

JUAN DE LA CRUZ, PETITIONER, VS. BARTOLOME REVILLA, JUDGE, AND PROCESO BUSTOS, RESPONDENTS.

G.R. No. 15729. October 02, 1919

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-15729/>

JOHNSON, J.:

This is an original action presented in the Supreme Court for the writ of mandamus. The facts upon which it is based may be stated as follows:

That an election was held in the municipality of Macabebe, Province of Pampanga, on the 3d day of June, 1919, for the purpose of electing a municipal president and other municipal officers; that on the 7th day of June, the municipal council of said municipality, acting as a board of canvassers, after a canvass of the votes cast at said election, proclaimed that Proceso Bustos had been duly elected as president; that on or about the 16th day of June, 1919, the petitioner herein presented a protest in the Court of First Instance against said election; that on the 16th day of July, 1919, said protest was called for trial; that before the beginning of the trial the protestee, Proceso Bustos, presented a motion in writing, praying for the dismissal of said protest upon the ground that the facts contained in said motion of protest were not sufficient to constitute a cause of action; that upon a consideration of said motion and after hearing the arguments of the respective parties, the respondent judge in the present action granted said motion and dismissed said motion of protest. Whereupon, on the 18th day of August, the petitioner presented the present petition in this court.

To the petition presented in this court the respondents demurred upon the ground that the facts stated in the petition were not sufficient to justify this court in granting the writ of mandamus prayed for.

Upon a consideration of the question presented, we have arrived at the following conclusions:

- That the said motion to dismiss the protest upon the ground that the facts stated therein were not sufficient to constitute a cause of action, was in the nature of a demurrer ; that a decision upon a demurrer is a decision upon the merits of the case as then presented, and is final unless and until the petition demurred to is amended. The petitioner or protestant did not then, nor does he now, seek an opportunity to amend his motion of protest.
- That under the law (sec. 479, Act No. 2711) the judgment of the Court of First Instance in a municipal election contest is final and not appealable, when such judgment is rendered upon the merits.
- That a final and nonappealable judgment of the Court of First Instance in municipal election protest cases cannot be reviewed by means of the writ of mandamus, unless and until it is shown that there has been some abuse of power and discretion conferred upon the lower court. The petitioner had another remedy. He might have amended his complaint. The lower court having decided that the facts were not sufficient to constitute a cause of action, the petitioner herein cannot obtain a review under the facts stated in his petition. This court has no authority to substitute its judgment for the judgment of the lower court, however much it might, upon a consideration of the original motion of protest, differ from the conclusions of the lower court.

For the foregoing reasons, the petition for the writ of mandamus is hereby denied, with costs to the petitioner. So

ordered.

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

Writ denied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.