

**ROBERTO F. BAUTISTA, ET AL., PETITIONERS AND APPELLANTS, VS.
EMETERIO DE LA CRUZ, ET AL., RESPONDENTS AND APPELLEES.***G.R. No. 21107. December 24, 1963*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-21107/>

Emeterio de la Cruz, et al. filed on January 26, 1962 before the Justice of the Peace Court of Hagonoy, Bulacan, a petition seeking to annul the election of barrio officials held on January 24, 1962. Against this petition respondents filed a motion to dismiss alleging lack of personality or capacity to sue on the part of petitioners and lack of jurisdiction on the part of the court for failure of the petition to state the requisite jurisdictional facts.

On March 10, 1962, the justice of the peace court denied the motion holding that the petition is not an election protest but one for annulment of the barrio elections which is authorized by Section 7, Article II of Republic Act No. 2370, in relation to paragraph 10 of the Resolution of the Commission on Elections dated December 12, 1961 rendered in Case No. 400 of said Commission. Respondents filed a motion for reconsideration, which was denied on April 30, 1962. Respondents filed a second motion for reconsideration, which again was denied with the instruction that respondents should file their answer to the petition within two days from receipt of the order.

Whereupon, respondents filed a petition for certiorari with preliminary injunction before the Court of First Instance of Bulacan imputing to the justice of the peace court the commission of grave abuse of discretion bordering on lack of jurisdiction in acting on the petition for annulment filed by Emeterio de la Cruz, et al. After respondents in the certiorari case had filed their answer justifying the action taken by the justice of the peace court, the court a quo dismissed the petition holding that the petition which gave rise to the proceeding is one which involves a dispute over barrio elections which comes properly within the jurisdiction of the justice of the peace court as provided for in Section 7, Article II of Republic Act 2370, is interpreted by the Commission on Elections in its resolution dated December 12, 1961. Dissatisfied with this ruling, petitioners interposed the present appeal.

The purpose of the petition filed before the Justice of the Peace Court of Hagonoy, Bulacan, is to annul the barrio elections held on January 24, 1962 on the ground that the petitioners therein who were all barrio residents, were not given the notice required by law for the holding, thereof by the barrio council or the corresponding barrio lieutenant for which reason they have not been able to be present and take part in said elections and, as an additional relief, petitioners prayed that a new election be held after the requisite notice thereof is given to all the qualified barrio residents fixing therein the date, time and place of the election, as required by Republic Act No. 2370 and the pertinent resolution of the Commission on Elections. And the petition was filed before the Justice of the Peace Court of Hagonoy, Bulacan, pursuant to Section 7, Article II of said Act, which provides that all disputes over barrio elections shall be brought before the justice of the peace court of the municipality concerned. It, therefore, appears that the petition refers to a dispute over a barrio election for in essence it seeks to nullify the elections held on January 24, 1962 on the ground that the requirement of the law as to notice has not been complied with. In this sense, the petition for certiorari has no merit for indeed the Justice of the Peace Court of Hagonoy has acted properly in taking cognizance of the petition under consideration.

The contention that the petition does not state jurisdictional facts because it does not allege that petitioners were

candidates who were duly voted for in the elections as required by Sections 173 and 174 of the Revised Election Code is untenable, since these sections do not apply to the election of barrio officials. They only apply to provincial and municipal officials who seek to contest the election of their opponents in an appropriate case, and so it is an error for petitioners to invoke them in the determination of the jurisdiction of the court and the qualification of the party that have to be considered in the adjudication of a dispute over a barrio election. The proper law applicable to this case is Republic Act No. 2370.

Moreover, the order of the Justice of the Peace Court of Hagonoy denying the motion to dismiss is merely interlocutory which cannot be the subject of appeal or a petition for certiorari. The proper procedure to be followed in such a case is to continue with the trial on the merits and if the decision is adverse to reiterate the issue on appeal. This alone furnishes sufficient ground for dismissal of the present petition for certiorari.

WHEREFORE, petition is denied. The case is remanded to the Justice of the Peace Court of Hagonoy, Bulacan, for further proceedings. Costs against petitioners.

Bengzon, C.J., Padilla, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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