

CLASICO TAJANLANGIT ET AL., PROTESTANTS AND APPELLEES, VS. MIGUEL PESARANDA ET AL., PROTESTEES AND APPELLANTS.

G.R. No. 12275. November 17, 1917

Ponente: JOHNSON, J.

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JOHNSON, J.:

The first question presented by this record is whether or not an appeal lies to the Supreme Court from the decision of the Court of First Instance, rendered in an election protest or contest growing out of an election for municipal officers.

The important facts for a solution of that question are not disputed and may be stated as follows: That on the 6th day of June, 1916, an election was held in the municipality of Miagao, of the Province of Iloilo, for the purpose of electing officers for said municipality; that at said election candidates were voted for, for the office of president, vice president and councilmen for said municipality; that on the 7th day of June, 1916, the municipal board of canvassers duly published the canvass of said election, and declared that the said protestees and appellants had received a majority of the legal votes cast at said election; that on the 20th day of June, 1916, said protestants duly filed a protest in the Court of First Instance of Iloilo, alleging that a number of votes had been irregularly procured by the pratestees by pecuniary and other illegal consideration; that on the 5th day of July, 1916, said protestees and appellants duly answered said protest, admitting some of the facts set out in the protest and denying others; that upon the issue presented by said protest and answer in each of said causes above noted the same were brought on for trial in the Court of First Instance and were, by agreement of the parties, consolidated; that commissioners were appointed to make a recount of the ballots; that said commissioners recounted said ballots and rendered their report to the Court of First Instance on the 10th day of July, 1916; that on the 22d day of August, 1916, the judge of the Court of First Instance rendered a decision in all of said causes and ordered the municipal board of canvassers (the municipal council) of said municipality to substitute the figures given in said decision for the return originally made by said board of canvassers, with costs against the protestees; that the result arrived at by the judge of the Court of First Instance resulted in the election of each and all of said protestants.

From that judgment and order the said protestees appealed to this court.

Section 27 of Act No. 1582, as amended by section 2 of Act No. 2170, as found in section 576 of Act No. 2657 (Administrative Code), provides that:

"Contested election to office in general.—Contests in all elections for the determination of which provision has not been made otherwise shall be heard by the Court of First Instance having jurisdiction in the judicial district in which the election was held, upon motion by any candidate voted for at such election. The contests shall be filed with the court within two weeks after the election and shall be decided by the same as soon as possible after the hearing of the contest. Such court shall have exclusive and final jurisdiction except as hereinafter provided, and shall forthwith cause the registration lists and all ballots used at such election to be brought before it and examined, and to appoint the necessary officers therefor and to fix their compensation which shall be payable in

the first instance out of the provincial treasury, and to issue its mandamus directed to the board of canvassers to correct its canvass in accordance with the facts as found."

It will be noted that said quoted section provides that "such court (Court of First Instance) shall have exclusive and final jurisdiction, except as hereinafter provided." Section 575 (Administrative Code) provides a method for settling election protests for members of the Philippine Assembly. Section 577 expressly provides for an appeal to the Supreme Court from any final decision rendered by the Court of First Instance on contests of elections for provincial governors. But there is no provision permitting an appeal from the decision of the Court of First Instance in an election protest involving a municipal election for municipal officers. In view of the fact that no provision for an appeal is made in such cases, and considering the above quoted provisions of said section 576, does an appeal lie to the Supreme Court in such cases ?

The appellants rely upon the decision of this court in the case of *McGirr vs. Hamilton and Abreu* (30 Phil. Rep., 563).

In the case of *McGirr vs. Hamilton*, supra, it was held that the right of an appeal to the Supreme Court in a civil action originally commenced in the court of the justice of the peace still existed notwithstanding the provisions of section 16 of Act No. 1627, for the reason that prior to said Act (No. 1627) the Supreme Court had jurisdiction of appeals in such cases, and that by reason of the provisions of section 9 of the Act of Congress of July 1, 1902, the Legislature could not deprive it of such jurisdiction. (*Barrameda vs. Moir*, 25 Phil. Rep., 44.)

Section 9 of the Act of Congress of July 1, 1902, provided, in part:

"That the Supreme Court and the Courts of First Instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the Government of said Islands."

It will be noted by said quoted provision that Congress provided that the Supreme Court and the Courts of First Instance should possess and should continue to exercise the jurisdiction theretofore given said courts. Congress evidently intended that the jurisdiction of said courts which they exercised on the 1st day of July, 1902, should not be diminished—that they should not be deprived of the jurisdiction which they then exercised. It will also be noted from said quoted section that additional jurisdiction might be given said courts. On the 1st day of July, 1902, neither the Supreme Court nor the Courts of First Instance of the Philippine Islands had been given jurisdiction over election contests. That being true, the Legislature, when it adopted the Election Law and provided for election contests, might have created a special tribunal for the purpose of hearing and determining the contests provided for in said Election Law. An examination of the Election Law (Act No. 1582, as amended by Act No. 2170, as found in Act No. 2657) shows that in certain election contests the Assembly itself is left to decide the same, while in others the Courts of First Instance have original jurisdiction with a right of an appeal to the Supreme Court. But with reference to appeals from election contests growing out of municipal elections the exclusive and final jurisdiction was given to the Courts of First Instance, without providing for an appeal. The jurisdiction which the Legislature gave to the courts with reference to election contests was a jurisdiction given to the courts after the Act of Congress of July 1, 1902. The provisions, therefore, of said Act (July 1, 1902) have not been violated. Said Act of Congress prohibited a diminution of the jurisdiction of said courts, but, at the same time, permitted the Legislature of the Philippine Islands to increase their jurisdiction. In the case of election contests growing out of elections for the office of provincial governor the Legislature increased the jurisdiction of the Courts of First Instance as well as that of the Supreme Court. In contests growing out of an election for municipal officers they limited the increase of jurisdiction to the Courts of First Instance. Neither can it be successfully contended that the Legislature intended to confer appellate jurisdiction upon the Supreme Court in

cases of election contests growing out of municipal elections, for the reason that the language of the law (Section 576, Administrative Code) expressly limits said jurisdiction exclusively and finally to the Courts of First Instance. The fact that the Legislature expressly provided for an appeal to the Supreme Court in election contests involving the elections of provincial governors and expressly prohibited the appeal in contests growing out of elections of municipal officers is proof positive that the Legislature neither overlooked the question of the right of an appeal in the second case, nor intended that the law should be interpreted so as to give the right of an appeal in such a case.

In the interpretation of statutes the courts should give them the meaning and effect which the Legislature intended, and that meaning and effect must be given unless it is in conflict with the organic law of the land. The question of the validity of every statute is first determined by the legislative department of the Government, and the courts will resolve every presumption in its favor. Courts are not justified in giving a statute a meaning different from that which is clearly expressed by the Legislature. The wisdom or advisability of a particular statute is not a question for the courts to determine. If a particular statute is within the constitutional powers of the Legislature to enact, it should be sustained whether the courts agree or not in the wisdom of its enactment. If the statute covers subjects not authorized by the fundamental laws of the land, or by the Constitution, then the courts are not only authorized but are justified in pronouncing the same illegal and void, no matter how wise and beneficent such legislation may seem to be. Courts are not justified in measuring their opinions with the opinion of the legislative department of the Government, as expressed in statutes, upon the question of the wisdom, justice and advisability of a particular law. (Case vs. Board of Health of Manila, and Heiser, 24 Phil. Rep., 250.)

In the absence of some inhibition, statutory or constitutional, against the legislative department, the courts have no right to dictate what law shall be adopted by that department of the Government, and what laws shall not be adopted, so long as a well defined public policy or organic law is not violated. (U. S. vs. Joson, 26 Phil. Rep., 1, 64; U. S. vs. Gomez Jesus, 31 Phil. Rep., 218.)

Considering, therefore, (a) that neither the Supreme Court nor the Courts of First Instance had jurisdiction to consider election contests prior to the 1st of July, 1902; and (b) that the Legislature was fully authorized to confer upon the Supreme Court and the Courts of First Instance additional jurisdiction; and (c) that the Legislature, in the exercise of its legislative functions, gave to the Courts of First Instance exclusive and final jurisdiction over election contests growing out of municipal elections, we are of the opinion and so hold that the Supreme Court is without jurisdiction to consider an appeal from a judgment of the Court of First Instance in such cases. And without discussing the other assignments of error, nor the similar provisions of the Jones Law to the provisions of the Act of July 1, 1902, it is here"by ordered and decreed that the appeal be dismissed. And without any finding as to costs in this instance, it is so ordered.

Arellano, C. J., Torres, Carson, Araullo, Street, and Malcolm, JJ., concur.

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