

FRANCO L. LOYOLA, PETITIONER, VS. THE HONORABLE HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL AND RENATO DRAGON, RESPONDENTS.

G.R. No. 109026. January 04, 1994

Ponente: NOCON, J.

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NOCON, J.:

The sole issue presented for resolution in this petition for certiorari is whether or not an entry of general denial in election cases is equivalent to an admission of all the allegations in the protest.

On August 25, 1992, petitioner as candidate for representative of the Second District of Cavite during the May 11, 1992 elections filed an electoral protest before public respondent House of Representatives Electoral Tribunal (HRET) against proclaimed elected Congressman Renato Dragon, private respondent herein.

On September 28, 1992, private respondent filed a motion praying that he be given an extension until October 12, 1992 within which to file his answer. His motion was denied by public respondent HRET in its Resolution No. 92-017 dated October 2, 1992, which reads as follows:

“Protestee Dragon's Motion for Extension of time to file his answer, dated September 23, 1992 is DENIED in view of the provision of Rule 26 of the Revised Rules of this Tribunal prohibiting such extension.”[1]

On October 14, 1992, private respondent nonetheless filed his answer, which was not, however, admitted by public respondent HRET per Resolution No. 92-030 dated October 22, 1992, which reads as follows:

“The Tribunal is in receipt of an Answer from Protestee Renato P. Dragon filed by mail on October 14, 1992.

“The records of this case show that Protestee Dragon was served with summons with copy of the Protest on September 18, 1992. On September 28, 1992, he filed a Motion praying that he be given an extension until October 2, 1992 within which to file his Answer. His Motion was denied by the Tribunal in its Resolution of October 1, 1992 pursuant to Rule 26 of the Revised Rules of the HRET. Protestee Dragon filed his Answer on October 14, 1992.

“Having been filed beyond the period to answer provided in Rule 22 of the Revised Rules of this Tribunal, Protestee's Answer is NOT ADMITTED. Let a general denial be deemed entered for the Protestee.”[2]

On February 5, 1993, petitioner filed an undated Omnibus Motion stating that since a general denial had been entered for herein private respondent, he is deemed to have admitted all the allegations in the protest and praying that public respondent issue a decision disqualifying private respondent as representative of the second district of Cavite and declaring him (Petitioner) duly elected representative of the said district.

On February 12, 1993, public respondent HRET denied petitioner's Omnibus Motion per Resolution No. 93-033, the dispositive portion of which reads as follows:

“WHEREFORE, Protestant's Omnibus Motion is DENIED. Let this case be set for a preliminary conference to

fix the date/dates for the presentation of Protestant's evidence before Atty. Federico U. Cruz, who is hereby designated Hearing Commissioner, for this case.”[3]

Hence, this petition.

Rule 27, Revised Rules of the House of Representatives Electoral Tribunal, provides:

“Rule 27. Failure to Answer; Effect - If no answer is filed to the protest, counter-protest or petition for quo warranto within the time limit fixed, a general denial shall be deemed to have been entered.”

Petitioner advances the theory that by the entry of general denial due to the failure of the respondent protestee to file his answer within the period allowed in the Rules of the Tribunal, he is deemed to have admitted the material allegations in the complaint. As a consequence, protestee is precluded from presenting his evidence and the court may then render judgment based on protestant's complaint and declare the latter duly elected Congressman of the 2nd District of Cavite.

Petitioner does not accept the applicability of the *Ibasco v. Ila* case[4] cited by public respondent HRET in support of its denial of petitioner's Omnibus Motion, contending that the electoral protest in said case pertained to the election of the mayor of Mercedes, Camarines Norte, decided by a regular court on the basis of the election code at that time. In contrast, petitioner argues that the present case involves an electoral protest involving the position of representative, 2nd District of Cavite, before the House of Representatives Electoral Tribunal where its rules of procedure provide for speedy disposition of electoral cases. He cites several HRET Revised Rules of Procedure which are indicative of the tribunal's thrust to expedite disposition of electoral cases before it to the extent of completely disregarding the public interest nature of said cases. He concludes that the underlying reason for this Court's ruling in the *Ibasco* case on the effects of a general denial in the realm of election contest may have already been abandoned.

We disagree. The interpretation of a general denial as entered against private respondent by public respondent HRET for failure of the former to file an answer on time as required by the Revised Rules of the HRET is well-settled. A general denial is one which puts in issue all the material averments of the complaint or petition, and permits the defendant to prove any and all facts which tend to negative those averments or some one or all of them.[5] As early as the case of *Karagdag v. Barado*,[6] this Court held that under a general denial, the defendant is permitted to present any evidence which disproves, or tends to disprove, any of the allegations in the complaint. He cannot, however, present evidence to prove any affirmative defense as no rule is better settled in pleading and practice than that neither party can prove facts which he has not alleged, if objection is properly made.

Applying the foregoing concept in election cases, this Court interpreted "general denial" in Section 176(e) of the Revised Election Code, a provision similar to Rule 27 of the HRET Revised Rules, in this wise:

“x x x In other words, a general denial puts in issue the material allegation of the complaint, and consequently, under such denial the protestee may present evidence which may disprove said allegation. But he cannot present evidence to prove any affirmative defense (Francisco, *How to Try Election Cases*, p. 136). It is in this sense that the terms 'general denial' should be understood in election cases, for to give it a different meaning would render the provisions of Section 176(e) nugatory and meaningless; that phrase would be purposeless if we were to hold that by 'general denial' protestee would be deemed to have admitted all the material allegations of the protest.”[7]

Petitioner has erroneously perceived that the HRET Revised Rules have adopted a policy to render judgment based merely on the pleadings in election cases. He enumerates several HRET Revised Rules as showing said prevailing intent.

Rule 21 on summary dismissal of election contest enumerating herein the instances when the protestee or respondent need not answer;[8] Rule 28 on amendments limiting the period when substantial amendments shall be allowed;[9] Rule 33 on effect of failure to make cash deposit within the prescribed time limit;[10] Rule 59 on the time limit for presentation of evidence;[11] and Rule 60 on the effect of evidence not formally presented;[12] all explicitly and completely disregarded the public interest nature of election cases, according to petitioner. The reason for the said rules being to expedite disposition of electoral cases before the tribunal, the effect of general denial should accordingly be interpreted as an admission of the material allegations otherwise there will be delay in the disposition of election cases.

No doubt, the cited rules reveal a prevailing intent to ensure that election cases be expeditiously settled. But nothing in the said rules show the legislative intent to decide cases without hearing and on the basis merely of pleadings. Election cases, though summary in nature, must follow the prescribed Rules of the Tribunal. The rules clearly provide that general denial shall be deemed to have been entered. Were it the intent of the framers of the said Rules to do away with a hearing when protestee fails to file an answer within the time prescribed, it should have stated so in clear and unequivocal terms.

Petitioner cites noted author and former Senator Jovito R. Salonga in his book, *Philippine Law of Evidence*, 1958 Ed., page 127 that:

"As a general proposition, therefore, where a material averment is not specifically denied, it is admitted to be true for purposes of the action and the plaintiff need not prove the truth of such allegations."

Petitioner forgets that the Rules of Court do not recognize the general denial.[13] Section 10, Rule 8 requires specific denial, i.e., defendant must specify each material allegation of fact the truth of which he does not admit and, whenever practicable, shall set forth the substance of the matters which he will rely upon to support his denial. Since specific denial is required, there is no question that any material averment not specifically denied is admitted to be true and need not be proved.

However, the issue at hand is the interpretation of the HRET Revised Rules where general denial is undoubtedly recognized and allowed. As a rule, except where specific denials are required, a general denial is sufficient, and denies all the material allegations of the pleading to which it is addressed.[14] In other words, a general denial traverses all material averments of the pleading. It gives to the defendant the same right to require the plaintiff to establish by proof all the material facts necessary to his cause of action. It does not amount to an admission of the material allegations in the protest. Consequently, trial must follow.

Contrary to petitioner's opinion, the Ibasco doctrine, although enunciated more than thirty (30) years ago, evinces a sound principle that is still applicable under the present set of rules in the House of Representatives Electoral Tribunal. It represents a legal wisdom postulated on the basis of the fundamental principle that technicalities or procedural barriers should not be allowed to stand if the same would tend to defeat rather than promote the interest of justice. In *Tatlonghari v. COMELEC*,[15] this Court has again reminded all and sundry that the law governing electoral contests must be liberally construed to the end that the will of the people may not be defeated. This primordial policy to ascertain the will of the people is evident in the constitutional mandate that "Sovereignty resides in the people and all government authority emanates from them." [16]

WHEREFORE, the instant petition for certiorari is hereby DISMISSED for lack of merit.

SO ORDERED.

Padilla, Romero, Bellosillo, Melo, Quiason, Puno, and Vitug, JJ., concur.
Narvasa, C.J., Cruz, Feliciano, Bidin, Regalado, and Davide, Jr., JJ., no part.

[1] Rollo, p. 3.

[2] Ibid.

[3] Ibid., p. 23.

[4] 110 Phil. 553.

[5] *Maulin v. Ball*, 1 P. 409, 411, 5 Mont. 96, cited in *Words and Phrases*, "General Denial."

[6] 33 Phil. 529.

[7] *Ibasco v. Ilao*, *supra*.

[8] Rule 21. Summary Dismissal of Election Contest. - An election protest or petition for quo warranto may be summarily dismissed by the Tribunal without the necessity for requiring the protestee or respondent to answer if, *inter alia*:

“(1) The petition is insufficient in form and substance;

“(2) The petition is filed beyond the period provided in Rules 16 and 17 hereof;

“(3) The filing fee is not paid within the period provided for filing the protest or petition for quo warranto;

“(4) The cash deposit or the first P50,000.00 thereof, is not paid within ten (10) days after the filing of the protest; and

“(5) The petition or copies thereof and the annexes thereto filed with the Tribunal are not clearly legible.

[9] “Rule 28. Amendments; Litigations. - After the expiration of the period for the filing of the protest, counter-protest or petition for quo warranto, substantial amendments which broaden the scope of the action or introduce an additional cause of action shall not be allowed. Any amendment in matters of form may be admitted at any stage of the proceedings. “When the Tribunal admits an amended petition, it shall require the other party to answer the same within ten (10) days from service of a copy of the amended petition and the resolution admitting the same.

[10] “Rule 33. Effect of Failure to Make Cash Deposit. - If a party fails to make the cash deposits or additional deposits herein provided within the prescribed time limit, the Tribunal may dismiss the protest, counter-protest, or petition for quo warranto, or take such action as it may deem equitable under the circumstances.

[11] “Rule 59. Time Limit for Presentation of Evidence. - Each party is given a period of thirty (30) working days to complete the presentation of his evidence, including the formal offer thereof. This period shall begin to run from the first date set for the presentation of the party's evidence, either before the Tribunal or before a Hearing Commissioner. Once commenced, presentation of the evidence-in-chief shall continue every working day until completed or until the period granted for such purpose is exhausted.

“The hearing for any particular day or days may be postponed or cancelled upon the request of the party presenting evidence. The delay caused by such postponement or cancellation shall be charged to his period for

presenting evidence.

“The following shall not be charged against the period allotted to either party:

“(1) The period when the presentation of the party's evidence is suspended by order of the Tribunal or the Hearing Commissioner by reason of the pendency of a prejudicial question which should first be resolved before the hearing can continue.

“(2) The time taken up in the cross-examination of his witnesses by the other party.

“A party may present rebuttal or sur-rebuttal evidence during the remainder of the thirty (30) day period that he has not utilized for the presentation of his evidence-in-chief.

[12] “Rule 60. Evidence Not Formally Presented. - Evidence not formally presented shall be deemed waived and shall not be considered by the Tribunal in deciding the case.”

[13] Francisco, Vicente, J., The Revised Rules of Court in the Philippines, Annotated and Commented, Vol. 1, p. 598.

[14] 71 C.J.S., “Pleading” 147.

[15] G.R. No. 86645, 199 SCRA 849 (1991).

[16] Section 1, Article II, Constitution.

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