

BENJAMIN MASANGCAY, PETITIONER, VS. THE COMMISSION ON ELECTIONS, RESPONDENT.*G.R. No. L-13827. September 28, 1962*

Ponente: BAUTISTA ANGELO, J.

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Benjamin Masangcay, with several others, was on October 14, 1957 charged before the Commission on Elections with contempt for having opened three boxes bearing serial numbers 1-8071, 1-8072 and 1-8073 containing official and sample ballots for the municipalities of the province of Aklan, in violation of the instructions of said Commission embodied in its resolution promulgated on September 2, 1957, and its unnumbered resolution dated March 5, 1957, inasmuch as he opened said boxes not in the presence of the division superintendent of schools of Aklan, the provincial auditor, and the authorized representatives of the Nacionalista Party, the Liberal Party and the Citizens' Party, as required in the aforesaid resolutions, which are punishable under Section 5 of the Revised Election Code and Rule 64 of the Rules of Court. Masangcay was then the provincial treasurer of Aklan designated by the Commission in its resolution in Case CE-No. 270, part II 2 (b) thereof, to take charge of the receipt and custody of the official ballots, election forms and supplies, as well as of their distribution, among the different municipalities of the province.

In compliance with the summons issued to Masangcay and his co-respondents to appear and show cause why they should not be punished for contempt on the basis of the aforementioned charge, they all appeared before the Commission on October 21, 1957 and entered a plea of not guilty. Thereupon, evidence was presented by both the prosecution and the defense, and on December 16, 1957 the Commission rendered its decision finding Masangcay and his co-respondent Molo guilty as charged and sentencing each of them to suffer three months imprisonment and pay a fine of P500, with subsidiary imprisonment of two months in case of insolvency, to be served in the provincial jail of Aklan. The other respondents were exonerated for lack of evidence.

Masangcay brought the present petition for review raising as main issue the constitutionality of Section 5 of the Revised Election Code which grants the Commission on Elections as well as its members the power to punish acts of contempt against said body under the same procedure and with the same penalties provided for in Rule 64 of the Rules of Court in that the portion of said section which grants to the Commission and members the power to punish for contempt is unconstitutional for it infringes the principle underlying the separation of powers that exists among the three departments of our constitutional form of government. In other words, it is contended that, even if petitioner can be held guilty of the act of contempt charged, the decision is null and void for lack of valid power on the part of the Commission to impose such disciplinary penalty under the principle of separation of powers.

There is merit in the contention that the Commission on Elections lacks power to impose the disciplinary penalty meted out to petitioner in the decision subject of review. We had occasion to stress in the case of *Guevara vs. The Commission on Elections*[1] that under the law and the constitution, the Commission on Elections has not only the duty to enforce and administer all laws relative to the conduct of elections, but also the power to try, hear and

decide any controversy that may be submitted to it in connection with the elections. In this sense, we said, the Commission, although it cannot be classified as a court of justice within the meaning of the Constitution (Section 30, Article VIII), for it is merely an administrative body, may however exercise quasi-judicial functions insofar as controversies that by express provision of law come under its jurisdiction. The difficulty lies in drawing the demarcation line between the duty which inherently is administrative in character and a function which calls for the exercise of the quasijudicial function of the Commission. In the same case, we also expressed the view that when the Commission exercises a ministerial function it cannot exercise the power to punish for contempt because such power is inherently judicial in nature, as can be clearly gleaned from the following doctrine we laid down therein:

"* * * In proceeding on this matter, it only discharged a ministerial duty; it did not exercise any judicial function. Such being the case, it could not exercise the power to punish for contempt as postulated in the law, for such power is inherently judicial in nature. As this Court has aptly said: 'The power to punish for contempt is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of judgments, orders and mandates of courts, and, consequently, in the administration of justice' (Slade Perkins vs. Director of Prisons, 58 Phil., 271; U.S. vs. Loo Hoe, 36 Phil, 867; In Re Sotto, 46 Off. Gaz., 2570; In Re Kelly, 35 Phil., 944). The exercise of this power has always been regarded as a necessary incident and attribute of courts (Slade Perkins vs. Director of Prisons, Ibid.). Its exercise by administrative bodies has been invariably limited to making effective the power to elicit testimony (People vs. Swena, 296 P., 271). And the exercise of that power by an administrative body in furtherance of its administrative function has been held invalid (Langenberg vs. Lecker, 31 N.E., 190; In Re Sims, 37 P., 135; Roberts vs. Hacney, 58 S.W., 810)."

In the instant case, the resolutions which the Commission tried to enforce and for whose violation the charge for contempt was filed against petitioner Masangcay merely call for the exercise of an administrative or ministerial function for they merely concern the procedure to be followed in the distribution of ballots and other election paraphernalia among the different municipalities. In fact, Masangcay, who as provincial treasurer of Aklan was the one designated to take charge of the receipt, custody and distribution of election supplies in that province, was charged with having opened three boxes containing official ballots for distribution among several municipalities in violation of the instructions of the Commission which enjoin that the same cannot be opened except in the presence of the division superintendent of schools, the provincial auditor, and the authorized representatives of the Nacionalista Party, the Liberal Party, and the Citizens' Party, for he ordered their opening and distribution not in accordance with the manner and procedure laid down in said resolutions. And because of such violation he was dealt as for contempt of the Commission and was sentenced accordingly. In this sense, the Commission has exceeded its jurisdiction in punishing him for contempt, and so its decision is null and void.

Having reached the foregoing conclusion, we deem it unnecessary to pass on the question of constitutionality raised by petitioner with regard to the portion of Section 5 of the Revised Election Code which confers upon the Commission on Elections the power to punish for contempt for acts provided for in Rule 64 of our Rules of Court.

Wherefore, the decision appealed from insofar as petitioner Benjamin Masangcay is concerned, as well as the resolution denying petitioner's motion for reconsideration, insofar as it concerns him, are hereby reversed, without pronouncement as to costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] 104 Phil., 268; 55 Off. Gaz. (6) 1013.

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