

ALFREDO GUIEB, PETITIONER, VS. HON. LUIS M. FONTANILLA, IN HIS CAPACITY AS THE PRESIDING JUDGE OF THE RTC, BRANCH 42, DAGUPAN CITY, AND MANUEL ASUNCION, RESPONDENTS.

G.R. No. 118118. August 14, 1995

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

Revealed in this case is the parties' and the lower court judges' unfamiliarity with or ignorance of the constitutional provision on the appellate jurisdiction of the Commission on Elections (COMELEC) in election contests involving elective barangay officials and of the decision of this Court declaring unconstitutional a provision of law vesting upon Regional Trial Courts appellate jurisdiction over the said cases.

We find it unnecessary to resolve the issue raised by the petitioner, viz., whether or not a vote for a candidate for an office to which he did not seek to be elected is valid. We shall, instead, deal with the validity of the challenged decision.

The antecedents are uncomplicated and uncontroverted.

The petitioner and the private respondent were candidates for the position of Punong Barangay of Barangay Nilombot, Sta. Barbara, Pangasinan, in the barangay election of 9 May 1994. After the canvass of votes in the said barangay, the former was proclaimed as the winning candidate. The latter then seasonably filed an election protest with the Municipal Trial Court (MTC) of Sta. Barbara, Pangasinan.

On 27 May 1994, the MTC, per Judge Lilia C. Español, rendered a decision confirming the proclamation of the petitioner and dismissing the protest of the private respondent.[1]

The private respondent appealed the decision to the Regional Trial Court (RTC) of Dagupan City. The case was assigned to Branch 42 thereof.

In its decision[2] of 31 August 1994, the RTC, per respondent Judge Luis M. Fontanilla, reversed the decision of the MTC, annulled the proclamation of the petitioner, and declared the private respondent as the winning candidate with a plurality of four votes over the petitioner.

After the petitioner's motion for reconsideration[3] of the decision was denied[4] on 25 November 1994, the private respondent immediately filed a motion for the issuance of a writ of execution.

In its order of 8 December 1994,[5] the RTC declared that the motion should be properly filed with the court of origin and that the decision of 31 August 1994 had already become final; it then ordered the remand of the records of the case to the MTC of Sta. Barbara, Pangasinan, for proper disposition.

On 12 December 1994, the petitioner filed with this Court a motion for extension of time to file a petition for review on certiorari. On 29 December 1994, he sent by registered mail his petition, which this Court received only on 25 January 1995. It turned out, however, that his motion for extension of time to file a petition had already

been denied on 4 January 1995 for his failure to submit an affidavit of service of that motion. On 8 February 1995, he filed a motion for the reconsideration of the denial.

Meanwhile, on 20 December 1994, the private respondent filed with the MTC a motion for the issuance of a writ of execution.[6]

In its order of 19 January 1995, the MTC deferred action on the said motion and required the petitioner's counsel to inform the court of the status of his petition with this Court.[7] For failure of the petitioner's counsel to comply with the said order, the court issued an order on 7 February 1995[8] granting the issuance of a writ of execution. On 13 February 1995, however, the court received the said counsel's Compliance dated 9 February 1995[9] wherein he informed the court of the petitioner's motion to reconsider this Court's resolution denying the motion for extension of time to file his petition.

In the resolution of 8 February 1995, this Court required the respondent to comment on the petition.

On 16 February 1995, the petitioner filed with the MTC an Urgent Motion to Stay and/or Suspend Execution.[10] This motion was, however, denied[11] on the ground that the writ, having been hand-carried by the private respondent to the office of the sheriff, must have already been implemented and, therefore, the motion to stay or suspend the same has become moot and academic.

On 20 March 1995, the sheriff returned the writ of execution with the information that in the presence of a barangay kagawad and barangay residents, he enforced the writ and proclaimed the private respondent as Punong Barangay of Barangay Nilombot, Sta. Barbara, Pangasinan.[12]

In view of the issue involved, we resolved to give due course to the petition.

The RTC had absolutely no jurisdiction over the appeal interposed by the private respondent from the decision of the MTC.

Under paragraph (2), Section 2, subdivision C, Article IX of the Constitution,[13] it is the COMELEC, and not the Regional Trial Courts, that has exclusive jurisdiction over all contests involving elective barangay officials decided by courts of limited jurisdiction, which are the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts.[14] In *Flores vs. Commission on Elections*,[15] this Court struck out as unconstitutional that portion of Section 9 of R.A. No. 6679 vesting upon the Regional Trial Courts appellate jurisdiction over such cases.

The private respondent should have appealed the decision of the MTC to the COMELEC; the MTC should not have given due course to the appeal; and the RTC should have dismissed outright the appeal for want of jurisdiction.

In accepting the appeal and deciding the case on its merits, the respondent judge manifested either ignorance or palpable disregard of the aforesaid constitutional provision and decision. It must be noted that a judge is presumed to know the constitutional limits of the authority or jurisdiction of his court. He is called upon to exhibit more than just a cursory acquaintance with the laws and procedural laws; it is imperative that he be conversant with basic legal principles.[16] Canon 4 of the Canons of Judicial Ethics requires that a judge should be "studious of the principles of the law." Thus, if the respondent judge were only aware of the aforementioned constitutional provision and decision, he would have cut short the journey of a very simple case and put an end to the litigation. What this Court stated in *Aducayen vs. Flores*[17] deserves reiteration:

Nor is this all that has to be said. There is need, it does seem, to caution anew judges of inferior courts, which according to the Constitution refer to all those outside this Tribunal, to exercise greater care in the discharge of

their judicial functions. They are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules. Moreover, while it becomes hourly difficult to keep abreast of our ever-increasing decisions, a modicum of effort should be exerted by them not to lag too far behind. Nor is it too much to expect that they betray awareness of well-settled and authoritative doctrines. If such were the case, then resort to us would be less frequent. That way our time could be devoted to questions of greater significance. Not only that, there would be on the part of party litigants less expense and greater faith in the administration of justice if there be a belief on their part that the occupants of the bench cannot justly be accused of an apparent deficiency in their grasp of legal principles. Such an indictment unfortunately cannot just be dismissed as a manifestation of chronic fault-finding. The situation thus calls for a more conscientious and diligent approach to the discharge of judicial functions to avoid the imputation that there is on the part of a number of judges less than full and adequate comprehension of the law.

WHEREFORE, the instant petition is GRANTED. The challenged decision of 31 August 1994 of Branch 42 of the Regional Trial Court of Dagupan City and its order of 25 November 1994 denying the petitioner's motion for reconsideration are hereby SET ASIDE and ANNULLED for lack of jurisdiction on the part of the said court to entertain and decide the appeal. The decision of 27 May 1994 of the Municipal Trial Court of Sta. Barbara, Pangasinan, is hereby declared final for failure of the private respondent to appeal the same before the proper forum, and the writ of execution to enforce the decision of the Regional Trial Court is hereby SET ASIDE and ANNULLED.

Costs against the private respondent.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Annex "1" of Comment; Rollo, 91.

[2] Annex "2," Id.; Id., 95.

[3] Annex "3," Id.; Id., 102.

[4] Annex "5," Id.; Id., 113.

[5] Annex "6" of Comment; Rollo, 117.

[6] Annex "9," Id.; Id., 122.

[7] Annex "10," Id.; Id., 123.

[8] Annex "11," Id.; Id., 124.

[9] Annex "14" of Comment; Rollo, 127.

[10] Annex "16," Id.; Id., 133.

[11] Annex "17," Id.; Id., 135.

[12] Annex "13," Id.; Id., 126.

[13] It provides:

SEC. 2. The Commission on Elections shall exercise the following powers and functions:

x x x

(2) Exercise exclusive ... appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

[14] Record of the Constitutional Commission, vol. 1, 644.

[15] 184 SCRA 484 [1990].

[16] Estoya vs. Abraham-Singson, 237 SCRA 1 [1994], citing several cases.

[17] 51 SCRA 78, 83 [1973].

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