

**RAMON B. FELIPE, SR., AS CHAIRMAN, BOARD OF JUDGES,
PETITIONER, VS. HON. JOSE N. LEUTERIO, JUDGE, COURT OF FIRST
INSTANCE OF CAMARINES SUR, EMMA IMPERIAL, REPRESENTED BY
HER GUA...**

G.R. No. L-4606. May 30, 1952

Ponente: BENGZON, J.

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BENGZON, J.:

Statement of the case. The issue in this litigation is whether the courts have the authority to reverse the award of the board of judges of an oratorical competition.

In an oratorical contest held in Naga, Camarines Sur, first honor was given by the board of five judges to Nestor Nosce, and second honor to Emma Imperial. Six days later, Emma asked the court of first instance of that province to reverse the award, alleging that one of the judges had fallen into error in grading her performance. After a hearing, and over the objection of the other four judges of the contest, the court declared Emma Imperial winner of the first place. Hence this special civil action challenging the court's power to modify the board's verdict.

The facts. There is no dispute about the facts:

- On March 12, 1950 a benefit inter-collegiate oratorical contest was held in Naga City. The contestants were eight, among them Nestor Nosce, Emma Imperial, and Luis General, Jr.
- There were five judges of the competition, the petitioner Ramon B. Felipe Sr. being the Chairman.
- After the orators had delivered their respective pieces, and after the judges had expressed their votes, the Chairman publicly announced their decision awarding first prize to Nestor Nosce, second prize to Emma Imperial, third prize to Menandro Benavides and fourth place to Luis General, Jr.
- Four days afterwards, Emma Imperial addressed a letter to the Board of Judges protesting the verdict, and alleging that one of the judges had committed a mathematical mistake, resulting in her getting second place only, instead of the first, which she therefore claimed.
- Upon refusal of the Board to amend their award, she filed a complaint in the court of first instance.
- At the contest the five judges were each furnished a blank form wherein he gave the participants grades according to his estimate of their abilities, giving number 1 to the best, number 2 to the second best etc., down to number 8. Then the grades were added, and the contestant receiving the lowest number got first prize, the next second prize etc.
- The sums for the first four winners were: Nosce 10; Imperial 10; Benavides 17, General 17, the board of judges having voted as follows:

Judge

Nosce

Imperial

Benavides

General

Felipe Sr.

3

1

2

4

Obias

1

2

4

3

Rodriguez

1

4

5

3

Prado

3

2

1

3

Moll

2

1

5

4

10

10

17

17

- It appearing that Nestor Nosce and Emma Imperial had tied for first place, the chairman, apparently with the consent of the board, broke the tie by awarding first honors to Nosce and second honors to Imperial.

- For the convenience of the judges the typewritten forms contained blank spaces in which, after the names of the rival orators and their respective orations, the judge could jot down the grades he thought the contestants deserved according to "Originality", "Timeliness", "English", "Stage Personality", "Pronunciation and Enunciation" and "Voice". From such data he made up his vote.

- It was discovered later that the form filled by Delfin Rodriguez, one of the judges, gave Imperial and General the following ratings under the above headings: Imperial 19—15—15—18—14—14 Total 94—Place 4th General 19—15—15 or 14—19—14—14 Total 95—Place 3rd.

- Imperial asserts that her total should be 95 instead of 94 and therefore should rank 3rd place in Rodriguez' vote. And if she got 3 from Rodriguez, her total vote should have been 9 instead of ten, with the result that she copped first place in that speaking joust.

- Rodriguez testified that he made a mistake in adding up Imperial's ratings; that she should have been given a total of 95, or place No. 3, the same as General; that he was not disposed to break the tie between her and General and insisted that he wanted to give rank 3 to Imperial and rank 3 also to General.

Discussion. Although it would seem anomalous for one judge to give the same rank to two contestants, we will concede for the moment that Delfin Rodriguez could have given 3 to Imperial and also 3 to General.

However if deductions are to be made from his recorded vote (Exhibit 3) one may infer that after the contest and before submitting his vote he decided to give General an edge over Imperial. How? Under the caption "English" General was given by him at first "14", later increased to "15". Evidently because after he had added the ratings of Imperial and (erroneously) reached the sum of 94, he added the ratings of General (which were the same as Imperial with 14 under "English") and (mistakenly) reached 94 also. So what did he do? He raised the 14 to 15 and thus gave General 95 to place him over Imperial's 94. (Mistakenly again, because with 15 General got 96 instead of 95).

'But to us the important thing is Rodriguez' vote during and immediately after the affair. His vote in Exhibit 3 definitely gave General place No. 3 and Imperial place No. 4. His calculations recorded on Exhibit 3 were not

material. In fact the Chairman did not bother to fill out the blank spaces in his own form, and merely set down his conclusions giving 1 to Imperial, 2 to Benevides etc. without specifying the ratings for "Voice", "English", "Stage Personality" etc. In other words what counted was the vote; not the calculations or processes leading to such vote.

Probably for the above reasons the board refused to "correct" the alleged error.

The situation then is this: Days after a contest has been conducted and the winners announced, one of the judges confesses he made a mistake, that the ratings he gave the second place winner should have been such as would entitle her to first place. The other judges refuse to alter their verdict. May the matter be brought to the court to obtain a new award, reversing the decision of the board of judges?

For more than thirty years oratorical tilts have been held periodically by schools and colleges in these islands. Inter-collegiate oratorical competitions are of more recent origin. Members of this court have taken part in them either as contestants in their school days[1], or as members of the board of judges afterwards. They know some (few) verdicts did not reflect the audience's preference and that errors have sometimes been ascribed to the award of the judges. Yet no party ever presumed to invoke judicial intervention; for it is unwritten law in such contests that the board's decision is final and unappealable.

Like the ancient tournaments of the Sword, these tournaments of the Word apply the highest tenets of sportsmanship: finality of the referee's verdict. No alibis, no murmurs of protest. The participants are supposed to join the competition to contribute to its success by striving their utmost: the prizes are secondary.

No rights to the prizes may be asserted by the contestants, because their's was merely the privilege to compete for the prize, and that privilege did not ripen into a demandable right unless and until they were proclaimed winners of the competition by the appointed arbiters or referees or judges.

Incidentally, these school activities have been imported from the United States. We found in American jurisprudence no litigation questioning the determination of the board of judges.

Now, the fact that a particular action has had no precedent during a long period affords some reason for doubting the existence of the right sought to be enforced, especially where occasion for its assertion must have often arisen; and courts are cautious before allowing it, being loath to establish a new legal principle not in harmony with the generally accepted views thereon. (See C. J. S. Vol. 1, p. 1012).

We observe that in assuming jurisdiction over the matter, the respondent judge reasoned out that where there is a wrong there is a remedy and that courts of first instance are courts of general jurisdiction.

The flaw in his reasoning lies in the assumption that Imperial suffered some wrong at the hands of the board of judges. If at all, there was error on the part of one judge, at most. Error and wrong do not mean the same thing. "Wrong" as used in the aforesaid legal principle is the deprivation or violation of a right. As stated before, a contestant has no right to the prize unless and until he or she is declared winner by the board of referees or judges.

Granting that Imperial suffered some loss or injury, yet in law there are instances of "damnum absque injuria". This is one of them. If fraud or malice had been proven, it would be a different proposition. But then her action should be directed against the individual judge or judges who fraudulently or maliciously injured her. Not against the other judges.

By the way, what is herein stated must not be understood as applying to those activities which the Government has chosen to regulate with the creation of the Games and Amusements Board in Executive Order No. 392, Series 1950.

Judgment. In view of all the foregoing, we are of the opinion and so declare, that the judiciary has no power to

reverse the award of the board of judges of an oratorical contest. For that matter it would not interfere in literary contests, beauty contests and similar competitions.

Wherefore the order in controversy is hereby set aside. No costs.

Paras, C.J., Pablo, Tuason, Montemayor, Bautista Angelo, and Labrador, JJ., concur.

Feria, J., concurs in the result.

[1] In the College of Law U.P. annual oratorical contest, first prize was awarded to Justice Montemayor in 1914 and to Justice Labrador in 1916.

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