

RAFAEL FALCOTELO, FERNANDO JOSE, REYNALDO ROXAS, SANTOS COMENDADOR AND ULPIANO TAOPO, PETITIONERS-APPELLANTS, VS. RESTITUTO GALI, CIPRIANO ILAGAN, SEGUNDO GONZALES, SALVADOR DE ...

G.R. No. L-24190. January 08, 1968

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal from an order of the Court of First Instance of Rizal dismissing the appeal taken by petitioners herein from an order of dismissal of the City Court of Caloocan.

The present action, which petitioners characterize as one of quo warranto, was commenced on March 17, 1964. It is alleged in the petition that petitioner Rafael Falcotelo and his co-petitioner Fernando Jose Reynaldo Roxas, Santos Comendador and Ulpiano Taopo, were duly registered candidates, the first, for barrio captain, and the others, for membership of the Barrio Council for Bagong Barrio, City of Caloocan, at the elections held in said barrio, on January 12, 1964; that, in due course, the Board of Election Tellers for the Bagong Barrio certified that Falcotelo and his aforementioned co-petitioners had then been elected barrio captain and barrio councilmen, respectively, of said barrio; that Falcotelo assumed his duties as barrio captain, on January 13, 1964, whereas, his co-petitioners began to discharge their duties, as barrio councilmen, on January 16, 1964; that petitioners continued to discharge their respective duties up to January 27, 1964; that respondent Restituto Gali was a candidate for barrio captain in the elections held on January 12, 1964, although petitioner Falcotelo defeated him in said elections; that respondents Salvador de Guzman and Alejandro Pangyarihan were, likewise, registered candidates for the barrio council, in the same elections, and were among those proclaimed elected by the Board of Election Tellers, although they (Guzman and Pangyarihan) refused to assume the duties of barrio councilmen by virtue of said proclamation; that, on January 26, 1964, another election was held for the same barrio council of Bagong Barrio; that Restituto Gali and the other respondents herein, namely, Cipriano Ilagan, Segundo Gonzales, Paulino Pascual, Alfredo Moreno, Salvador de Guzman and Alejandro Pangyarihan, were proclaimed elected in said elections, respondent Gali, as barrio captain, and the other respondents, as members of the barrio council of Bagong Barrio; that petitioners herein did not enter their respective candidacies for the elections held on January 26, 1964, but opposed the same "through proper re-presentations made with the Commission on Elections, and the Rizal Province and Caloocan City PC Command;" and "that respondents are now unlawfully holding and exercising the powers and prerogatives of the Bagong Barrio Council, particularly, that of Barrio Captain and Councilmen, and performing the functions connected therewith."

Respondents denied the main averments of the petition, and affirmed, inter alia, that the elections scheduled to be held on January 12, 1964, had been postponed to January 26, 1964, by resolution of the old Barrio Council of Bagong Barrio, dated January 10, 1964; that such postponement was due to lack of funds for said elections and to the uncertainty the existing as regards the precise territorial boundaries of Bagong Barrio, in view of which the corresponding query had been submitted to the office of the Mayor of Caloocan City; that despite said

postponement, herein petitioners had proceeded with the elections on January 12, 1964, without authority therefor; that the alleged election of petitioners herein, on January 12, 1964, is accordingly, null and void; that respondents are the duly elected and qualified members of the barrio council for Bagong Barrio; that petitioners had never performed and exercised the duties of members of said council; that the city Court of Caloocan has no jurisdiction to hear and decide a quo warranto case, like the one at bar, which is within the jurisdiction of courts of first instance and the Supreme Court; and that the proper action, under Republic Act No. 3590, should be an election contest.

After appropriate proceedings, the City Court of Caloocan issued an order holding that, although it had jurisdiction to hear and decide the case, pursuant to the eighth paragraph of Section 8 of the Revised Barrio Charter (Republic Act No. 3590), petitioners are barred by the statute of limitations of actions (Sections 173 and 174 of the Revised Election Code). It, accordingly, dismissed the case, in view of which petitioners appealed to the Court of First Instance of Rizal, which, in turn, dismissed the appeal upon the ground that, pursuant to Sections 87, 88 and 90 of Republic Act No. 296, and Section 8 of Rule 66 of the Rules of Court, the original jurisdiction over quo warranto proceedings is in the Supreme Court and in Courts of First Instance, and that consequently, the City Court of Caloocan had no jurisdiction over the present case. A reconsideration of the order to this effect having been denied, petitioners interposed the present appeal.

Obviously, the court of first instance erred in dismissing the appeal on account of lack of jurisdiction of the city court to take cognizance of this case. If this premise were true, the proper step would have been to dismiss the case, unless the parties were agreeable to the exercise of the original jurisdiction of the court of first instance, to which respondents seem to have objected. Said premise was, however, erroneous, for the pertinent part of Section 8 of the Revised Barrio Charter (Republic Act No. 3590) reads:

"x x x All disputes over barrio elections shall be brought before the justice of the peace court of the municipality concerned; And 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."

Referring to the counterpart of this paragraph, in Section 7 of the original Barrio Charter (Republic Act No. 2370) - which is identical thereto - this Court, speaking through Mr. Justice Reyes, held, in *Palma vs. Mandocdoc*:^[1]

"x x x The very amplitude and imperativeness of the terms employed in paragraph 6 of Section 7 of the Barrio Autonomy Act (Republic Act No. 2370) - 'all disputes over barrio election' — rebuts the argument of the jurisdiction therein conferred upon justice of the peace courts should be limited to disputes arising from elections 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 x x x"

The applicability of the foregoing to the case at bar becomes obvious when we consider that, in the petition herein, one of the irregularities pointed out by petitioners is the alleged existence of flying voters, which, even if true — on which we express no opinion - would not affect the ability of respondents herein and would, at best, be a ground for an election protest. In fact, the qualifications for candidates to the barrio council are set forth in Section 10 of the Revised Barrio Charter, and petitioners herein do not allege that respondents lack any of said

qualifications.

Regardless, however, of whether the present case is an election contest or protest, or quo warranto proceedings, or whether the original jurisdiction to hear the same is in the municipal or city court or the court of first instance, we find that this case should be dismissed upon the ground that it had been filed out of time. Indeed, the eligibility of a local elective official may be contested only within one (1) week after the proclamation of his election,[2] whereas his election may be contested, upon grounds other than ineligibility, within two (2) weeks after said proclamation.[3] In the present case, respondents were proclaimed elected on January 26, 1964, whereas the case at bar was commenced on March 17, 1964, or over seven (7) weeks thereafter. In other words, whether this action is regarded as one for quo warranto, or as an election contest, the petition herein is barred by the statute of limitations of actions.

The provisions of the Judiciary Act of 1948 (Republic Act No. 296), and Section 8 of Rule 66 of the Rules of Court, upon which the court of first instance relied, refer to quo warranto proceedings in general, whereas Section 173 of Republic Act No. 180, as amended, governs quo warranto cases against elective provincial or municipal officials, in particular, which should not be deemed amended, therefore, by Republic Act No. 296, and controls the case at bar, insofar as the period within which the case may be commenced is concerned.

Indeed, the Revised Election Code[4] governs "all elections of public officers" in the Philippines,[5] and the very same public interest and public policy which demand that the qualifications and election of provincial and municipal officials be contested, if defective, within the peremptory periods of one (1) week and two (2) weeks, respectively, after proclamation, render it imperative that the corresponding actions, as regards barrio officials — who are, likewise, municipal officials — be filed within the same periods of time.

We are aware of the fact that, our decision in *Bautista vs. De la Cruz*[6] contains a passage to the effect that Sections 173 and 174 of the Revised Election Code "do not apply to the election of barrio officials." It should be noted, however, that said statement was made in connection with the question whether the original jurisdiction to hear the case was vested in the justice of the peace court, as provided in Republic Act No. 2370 (now Republic Act No. 3590), or in the court of first instance, as provided in said sections of the Revised Election Code, and, that we then held that Republic Act No. 2370 was the law applicable to said case. This, of course, is correct, but, only insofar as it refers to the jurisdiction over the subject-matter of the case, there being a conflict, in connection therewith, between the Barrio Charter and Republic Act. No. 180; but, no such conflict exist between the latter, on the one hand, and either said charter or the Revised Barrio Charter, on the other, as regards the procedure to be followed and the periods within which the corresponding actions should be filed. At any rate, to the extent that it may be in conflict with the present decision, that of *Bautista vs. De la Cruz* should be deemed modified accordingly.

WHEREFORE, the petition in this case should be, as it hereby dismissed, without special pronouncement as to costs.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] G. R. No. L-17393, promulgated November 28, 1962.

[2] "x x x When a person who is not eligible is elected to provincial or municipal office, his right to the office

may be contested by any registered candidate for the same office before the Court of First Instance of the province within one week after the proclamation of his election, by filing a petition for quo warranto. The case shall be conducted in accordance with the usual procedure and shall be decided within thirty days from the filing of the complaint. A copy of the decision shall be furnished the Commission on Elections." (Sec. 173, Republic Act No. 180, as amended.)

[3] "x x x A petition contesting the election of a provincial or municipal officer-elect shall be filed with the Court of First Instance of the province by any candidate voted for in said election and who has presented a certificate of candidacy, within two weeks after the proclamation of the result of the election. Each contest shall refer exclusively to one office, but contests for the offices of the vice-mayor and councilor may be consolidated in a single case." (Section 174, Republic Act No. 180, as amended.)

[4] Republic Act No. 180, as amended.

[5] Section 2 of said Act.

[6] L-21107, December 24, 1963.

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