

DELFIN ALBANO, PETITIONERS, VS. HON. MANUEL ARRANZ, AS JUDGE OF THE COURT OF FIRST INSTANCE OF ISABELA, BRANCH I, AND SAMUEL REYES, RESPONDENTS.*G.R. No. 19260. January 31, 1962*

Ponente: REYES, J.B.L., J.

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Petitioner Delfin Albano has applied for a writ of prohibition against the Honorable Manuel Arranz, Judge of the Court of First Instance of Isabel a, Branch I, praying for an order commanding said respondent to permanently desist from entertaining or taking any step or proceeding in connection with Case No. 365 for mandamus, instituted by respondent Samuel F. Reyes against the Provincial Board of Canvassers of the Province of Isabela. Upon application and filing of the corresponding bond for P2,000, we issued a writ of preliminary injunction on December 11, 1961.

For a background, the following facts can be gleaned from the record:

That in the last national elections held on November 14, 1961, petitioner Albano was the official candidate of the Nacionalista Party for the office of Representative for the lone congressional district of Isabel. His opponent was respondent Samuel Reyes, official candidate of the Liberal Party for the same position.

During the canvass of November 28, 1961 by the Provincial Board of Canvassers of the votes cast at the election, the representative of petitioner Albano questioned the returns produced by the Provincial Treasurer for Precincts 1, 4, 5-A, 8, 8-A, 13, 14, 15 and 16 of Cabagan, Isabela; and for Precincts Nos. 4, 6, 6-A, and 7 of Reina Mercedes, Isabela, on the ground that the said returns appeared with erasures on their face and showed a different number of votes cast for the contending candidates for Congressman, as compared with the carbon copies that had been furnished the representatives of the Nacionalista Party at the aforesaid precincts, pursuant to instructions of the Commission on Elections, and that in the copies submitted to the Treasurer, the alteration operated to the detriment of petitioner herein.

Discussions and altercations having ensued, with charges and countercharges, the canvassing of non-contested returns continued, but the controversy as to returns from the precincts heretofore mentioned was reported to the Commission on Elections; and the latter, by telegraphic order of December 6, 1961, ordered the suspension of the proclamation of the winning candidate until further orders. Complying with the order received, the provincial board of canvassers suspended the canvass of the votes in the questioned precincts, as well as of those cast in Precinct No. 10-A of Santo Tomas, Isabela, the return of which had been contested by respondent Reyes. The latter thereupon filed a petition for a writ of mandamus in the Court of First Instance of Isabela, Branch I, presided over by Judge Manuel Arranz, with the Provincial Board of Canvasers as lone respondents, praying that after immediate hearing, the Board of Canvassers be directed to forthwith canvass the disputed votes cast in the precincts referred to, and proclaim the winner, it being averred that the suspension orders of the Commission on Elections were null and void. Acting upon the complaint, the respondent Judge, on December 9, 1961, ordered the

case set for hearing within five days, and on the same day, upon motion of Reyes, issued a preliminary injunction ordering the board of Canvassers and the Provincial Treasurer to refrain from bringing the questioned returns to Manila, as instructed by the Commission on Elections.

We must agree with the petitioner that the actuations of the respondent court are highly irregular and void for lack of jurisdiction. The suspension of the proclamation of the winning candidate pending an inquiry into irregularities brought to the attention of the Commission on Elections was well within its administrative jurisdiction, in view of the exclusive authority conferred upon it by the Constitution (Art. X), for the administration and enforcement of all laws relative to elections. The Commission certainly had the right to inquire whether or not discrepancies existed between the various copies of election returns for the precincts in question, and suspend the canvass in the meantime, so the parties could ask for a recount in case of variance. Moreover, the Court below could not properly pass upon the validity of the Commission's orders without giving it a hearing, and the Commission had not been impleaded.

Even assuming that the order to suspend the proclamation of the winner was in any way defective, the correction thereof did not lie within the authority of the statutory Courts of First Instance, since Article X, section 2 (in fine) expressly prescribes "that the decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court" and by no other tribunal (*Luison vs. Garcia*, G. R. No. L-10916, May 20, 1957). It is easy to realize the chaos that would ensue if the Court of First Instance of each and every province were to arrogate unto itself the power to disregard, suspend, or contradict any order of the Commission on Elections: that constitutional body would be speedily reduced to impotence.

Wherefore, and without prejudice to the right of any proper party to petition for a recount of the votes in the precincts involved, the writ of prohibition prayed for is granted, and the respondent court is ordered to permanently refrain from proceeding in any way with Civil Case No. 365, now pending therein, and from taking any action in relation thereto. Costs against respondent Samuel F. Reyes.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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