

GENEROSO AVELLANOSA, CONTESTANT AND APPELLEE, VS. BERNARDO VEROY, CONTESTEE AND APPELLANT.

G.R. No. 30591. September 27, 1929

Ponente: VILLAMOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-30591/>

VILLAMOR, J.:

After the general elections held on June 6, 1928, the municipal board of canvassers of the municipality of Baganga, Province of Davao, proclaimed Bernardo Veroy elected to the office of municipal president with 329 votes, Generoso Avellanosa obtaining 257 votes and David Caobang 51 votes.

Generoso Avellanosa filed a protest with the Court of First Instance of Davao, alleging as his only ground that the contestee, Bernardo Veroy, has not filed his certificate of candidacy according to law, and he was therefore ineligible, and the votes cast and adjudicated in his favor were null and void.

Veroy filed his answer, and after the trial of the case, the lower court rendered its decision declaring the contestee ineligible to the office of municipal president for lack of a certificate of candidacy and declaring the contestant, Generoso Avellanosa, elected.

From this decision the contestee Bernardo Veroy appealed, alleging that the lower court erred in declaring the appellant ineligible for failure to file his certificate of candidacy in accordance with the Election Law.

The question presented by the contestant in his protest and the one now raised by the appellant in this appeal refers to the eligibility of Bernardo Veroy, who was proclaimed elected to the office of municipal president of Baganga, Province of Davao. This being the question submitted to this court in this appeal, it evidently refers to the case provided in section 408 of the Election Law, as amended by Act No. 3387, approved on December 3, 1927. Said section 408 provides:

"SEC. 408. Proceedings against an ineligible person.— When an ineligible person is elected to a provincial or municipal office, his right thereto may be challenged by any elector of the province or municipality concerned by instituting special proceedings in the nature of quo warranto before the Court of First Instance or before the Supreme Court within two weeks after the proclamation of his election. The case shall be tried in accordance with the usual procedure in quo warranto provided by law, and shall be decided by the court within thirty days after the filing of the complaint."

In accordance with said section 408 of the Election Law, as construed in the cases of *Yra vs. Abaño* (52 Phil., 380), and *De la Rosa vs. Yonson* (52 Phil., 446), the judgment appealed from is hereby reversed, without special pronouncement as to costs. So ordered,

Avanceña, C. J., Johnson, Street, Johns, Romualdez, and Villa-Real, JJ., concur.

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.