

THE PROVINCIAL FISCAL OP NUEVA ECIJA, PETITIONER, VS. EDUARDO GUTIERREZ DAVID, JUDGE OF FIRST INSTANCE OF NUEVA ECIJA, ENRIQUE VILLAS, GUILLERMO REYES, AND DOMINGO PILI, RESPOND...

G. R. No. 38736. March 10, 1934

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-38736/>

ABAD SANTOS, J.:

This petition for a writ of mandamus arose out of an information filed by the petitioner in the Court of First Instance of Nueva Ecija, charging the respondents, Enrique Villas, Guillermo Reyes and Domingo Pili, with violation of the Election Law. The information alleged that "the above named accused Enrique Villas, Guillermo Reyes and Domingo Pili, being election inspectors duly appointed and qualified as such of precinct 4 of San Antonio, Nueva Ecija, conspiring together and mutually aiding one another, did then and there voluntarily, maliciously, illegally, and criminally make and sign a false statement of the result of the votes legally cast for" certain named candidates. The information recited in what particulars the statement was false. Upon motion of the prosecution, the respondent judge ordered the production in court of the ballot boxes pertaining to precinct No. 4 of San Antonio, Nueva Ecija. At the preliminary investigation of the case, after the accused were arraigned and pleaded not guilty, the prosecution moved for the opening of said ballot boxes with a view to introducing their contents in evidence. This motion was objected to by the defense, and the objection was sustained by the respondent judge. Hence this petition for a writ of mandamus to compel the respondent judge to order the opening of the ballot boxes.

As a provincial fiscal it was the duty of the petitioner to prosecute all crimes and offenses committed within the Province of Nueva Ecija (Administrative Code, section 1681). It is not disputed that the facts alleged in the information filed against the respondents Villas, Reyes and Pili, constitute a violation of the Election Law. To establish such facts the ballots cast in precinct No. 4 of San Antonio, Nueva Ecija, were essential proof; and, unless the law provides otherwise, the petitioner had the right to introduce said ballots in evidence and to demand their production by judicial process requiring the opening of the ballot boxes. It is, however, vigorously contended by counsel for the respondents (1) that there is no law in this jurisdiction which authorizes the opening of ballot boxes for the purpose of using their contents exclusively in criminal cases in the absence of any election contest; (2) that, after the lapse of the period of one year prescribed by the Election Law for the preservation of the contents of the ballot boxes, such contents, especially the ballots, ceased to have any legal existence, and were therefore inadmissible as evidence; (3) that, as the determination of the criminal case would imply, among other things, the recounting of votes for the office of representatives, it is the legislature and not the court that is empowered by law to open the ballot boxes in case of contest, and (4) that mandamus does not lie in this particular case.

Unlike those obtaining in some of the States of the American Union, from which come the cases chiefly relied upon by counsel for the respondents, the pertinent constitutional and statutory provisions in this jurisdiction do

not restrict the right to examine and open the ballot boxes to proceedings in election contests. Our organic law provides that "elections shall be held only on such days and under such regulations as to ballots, voting, and qualifications of electors as may be prescribed by the Philippine legislature" (Philippine Autonomy Act; section 16); and pursuant to the authority thus conferred on it, the Philippine Legislature enacted an election law, section 468 of which provides :

"The municipal treasurer shall retain the boxes unopened in his possession in a safe place and under his responsibility, until the final decision of any election contest, and in any event for one year, subject to the order of the court of competent jurisdiction or other officer specially authorized by law to open the same.

"After one year from the date of the elections, the boxes, if the contents are not needed for any lawful purpose, shall be opened and immediately after opening them, the contents shall be burned by the municipal treasurer in the presence of the municipal president and two municipal councilors."

The law clearly contemplates that, even in the absence of any election contest, the ballot boxes may be opened by order of a court of competent jurisdiction or any officer specially authorized by law to open the same. After one year from the date of the elections the ballot boxes shall be opened in order that their contents may be burned, but this can only be done "if the contents are not needed for any lawful purpose". What is this lawful purpose? Can it be reasonably contended that the prosecution of crimes and offenses is not a lawful purpose within the meaning of the law? Is not the pursuit of the legislative policy to punish election frauds a lawful purpose? {seems clear that these questions admit of but one answer, and that answer must be in the affirmative.

In *Rafols vs. Court of First Instance and Provincial Fiscal of Cebu* (47 Phil., 736), this court declared that "when the law specifies the cases when the ballot boxes may be opened, it is our duty to exact compliance with the provisions of the law." It also declared, however, that after the filing of "a complaint against the alleged violators of the law", the respondent fiscal "had the right to introduce as a part of his evidence the contents of the ballot boxes here in question and the court with jurisdiction over the case may validly order the opening of said boxes." What this court refused to permit in that case was the opening of the ballot boxes for the purpose of conducting a fishing expedition with a view to finding out whether frauds were committed. In the case at bar, there was no attempt to conduct such a fishing expedition. The petitioner moved for the opening of the ballot boxes after the filing of an information, after the accused were arraigned and pleaded not guilty, and in the course of the preliminary investigation. The *Rafols* case thus strengthens, rather than weakens, the petition in the present case.

What has been said in refutation of the contention that there is no law in this jurisdiction which authorizes the opening of ballot boxes for the purpose of using their contents as evidence in criminal cases, practically disposes of the second contention of counsel for the respondents. It is clearly deducible that under the law in this jurisdiction the ballots do not cease to have any legal existence even after the lapse of the period of one year prescribed by the Election Law for the preservation of the contents of the ballot boxes. For, as already shown, the law clearly contemplates that the contents of the ballot boxes shall not be burned if they are still needed for some lawful purpose. In the instant case, the record shows that the ballots in question were not burned because they were needed as evidence in a criminal case. The cases cited by counsel for the respondents on the point now under consideration, are not controlling. The decisions in those cases were based on statutory provisions which required the burning of the ballots after the lapse of a certain period of time, if there was no election contest duly commenced, irrespective of whether or not they were needed for some other lawful purpose.

This brings us to the contention that as the determination of the criminal case would imply, among other things, the recounting of votes for the office of representative, it is the legislature and not the court that is empowered by law to open the ballot boxes in case of contest. It requires no extended discussion to show that this contention is without merit.

The provision of our organic act that the senate and house of representatives shall be the sole judges of the elections, returns, and qualifications of their elective members, is not in any way impinged upon by the opening and examination of the ballot boxes here in question. The object of the criminal proceedings instituted in the court below is not to contest the election of any member of the legislature, but to punish election frauds. The mere fact that the ballots cast for a member of the legislature may be involved should not be allowed to defeat the legislative policy of preventing election frauds by penalizing those who commit them. To hold otherwise would be to invite violations of the Election Law with impunity. Such a situation should be avoided by all the means of fair interpretation.

The prosecution of crimes and offenses is a matter of public concern. Public interests demand that prosecutions should be conducted with vigor and diligence. It is not only the right but the duty of the prosecuting officer to produce the best evidence of which the case is susceptible. (Code of Criminal Procedure, section 69.) To secure this end, he is entitled to the aid of judicial process, and the granting of such aid will be compelled by mandamus in appropriate cases.

The petition for a writ of mandamus is granted, without any special pronouncement as to costs.

Street, and Butte, JJ., concur.

I certify that Ramon Avancena, Chief Justice, and James C. Vickers, Associate Justice, participated in this decision and voted to grant the writ prayed for; that their names do not appear signed hereto for the reason that they were on leave at the time of the promulgation of the decision.— STREET, J.

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.