

RESTITUTO VILLEGAS, PROTESTANT AND APPELLANT, VS. ATILANO VILLEGAS, PROTESTEE AND APPELLEE.

G.R. No. 31464. September 13, 1929

Ponente: STREET, J.

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STREET, J.:

This is an appeal from a decision of the Court of First Instance of the Province of Oriental Negros involving a contest over the office of governor of Oriental Negros, the trial court having dismissed the protest of Restituto Villegas instituted against Atilano Villegas.

It appears that in the election which took place on June 5, 1928, there were two candidates for the office of provincial governor, namely, Restituto Villegas and Atilano Villegas, the parties to this appeal. After the election was concluded the board of canvassers proclaimed the protestee, Atilano Villegas, elected by a majority of over 1,500 votes, the appellee having received, according to said canvass, 7,137 votes, and the appellant, 5,609. In the course of the contest commissioners were appointed and, after a lengthy trial, the court declared Atilano Villegas duly elected provincial governor of Oriental Negros, with 6,907 votes to his credit, as against 5,462 votes in favor of the protestant, that is to say, conceding to the protestee a majority of 1,445.

The trial court stated in its decision that no question was made as to the votes in nineteen precincts of the province, the contest being limited to some four precincts, with respect to only two of which could any serious question be raised. The trial court further stated in its opinion, and this conclusion is not combated in the appellant's brief, that, in the nineteen precincts which are not here in question, the protestee received a majority of 419 votes over the protestant. This shows that, even omitting the contested precincts, the protestee was elected. But it is insinuated that the irregularities in the questioned precincts were sufficiently serious to justify the setting aside of the results of the entire election. This contention is of course untenable on its face; and the specifications of alleged frauds and irregularities which are supposed to have occurred in different places during the election are not pointed out with sufficient particularity to require this court to unravel the contentions of the appellant. On pages 4 to 14 of the appellant's brief, the author of the brief contents himself with citing the testimony of scores of witnesses and suggesting that the court read the testimony for itself. Assignments of this kind are frivolous and insufficient.

The appealed decision contains, we think, an adequate exposition of the reasons justifying the conclusion reached in the lower court, and the further extension of this opinion is unnecessary.

The judgment appealed from will therefore be affirmed, and it is so ordered, with costs of this instance against the appellant.

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

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