 1972 annual election of the PPSTA board of directors held at Teachers Camp in Baguio City for having been held outside the association's principal office at Quezon City for lack of personality and standing on the part of private respondent as a single individual member to bring the action, which has not complied with the requirements of Rule 66 governing such special civil actions of quo warranto.

On July 20, 1972, private respondent Eufemia M. San Luis as a member of the Philippine Public School Teachers Association (PPSTA for short) a fraternal non-stock association of public school teachers throughout the country filed with respondent court of first instance at Quezon City a complaint with preliminary injunction for the annulment of the 1972 annual elections of the PPSTA board of directors held on June 26-28, 1972 at Teachers Camp in Baguio City for having been held outside its principal office at Quezon City against herein petitioners as defendants.

Petitioners as defendants filed their answer in due course traversing the legal contentions of respondent (as hereinafter discussed).

After the parties had in a series of pleadings filed voluminous documents dealing with the background and activities of the PPSTA, particularly the questioned 1972 Annual Convention and elections held on June 26-28, 1972 in Baguio City, which respondent court considered as stipulations of facts, respondent court rendered without further hearing and trial its decision of April 26, 1973 holding that "(T)he meeting held in Baguio City, being contrary to the by-laws of the corporation and the Corporation Law, whatever acts therein made, including the elections of the Board of Directors, are null and void," and declared as null and void all resolutions and corporate acts at the 29th (1972) annual PPSTA Representative Assembly, including the elections of the 1972 PPSTA board of directors and the formation of the PPSTA commission on elections which supervised the elections and proclaimed the winners.

Upon petitioners' motion for reconsideration complaining against its judgment "ordering the injunction permanent" as without basis, since it had previously denied the preliminary injunction sought by respondent under its order dated July 28, 1972 where it "(found) that this is not a proper case for injunction — the acts to be enjoined having been consummated,"[1] it issued its order of May 21, 1973 denying reconsideration and amended the above-quoted portion on injunction of its judgment so as to read as follows:

"xxx xxx xxx

"(c) Granting final injunction perpetually restraining defendant PPSTA Commission on Elections from proclaiming the members of the defendant 1972 PPSTA Board of Directors as duly elected; and in the event that they have been proclaimed as such, restraining them from sitting as a board;"

"xxx xxx xxx"[2]

Hence, the present petition by way of appeal by certiorari. The Court granted due course as well as issued a temporary restraining order against enforcement of respondent court's decision and amendatory order which would have unseated the 1972 PPSTA board of directors and would have allowed the old 1971 board notwithstanding that its term has expired and that it was the one that called for the 1972 annual convention and elections to be held in Baguio City to take back the management of the PPSTA as holdover officers.

Petitioners reiterate before this Court their defenses to respondent's action in the court below inter alia as follows:

That the PPSTA as a national fraternal and non-stock association of thousands of public school teachers throughout the country has under its by-laws affiliate or provincial chapters which are entitled to proportionate representation by means of official delegates at the annual conventions held to elect the board of directors which in turn elects the officers of the association and to enact resolutions for the teachers' common welfare; and that as alleged in the very complaint, the 1972 annual convention "was composed of at least 512 delegates from the different affiliate chapters" who officially represented the individual members of the PPSTA such as respondent;

That section 24 of the Corporation Law providing for the holding of meetings of a corporation's members or stockholders "at the place where the principal office of the corporation is established or located" is not applicable to non-stock or fraternal associations like the PPSTA, which in the past has held its annual conventions and elections outside of its principal office in Quezon City (such as in Bacolod City, Naga City, Manila and on two previous occasions in Baguio City) since such outside meetings are deemed best adapted to the purposes for which the association was created[3] and conducive to the furtherance of its objectives by holding the annual representative assemblies as near to the membership in the different regions of the country, and that assuming that the convention was improperly held or called, it could be deemed validly held under the provisions of section 25 of the Corporation Law; and

That while a negligible number of delegates raised some questions as to the propriety of holding the convention in Baguio City, the objection was overruled and all the chapter delegates including those who raised the objection continued participating in the deliberations and voted in the elections, and hence, respondent who was duly represented at the convention by her chapter delegates who acceded to the elections is now barred from raising any objection as to the place of the convention or elections, aside from the fact that there is no showing that such irregularity affected substantial rights of the respondent or of the other members duly represented at the convention.

Respondent on the other hand insists mainly as did respondent court on the strict letter of section 24 of the Corporation Law requiring the holding of the annual convention at the PPSTA main office in Quezon City under pain of nullity of all the acts and proceedings.

The Court finds it unnecessary to rule upon the parties' above conflicting contentions, since it finds to be decisive petitioners' contention that respondent has no personality and standing as a single individual member out of thousands of members of the PPSTA to bring the action below for annulment of the PPSTA 1972 annual convention and elections, as she was not even a chapter delegate to the said convention and she was duly represented thereat in accordance with the PPSTA's by-laws by her duly authorized chapter delegates who have

raised no question as to the proceedings.[4] Article IX, section 5 of the by-laws expressly provides that "only official delegates to the representative assembly are entitled to take part in the discussions and to vote." [5]

Respondent's action below was in essence one of quo warranto which is governed by Rule 66 of the Rules of Court. Section 6 thereof provides that in order that an individual may directly bring the action, he or she must claim to be entitled to the public office or position allegedly unlawfully held or usurped.[6] Otherwise, the action must be brought by the Solicitor General or fiscal with leave of the court upon the complaint of the relator under section 4 of the Rule.[7]

Chief Justice Moran thus explained the application of the two cited provisions:

"The general rule is that actions for quo warranto should be brought by the Solicitor General or a fiscal in cases of usurpation of an office established by law or by the Constitution under color of an executive appointment, or the abuse of a public franchise under color of a legislative grant, for these are public wrongs and not private injuries. Since, under our system, all power emanates from the people, who constitute the sovereignty, the right to inquire into the authority by which any person assumes to exercise the functions of a public office or franchise is regarded as inherent in the people on the right of their sovereignty. Hence, the action should be brought by the Solicitor General or the fiscal who represents the sovereign power.

"However, in a case involving merely the administration of corporate functions or duties which touch only private individual rights, such as the election of officers, admission of a corporate officer, or member, and the like the action for quo warranto may be brought with leave of court, by the Solicitor General or fiscal upon the relation of any person or persons having an interest injuriously affected. Such action may be allowed in the discretion of the court, according to section 4, and the court, before granting leave, may direct that notice be given to the defendant so that he may be heard in opposition thereto, under section 5.[8]

Respondent manifestly lays no claim herself to the office of PPSTA director nor has the present action been filed with leave of court by the Solicitor General or fiscal upon her relation as a party having an interest injuriously affected, as required by the cited Rule.

Her action must therefore fail on this score and the judgment erroneously rendered by respondent court shall be set aside.

ACCORDINGLY, the judgment under review of respondent court is hereby set aside and the complaint ordered dismissed. No pronouncement as to costs.

Makalintal, C.J., Castro, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] Rollo, page 430.

[2] Idem, page 432.

[3] Citing 5 Fletcher's Cyc. on Corps. sec. 2003, pp. 31-32.

[4] Although the one year term of the 1972 board of directors should have expired by June, 1973, the case has not become moot since upon recommendation of the Secretary of Education, the annual convention scheduled for last June, 1973 in Quezon City to elect the 1973 board of directors was deferred for one year and hence the 1972 board has continued in office up to the present as a "holdover" board. (Rollo, p. 467).

[5] Rollo, page 52.

[6] "SEC. 6. When an individual may commence such an action. — A person claiming to be entitled to a public

office or position usurped or unlawfully held or exercised by another may bring an action therefor in his own name." (Rule 66).

[7] "SEC. 4. When Solicitor General or fiscal may commence action with permission of court. — The Solicitor General or fiscal may, with the permission of the court in which the action is to be commenced bring such an action at the request and upon the relation of another person; but in such case the officer bringing it may first require an indemnity for the expenses and costs of the action to be given to him by the person at whose request and upon whose relation the same is brought." (Rule 66).

[8] Vol. 3 Moran's Rules of Court, 1970 Ed. pp. 215-216, italics supplied. Rule 86, sec. 1 provides that "An action for the usurpation of office or franchise may be brought in the name of the Republic of the Philippines against (a) A person who usurps, intrudes into, or unlawfully holds or exercises a public office, or a franchise; or an office in a corporation created by authority of law, * * *" (italics supplied.).

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