

MANUEL AREVALO, PETITIONER, VS. CLEMENTE DALANDAN, RESPONDENT.

G.R. No. 15966. November 11, 1919

Ponente: JOHNSON, J.

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JOHNSON, J.:

Upon consideration of the foregoing petition of counsel for Clemente Dalandan praying that the Judge of the Court of First Instance of Rizal be ordered to approve, certify and transmit to this court the bill of exceptions filed by the former with a view to prosecute an appeal in this court against the decision rendered in the quo warranto proceedings begun in the lower court by Manuel Arevalo for the office of municipal president of the town of Las Piñas;

Considering section 499 of the Code of Civil Procedure and that in deciding this action brought against said judge for "refusing to admit and approve the aforesaid bill of exceptions, and whether it will be proper for this court to order him so to do, it would be necessary first to decide whether the final ruling or order of the aforementioned judge in the quo warranto proceeding is appealable or not:

Considering that, under the Election Law and other pertinent legal provisions regulating proceedings and other actions regarding election matters for municipal offices, all resolutions of the court on such questions relative to municipal offices are final and non-appealable;

Considering that, in the present case, the decision of the judge in refusing to admit and approve the bill of exceptions, presented in an appeal from an order in a quo warranto proceeding for the office of municipal president of the said town is correct, as the appeal taken by the respondent is improper and inadmissible;

Wherefore, the writ of mandamus provided for in section 499 of the Code of Civil Procedure is hereby denied, with costs against the respondent, and let the parties and judge of the Court of First Instance be notified hereof. So ordered.

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

Writ denied.

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