

**EMILIANO J. VALDEZ, ISABELO LAO, JOSE MENDIOLA, AND
BERNARDINO TIONGCO, PETITIONERS, VS. THE COURT OF FIRST
INSTANCE OF THE PROVINCE OF PAMPANGA, THE PROVINCIAL
SHERIFF, ET AL.,...***G. R. No. 18342. January 24, 1922*

Ponente: JOHNSON, J.

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This is an original action presented in the Supreme Court for the writ of certiorari. To the petition the respondents duly answered. The purpose of the petition is to obtain a revision of a judgment for costs in certain municipal election contest cases, rendered by the judge of the Court of First Instance of the Province of Pampanga.

It appears from the record that on or about the 9th day of February, 1921, the Honorable Ignacio Villamor, as a Justice of the Supreme Court acting for and on behalf and in place of the judge of the Court of First Instance of the Province of Pampanga, rendered a judgment in certain election contest cases in favor of the respondents herein (Valdez vs. Dayrit, etc.) ; that on the 9th day of February, 1921, notice of said decision was sent to all of the parties interested; that on the 25th day of June, 1921, the respondents in said contest cases presented in the Court of First Instance their bill of costs; that on the 5th day of July, 1921, the attorney for the petitioners presented an objection to the allowance of said costs; that on the 8th day of November, 1921, the Honorable Bartolome Revilla rendered a judgment in which some of the items of costs were allowed and some were denied; that on the 12th day of November, 1921, the attorney for the respondents presented a petition praying that a writ of execution be issued for the purpose of recovering the judgment for costs, which petition was granted and an execution was issued on the 16th day of November, 1921. On the 18th day of November, 1921, the petitioners presented an exception and a motion for reconsideration, which exception and motion, so far as the record shows, were never acted upon by the lower court.

The question presented by the petitioners is, can this court revise by the writ of certiorari a judgment rendered by the Courts of First Instance for costs in a municipal election contest case? Section 479 of Act No. 2711 expressly provides that the Courts of First Instance shall have exclusive and final jurisdiction in all municipal election contests.

In the case of *Tajanlañgit vs. Peñaranda* (37 Phil., 155) it was held that, by reason of the provisions of said section 479, the defeated party in a municipal election contest had no right of appeal from said decision to the Supreme Court. (*De Guzman vs. Cuenca*, 40 Phil., 203.)

In the case of *Hontiveros vs. Altavas* (39 Phil., 226), which was an appeal from a judgment for costs of the Court of First Instance in a provincial election contest case, we said:

"* * * If the court allows items of costs not permitted by the law, or disallows items of costs which the law permits, it violates the law, and the right to appeal from said judgment, if exceptions are properly noted, exists. This, of course, is true only in cases where the right to appeal from said judgment is given in a case in which

the costs are taxed. If the lower court is given final jurisdiction and the right to appeal does not exist, then, of course, a judgment must be final as to every branch of the case, including the costs. * * *

That case was decided in 1918. In the case of *De Guzman vs. Cuenca*, supra, which was an appeal from a judgment for costs rendered by a judge of the Court of First Instance in a municipal election contest case, the appeal was denied, and in the course of the decision the court said:

"Under the law, the judgment of the Court of First Instance is final and not appealable, in all municipal election contests. (Sec. 479, Act No. 2711; *Tajanlañgit vs. Peñaranda*, supra.) If the judgment of the Court of First Instance is final and not appealable, it must be final and not appealable as to every part thereof. The judgment for costs is a part of the judgment. It would seem to follow, therefore, that, the judgment being final and not appealable, the defeated party cannot appeal from any part of it."

Granting, however, that the defeated party cannot appeal from a judgment, even for costs, by a judge of the Court of First Instance in municipal election contest cases, may he still have the right to have that judgment reviewed by certiorari proceedings ?

In answer to that question it may be said that in this jurisdiction the essential prerequisite for granting the writ of certiorari is, that the lower court, board, or officer exceeded the jurisdiction conferred by law; and the right is not granted even then if an appeal or other plain, speedy, and adequate remedy exists. In the present case the Legislature conferred upon the Courts of First Instance both exclusive, original, and final jurisdiction to decide questions of a municipal election contest, and considering the fact that the Legislature provided that such proceedings should be expedited and disposed of at the very earliest date possible, we are of the opinion that it was the intention of the Legislature to give the Courts of First Instance the jurisdiction which it provided for—exclusive and final—and that their final judgment should be final as to every question presented to them, including that of costs and expenses, and that being the case, the Legislature evidently intended that no appeal or further delay should be permitted. We are not justified in giving an interpretation of the law other than that intended by the legislative department of the Government. Where a court has jurisdiction of an action, it has jurisdiction to decide every question pertaining to the same. (*Herrera vs. Barretto and Joaquin*, 25 Phil., 245.)

The question of costs, their amount, and the items of costs which should be taxed, was a subject proper to be considered by the trial court. The Legislature gave the trial court exclusive and final jurisdiction to decide the election contest. It had jurisdiction to determine every question connected with the contest. If a mistake was made, or error of fact in the taxation of costs, it might have been corrected by a timely motion in that court. At all events an incorrect determination in that respect was not an excess of jurisdiction in the lower court, and therefore cannot be reached upon by a writ of certiorari in this court.

For all of the foregoing reasons the prayer of the petitioners herein is hereby denied, with costs to the petitioners. So ordered.

Araullo, C. J., Malcolm, Avancena, Johns, and Romualdez, JJ., concur. Writ denied.

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