

PANTALEON V. PELAYO, JR., PETITIONER, VS. THE COMMISSION ON ELECTIONS, ET AL., RESPONDENTS.*G.R. No. L-28869. June 29, 1968*

Ponente: SANCHEZ, J.

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The decisive issue raised in this, a petition for certiorari,[1] turns to the validity of the Commission on Elections' (Comelec) February 7, 1968 resolution annulling petitioner's proclamation of January 13, 1968 as the 10th councilor-elect of Davao City and directing the "new City Board of Canvassers of Davao City x x x to canvass and proclaim the 10th councilor-elect," and its March 14, 1968 resolution ruling out petitioner's move to reconsider, and ordering the "new City Board of Canvassers of Davao City to continue and complete the canvass of all the votes cast in all the precincts in the City of Davao, but to hold in abeyance the proclamation of the winning candidate until further orders of this Commission."

The problem the petition posits exacts articulation of the controlling facts.

On December 4, 1967, the board of canvassers of Davao City convened and proceeded to canvass the November 14, 1967 election returns of Davao City for the positions of, amongst others, Mayor, Vice-Mayor and Councilors.

On December 19, 1967, the board issued a "Certificate of Votes of Candidates" - upon canvass terminated on December 18 - to inform the public of "the status of votes cast for each candidate." This certificate shows: Petitioner Pantaleon V. Pelayo, Jr., official Liberal Party candidate, garnered 16,541 votes as against 16,495[2] of respondent Gaudioso M. Tiongco of the Nacionalistas. The margin is only 46 votes.

Seven days afterwards, that is, on December 26, 1967, the board of canvassers proclaimed: Mayor-elect Elias B. Lopez; Vice-Mayor-elect Manuel C. Sotto; and nine councilors-elect Manuel M. Garcia, Cornelio Maskariño, Felicidad C. Santos, Cipriano Villafuerte, Domingo R. Vidanes, Tomas Monteverde, Jr., Benigno S. Bangoy, Antonio S. Castillo, and Bonifacio Tamayo.

Readily seen is that the 10th councilor was left out. And this, because on December 23, 1967, the Court of First Instance of Davao, in Election Case 1571,[3] stopped the board from proclaiming the 10th councilor-elect.[4]

Directing attention to Election Case 1571, we find that re-spondent Tiongco, on December 11, 1967, lodged with the Davao court a petition for the correction of returns under Sections 154 and 163 of the Election Code. He there averred that votes reading "David Pelayo" were erroneously credited for petitioner Pantaleon V. Pelayo, Jr., David Pelayo, it turns out, is a brother of petitioner, and an independent candidate who ran for councilor. David Pelayo was however previously ruled out as a nuisance candidate by Comelec; and Comelec's view was sustained by this Court.[5] Tiongco's petition in the above case, as finally amended, contained three causes of action, thus: (1) correction of election returns of precincts where David Pelayo's votes were allegedly credited for petitioner; (2) judicial recount of votes allegedly upon discrepancies in the election returns of Precincts 314, 88 and 120; and (3) mandamus to compel the canvassing board "to credit petitioner fifty-nine (59) votes in Precinct 74 and not to

credit Pelayo, Jr., with any vote in Precinct No. 421."[6]

Except for the fact that 10 votes were added to those of respondent Tiongco, as a result of the judicial recount of the votes in Precincts 421, 314, 120 and 74 (one vote in Precinct 120 and nine votes in Precinct 314),[7] the petition did not give any substantial advantage to Tiongco. For, per the court's decision of January 10, 1968, Pelayo's lead was merely reduced to 36 votes; the petition was denied in all other respects; and the restraining order lifted and set aside.

The restraining order out of the way, the board of canvassers, on January 13, 1968, proclaimed petitioner Pantaleon V. Pelayo, Jr., the 10th councilor-elect with 16,531 votes.[8]

On January 15, 1968, respondent Tiongco returned to court in Election Case 1571 with a petition praying not only to reconsider the decision of January 10, 1968, but also to annul petitioner's proclamation. This he amended on January 18, 1968. In said amendment, Tiongco raised for the first time the issue of the validity of the composition, and the legality of the actuations, of the city board of canvassers. Tiongco's gripe was directed at Comelec's order of November 23, 1967 appointing Judge Vicente Calanog of the City Court of Davao in lieu of Acting City Fiscal Raul B. Pichon.

Tiongco's motion to reconsider, as was his petition to annul the proclamation, was rejected by the court.[9]

Tiongco filed a "Second Motion for Reconsideration Preparatory to Certiorari" dated February 20, 1968. To our knowledge, this second motion remains unresolved.[10]

Even before the court in Election Case 1571 could act on respondent Tiongco's first motion to reconsider of January 15, 1968, said respondent lodged with Comelec a letter-petition[11] dated January 24, 1968 amplified by a supplemental letter-petition[12] dated January 25, 1968.[13] Tiongco retraced the events which led to the filing of Election Case 1571, the result thereof and the subsequent proclamation of petitioner as the 10th councilor-elect. He charged that that proclamation was "highly questionable and irregular as it is a malicious and deliberate scheme to defeat the right of petitioner to seek further remedies in Election Case No. 1571," and was made against standing orders of Comelec.[14] He submitted, as he did in the Court of First Instance, that the board was illegally constituted as Raul B. Pichon, the Acting City Fiscal, was substituted by City Judge Vicente Calanog. He claimed, too, that the old board was bereft of authority to proclaim petitioner for the reason that the new set of elected city officials automatically became the members of and composed the city board of canvassers and all the previous members ceased ipso facto to be members of the board.[15] He then prayed for the nullification of the proclamation of petitioner; the reconstitution of the city board of canvassers; and a directive to make them canvass Pelayo's and Tiongco's votes and proclaim thereafter the 10th councilor-elect.

Admittedly, petitioner was not served with a copy of the aforesaid letter-petition and supplemental letter-petition before Comelec. Neither was he notified of the hearing thereof.[16]

On February 7, 1968, on the basis alone of Tiongco's representations, Comelec came out with a resolution, viz:

"Considering that the City Board of Canvassers of Davao City which made the proclamation on January 13, 1968 was illegally constituted, in that it is contrary to the ruling of the Supreme Court in *Santos v. Comelec*, L-16413, January 26, 1960, where it was held that 'the municipal board of canvassers composed of the members of the present municipal council shall constitute the board of canvassers after January 1, 1959', the Commission RESOLVED to annul, as it hereby annul, the proclamation of Pantaleon Pelayo, Jr., as the 10th councilor-elect of Davao City made by the above-stated City Board of Canvassers on January 13, 1968, and to direct the new City Board of Canvassers of Davao City to be composed of the following to canvass and proclaim the 10th councilor-elect of Davao City in the November 14, 1967 elections:

1. City Fiscal Raul Pichon - Chairman
2. City Mayor Elias Lopez - Member
3. Vice-Mayor Manuel Sotto - Member
4. Councilor Bonifacio Tamayo - Member
5. Councilor Domingo Vidanes - Member
6. Councilor Tomas Monteverde - Member
7. Councilor Benigno Bangoy - Member
8. Councilor Felicidad Santos - Member
9. Councilor Manuel Garcia - Member
10. Councilor Antonio Castillo - Member
11. Councilor Cornelio Maskariño - Member
12. Substitute member to be appointed
vice the 10th City Councilor - Member
13. Councilor Cipriano Villafuerte - Member"

On February 16, 1968, Pelayo moved to reconsider.

On February 19, 1968, Comelec gave telegraphic instructions to the new board "not to canvass the votes and not to proclaim the 10th councilor-elect of said City." Nonetheless, the new board started canvass. On the day following, February 20, 1968 said board was informed of the date set for the hearing of Pelayo's motion for reconsideration.[17]

On February 24, 1968, Comelec resolved to give the parties until February 28 to submit their memoranda, and at the same time instructed its Law Department to wire the chairman of the canvassing board that "suspension of canvass and proclamation of the 10th councilor-elect of Davao City is continued until further orders of this Commission." [18]

On March 14, 1968, Comelec resolved to overturn Pelayo's motion for reconsideration, and to order the new board "to continue and complete the canvass of all the votes cast in all the precincts in the City of Davao, but to hold in abeyance the proclamation of the winning candidate until further orders of this Commission."

Petitioner's second motion for reconsideration of March 23, 1968 before Comelec was withdrawn by a pleading dated April 16, 1968.[19]

But before this withdrawal, petitioner came to this Court on certiorari with a prayer for a writ of preliminary injunction presenting mainly the issue specified at the start of this opinion.

We issued a cease-and-desist order.

Upon the petition, the separate returns of respondents (1) Gaudioso M. Tiongco, (2) Raul B. Pichon in behalf of the new city board of canvassers, (3) Manuel C. Sotto, Manuel M. Garcia, Cornelio P. Maskariño, Cipriano Villafuerte, Jr., and Antonio S. Castillo, and (4) Comelec, and after hearing on oral arguments and the memoranda, the case is now before us for a decision on the merits.

1. Was Acting City Fiscal Raul B. Pichon unlawfully excluded as chairman of the old board of canvassers? This question cropped up because while respondent Tiongco considered good and valid the appointment of substitutes in the formation of the board of canvassers, he levelled a major attack against the appointment of City Judge Vicente Calanog as chairman of the board instead of Acting City Fiscal Raul B. Pichon. His reason: Fiscal Pichon was neither disqualified nor incapacitated.

Fiscal Pichon, prior to his temporary designation by the Secretary of Justice as Acting City Fiscal, was the Fourth Assistant City Fiscal of Davao City. But under the Davao City charter, the fiscal next in rank to the City Fiscal automatically "shall perform the duties" of City Fiscal in the latter's absence or sickness or inability to act or for any other reason, or in case of temporary vacancy.[20]

Of course, one cannot easily tag Fiscal Pichon's designation as politically motivated. But not to be so easily shunted aside are certain disturbing circumstances. It was made on October 27, 1967 - 18 days before election day. He was catapulted over the heads of three assistant city fiscals who outrank him. That designation was temporary - "effective immediately and to continue until the date of the adjournment of the regular session of the Congress of the Philippines next following these designations unless sooner revoked." To the unanointed, these facts could appear as out of the ordinary.

To be adverted to is that in Comelec's disputed resolution of February 7, the new city board of canvassers was created with Acting City Fiscal Pichon as chairman. In the present proceedings, Fiscal Pichon filed the answer on behalf of that new board, although, of course, the Liberal members of the new city board repudiated his representation before this Court.[21] They filed their own answer joining hands with petitioner. This is not unexpected. Party lines appear to have shaped up after Comelec annulled the January 13, 1968 proclamation. The tenth berth in the city council is hotly contested. The Liberals in the canvassing board have some apprehension about Fiscal Pichon's impartiality. Petitioner Pelayo charges that a majority of the said new board - including Fiscal Pichon, its chairman - at the meeting of February 19, insisted in defying Comelec's instructions - telegraphic and by long distance telephone - to suspend canvass and proclamation in view of the pendency of his motion for reconsideration. And this, even before the substitute for the 10th councilor had been appointed.

On Fiscal Pichon's right to sit in the board, Comelec's answer to the petition herein is quite illuminating. It gives the reason why Judge Vicente Calanog was appointed in lieu of Acting City Fiscal Pichon, thus: "[i]t has been the policy of the Commission on Elections not to allow appointees of the Executive in an 'Acting' capacity to sit as members of the canvassing board." Elaborating on the meaning of "acting" capacity, Comelec goes on to say the following: "[t]his kind of appointment is usually done a few months before election day, to ease out undesirable officials and put in more favored ones, which is not conducive to the holding of free, orderly and honest elections." It really is beyond the bounds of accepted candor to say that some such "acting" officials will always act with fairness. No cause or reason exists why we should downgrade Comelec's opinion. The chairman of a canvassing board should be removed from the temptation of falling into partiality. Especially so in the present case where there is a tight fight for the tenth council berth and a tight contest for supremacy in the Davao City council. As presently constituted, the city council of Davao City is composed of five Nacionalista councilors, four Liberal councilors plus one vice-mayor, also a Liberal, who is its presiding officer.[22] Fairness in the actions of the chairman should not be subject to misgivings or suspicion. That chairman should not be beholden to anyone.

Nor can we say that Comelec is without authority to substitute Judge Calanog for Fiscal Pichon. For, Comelec's powers are broad, both in the statutory and constitutional sense. It is not to be hampered with restrictions that would be fully warranted in the case of a less responsible organization. Great latitude is accorded Comelec in adopting means and methods to insure accomplishment of the great objective for which it was created - to

promote free, orderly and honest elections.[23] Comelec has the choice of means.[24] As we have said in *Uso Dan Aguam vs. Commission on Elections*, L-28955, May 28, 1968:

"By constitutional mandate, Comelec 'shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law.' The Constitution enjoins Comelec to 'decide, save those involving the right to vote, all administrative questions, affecting elections.' And, all of these are aimed at achieving an ideal: 'free, orderly, and honest elections.' Implementing the constitutional precept, Congress legislated in Section 3 of the Revised Election Code that, in addition to the powers and functions conferred by the Constitution, Comelec has 'direct and immediate supervision over the provincial, municipal, and city officials designated by law to perform duties relative to the conduct of elections.'"

The present case is not to be considered as within the coverage of our resolution in *Campos vs. Commission on Elections*, L-28439, December 29, 1967. The factual configuration in the *Campos* case will readily bring the present out of the reach of that resolution. In *Campos*, the Acting Provincial Fiscal, Bienvenido Reyes, was automatically entitled to sit in the board,[25] for the reason that he was the first assistant provincial fiscal. There was no regular Provincial Fiscal. Fiscal Reyes stepped into the shoes of the latter. So that in *Campos*, we declared that Fiscal Reyes was entitled to sit. Not so here. Fiscal Pichon would not qualify to act as City Fiscal in the absence of the regular City Fiscal for the reason that he is situated way below in the echelon of the assistant city fiscals. In this posture, Comelec had no alternative but to effect a substitution, as it was done here.

We rule, therefore, that the substitution of Acting City Fiscal Pichon by City Judge Vicente Calanog is proper.

2. But argument is here advanced that the proclamation made by the old board of canvassers on January 13, 1968 is null and void. It is said that the term of office of the elected city officials who by law are members thereof had expired, and, consequently, also their substitutes.

This argument dwindles in strength on the face of the fact that the board of canvassers is a body entirely different and distinct from the city council of Davao City. The board of canvassers is created for a specific purpose: canvass and proclamation, and no more. Its term of office does not coincide with the term of office of the officials concerned. It terminates as soon as its functions are finished. Only then does it adjourn sine die and thus become *functus officio*. [26] As a corollary thereto, it normally retains its authority as a board until it shall have completed its functions and accomplished its purposes. They may be public officers in another capacity. Yet they are never *functus officio* as election officers until they have totally discharged their duties. They cannot be disrobed until then. Public policy and interest prop up this position. For, they are agents of the State. They are purely and distinctly election officers. Thus, in *Aquino vs. Commission on Elections*, L-28392, January 29, 1968, this Court clarified the role of a city board of canvassers in the following language:

"The city board of canvassers is an entity that is entirely different and distinct from the city board or city council of a chartered city. Similarly, a provincial board of canvassers, or a municipal board of canvassers, is an entity entirely different and distinct from the provincial board of a province, or the municipal council of a municipality, as the case may be. While members of a city board (or city council), or a provincial board or of a municipal council, are members also of a city board of canvassers, or provincial board of canvassers, or of a municipal board of canvassers, as the case may be, they do not act in the board of canvassers in the capacity of city councilmen, or in the capacity of a member of the provincial board, or in the capacity of a member of a municipal council, but as election officials to perform functions specifically provided by law. The board of canvassers exist for a specific function - that is, to canvass the results of the election as shown in the election returns and to proclaim the winning candidates. Once this specific function had been performed the existence of the board of canvassers is ended and terminated."

The factual environment in the present case lends itself to the view just expressed. There is no question in our mind that were it not for the injunction issued by the Court of First Instance of Davao in Election Case 1571, petitioner could have been proclaimed with the nine other councilors on December 26, 1967. For, as early as the 18th of December, the canvass had been made. And, on December 19, the results of the canvassing were published. It would not seem out of context to say that petitioner's proclamation was merely suspended by the court action, and resumed when finally the decision came. Would it be reasonable to take the remaining task of pro-claiming but one of the so-many candidates for city elective officials out of this board, which task was after all performed by that board very shortly after the main proclamation? A sense of justice convinces us that this should not be done here.

The pronouncement in *Santos vs. Commission on Elections*, L-16413, January 26, 1960 - where the new members of the municipal council of Hagonoy, Bulacan, were directed to properly complete the canvass of the votes for Mayor (by canvassing the return in Precinct 7) - is out of focus here. There, the two boards of canvassers did not perform their duties properly. Not so here. More important is that in *Santos*, the legality of the constitution of the new board was never disputed by any party. Here, petitioner questions precisely the legality of the composition of the new board named by Comelec whose members - except for one - are the newly elected officials. We are thus called upon to squarely decide the problem. And we do so now.

We hold that the old city board of canvassers lawfully pro-claimed petitioner as 10th councilor-elect of Davao City.

3. More to this. The injustice that may visit upon petitioner by a change in the composition of the board of canvassers is easily discernible here. Let us take a look at the composition of the old board and the new board.

The old board, which proclaimed the City Mayor, the Vice-Mayor, and the nine councilors was composed of the following:

1. Dominador Zuño - City Councilor
2. Crispina Principe - City Councilor
3. Zacarias Solon - City Councilor
4. Pedro Sanvicente - City Superintendent of Schools
vice City Mayor
5. Samuel Dumlao - City Engineer vice City Vice Mayor
6. Vicente Albay - City Public Services Officer
vice City Councilor
7. Patrocinio Quitain - Register of Deeds vice City Councilor
8. Pablo Piatos - City Agriculturist vice City
Councilor
9. Vicente Calanog - City Judge vice City Fiscal
10. Barbara Pioquinto - Clerk of Court vice City Councilor
11. Isidro Palacio - Chief, City Fire Department
vice City Councilor

12. Amando Barbadillo - City Veterinarian vice City Councilor

13. Justiniano San Agustin - vice City Councilor

To be noted is that in this old board of canvassers, an over-whelming majority are substitutes who are career public officials named pursuant to Section 159 of the Revised Election Code; they are not card-carrying party members. They carry the presumption of being impartial.

Compare the old board to the new board created by Comelec in its February 7, 1968 resolution, as follows:

1. City Fiscal Raul Pichon - Chairman
2. City Mayor Elias Lopez - Member
3. Vice-Mayor Manuel Sotto - Member
4. Councilor Bonifacio Tamayo - Member
5. Councilor Domingo Vidanes - Member
6. Councilor Tomas Monteverde - Member
7. Councilor Benigno Bangoy - Member
8. Councilor Felicidad Santos - Member
9. Councilor Manuel Garcia - Member
10. Councilor Antonio Castillo - Member
11. Councilor Cornelio Maskariño - Member
12. Substitute member to be appointed
vice the 10th City Councilor - Member
13. Councilor Cipriano Villafuerte - Member

A radical change in the composition of the board is obvious. In the line-up of the new board, with the exception of Acting City Fiscal Raul B. Pichon, the chairman, there are six Nacionalistas, namely, Mayor Elias Lopez, and Councilors Tomas Monteverde, Jr., Felicidad Santos, Domingo Vidanes, Benigno Bangoy, and Bonifacio Tamayo. The five Liberals, as heretofore mentioned, are Vice-Mayor Manuel Sotto and Councilors Manuel Garcia, Cornelio Maskariño, Cipriano Villafuerte, and Antonio Castillo. The substitute for the 10th councilor has not yet been named. There is a precarious balance of power. That in all probability they will vote in the canvass and proclamation along party lines, is a state-ment that reflects the temper of the times. The act of the majority of the board during the February 19, 1968 canvass is, indeed, an outcropping of this inclination. The circumstances carry their own badge of unfairness to petitioner. He is at a distinct disadvantage. As to him, there is as of now adverse superiority in numbers. In deliberations where political fortunes are at stake, minority protes-tations have rung hollow. Power lends itself to misuse. This is a situation which should give pause to an impartial observer.

4. But if - as respondent Gaudioso M. Tiongco contends - the old board of canvassers was illegally constituted, then that body could not canvass and proclaim any candidate as duly elected. The proclamation of petitioner necessarily is null and void. And so also must the proclamation of all the other city elected officials of Davao City. On this assumption, these elected members of the new board cannot then lay claim to the position they are now holding; they are not entitled to be members of the new board of canvassers constituted by Comelec in its

February 7, 1968 resolution to canvass the votes for and proclaim the 10th councilor. Petitioner should not suffer from discrimination.

5. Viewed from a different direction, we believe that the intent and meaning imparted by Section 28 of the Revised Election Code support the proposition that the newly elected officials should not sit in the board.

Section 28 declares that any member of a municipal council "who is a candidate for office in any election, shall be incompetent to act in said body in the performance of the duties thereof relative to said election." If a mere candidate is disqualified, then we should say that one who had been elected as such candidate stands on no higher a level. Because, in the first instance, membership in the board of canvassers for a given election is mainly based on the political composition of the city officials, namely, the Mayor and the city council, with the City Fiscal to be excepted. The political complexion of the board may change after the election - as is the case here. And, prejudice to a candidate may result, as is the case with petitioner. That is good reason enough to say that the newly elected city officials in a given election are disqualified to act as members of the board of canvassers for any other elective city position in the same election. Since the eleven elected members of the new board heretofore mentioned are disqualified, there is no new board to speak of which may make the canvass of the votes and proclamation of the 10th Councilor. It is well to remember that a void proclamation is no proclamation at all.[27]

We accordingly hold that the new board named by Comelec's resolution of February 7, 1968 is illegally constituted and, therefore, cannot act as a city board of canvassers in the present case.

For the reasons given -

The resolutions of the Commission on Elections of February 7 and March 14, 1968 are hereby set aside and declared null and void;

The proclamation of petitioner as 10th councilor-elect of Davao City made by the board of canvassers on January 13, 1968 is hereby declared valid and in full force and effect; and

In consequence, the temporary restraining order issued herein is hereby made permanent.

Costs against respondent Gaudioso M. Tiongco.

SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., in the result.

[1] We treat this case as an original special civil action for certiorari. See par. XXI, petition; *Mutuc vs. Commission on Elections*, L-28517, February 21, 1968.

[2] See Omnibus Reply, p. 4.

[3] Entitled "Gaudioso M. Tiongco, Petitioner, vs. Pantaleon Pelayo, Jr., and the Board of Canvassers of the City of Davao, Respondents."

[4] Annex D of Petition, p. 3.

[5] See Annex D of Petition, p. 1; *David V. Pelayo vs. Commission on Elections*, L-28233, November 8, 1967.

[6] See Second Motion for Reconsideration, par. 2, Annex 1 of respondent Tiongco's Answer.

[7] Annex G-1, par. 4 (Supplemental Letter-Petition to Comelec).

- [8] Annex E of Petition.
- [9] Annex F of Petition.
- [10] Annex 6 of respondent Tiongco's Answer.
- [11] Annex G of Petition.
- [12] Annex G-1 of Petition.
- [13] Comelec's Case Extra-7.
- [14] Annexes E and E-1 of Annex G of Petition.
- [15] Annex G of Petition, pp. 5-6.
- [16] Comelec's Answer herein, par. 9; Tiongco's Answer, par. 10.
- [17] Comelec's Answer, par. 10.
- [18] Annex 1 of Comelec's Answer.
- [19] Annex A of Omnibus Reply.
- [20] Section 19, Article IV, Revised Charter of the City of Davao.
- [21] See Manifestation filed on April 26, 1968 by respondents Manuel C. Sotto, Manuel M. Garcia, Cornelio P. Maskariño, Cipriano Villafuerte, Jr., and Antonio S. Castillo.
- [22] Section 11, Article III, Revised Charter of the City of Davao.
- [23] Sumulong vs. Commission on Elections, 72 Phil. 278, 294-295. See Zaldivar vs. Estenzo, L-26065, May 3, 1968; Espino vs. Zaldivar, 1967D Phild. 670, 689; Estrada vs. Navarro, 1967D Phild. 929, 937 (Concurring Opinion); Cauton vs. Commission on Elections, 1967B Phild. 248, 255-256.
- [24] Cauton vs. Commission on Elections, *supra*.
- [25] Section 158, Revised Election Code; Espino vs. Zaldivar, *supra* at pp. 685-686.
- [26] Bautista vs. Fugoso, 60 Phil. 383, 389.
- [27] *Uso Dan Aguam vs. Commission on Elections*, *supra*; *Mutuc vs. Commission on Elections*, L-28517, February 21, 1968, citing *Demafiles vs. Commission on Elections*, L-28396, December 29, 1967.

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