

RUPINO BAÑES ET AL., PETITIONERS AND APPELLANTS, VS. JACINTO CORDERO ET AL., RESPONDENTS AND APPELLEES.*G.R. No. 4130. April 12, 1909*

Ponente: MAPA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4130/>**MAPA, J.:**

The petitioners herein, residents of the municipality of Narvacan, Province of Ilocos Sur, were registered as electors qualified to vote in the municipal elections held in said municipality on December 5, 1905. The board of election judges heard the objections presented against their qualification, and decided that their names should be stricken off the list, on the ground of their having violated their oath of allegiance to the United States of America, and hence were unable to vote at said elections. After the close of the elections, these petitioners filed a protest against the legality and validity thereof, basing their contention on the fact that they had been deprived of the right which they alleged they possessed to cast their votes, at the elections. The proper certificate of said elections, together with the protests filed, were forwarded to the provincial board, and that body, by a resolution passed on December 23, 1905, approved the elections and held them to be legal, and the protest filed by these petitioners was therefore dismissed.

The petitioners thereupon applied to the Court of First Instance of Ilocos Sur for a writ of certiorari against the members of the election board of Narvacan and the provincial board of Ilocos Sur, alleging that the latter exceeded their powers in dismissing the protest and in approving the elections. The court denied the remedy sought, and the petitioners have appealed from the judgment.

These events took place before the passage of the present Election Law, and should therefore be determined in accordance with the provisions of the Municipal Code (Act No. 82).

Section 9, paragraph (b), of this Act, besides providing for the preparation of a list of qualified electors by the municipal president, prescribes that:

"He shall further prepare and cause to be posted in a public and conspicuous place in each barrio an alphabetical list of the qualified electors residing between its limits. Each list shall be accompanied by a notice specifying a term of five days prior to the election during which any qualified elector may demand his proper enrollment as such, or the exclusion from the list of qualified electors of the name of any person not possessing the right to vote. Such demands shall be made to the president, who shall promptly refer them for settlement to a board consisting of the vice-president, the municipal treasurer, and himself. * * * The questions raised before said board shall be determined before the date of the pending election, and the determinations shall be immediately communicated in writing to the person whose qualifications as an elector are in question."

Paragraph (b) of section 13 of the same Act No. 82, provides that:

"On the day following said term of three days a duplicate of the election certificate and the objections made, if any, shall be sent by the chairman of the board of judges to the provincial board. Should the provincial board, upon investigation and after hearing of evidence, if necessary, find the election legal, they shall, within seven

days after the receipt of said documents, direct the newly elected officers to qualify and enter upon their duties on the day fixed by this Act, but, if the provincial board determine that there has been an illegality committed in the election of any officer or that any candidate returned is not eligible, they shall so declare in writing, with the reasons therefor, and shall order a special election to fill the vacancies thus occasioned and shall certify their finding and order to the municipal secretary, who shall spread the same on the records of the council. In determining the legality of the election, the provincial board shall ignore irregularities or informalities which do not prevent the declared result from being the actual will of the electors."

As will be seen, the first provision of the law quoted above confers upon the board of judges the power to determine questions as to the qualification or disqualification of any elector, while the last-quoted provision vests in the provincial boards power to approve or disapprove the municipal elections after hearing and determining the protests filed. Therefore, the election board of Narvacan acted within the scope of their powers in finding that the petitioners lacked the necessary qualifications to become electors and in ordering that their names be stricken off the list of qualified electors, and in like manner the provincial board of Ilocos Sur acted within their powers in approving the municipal elections of Narvacan and in dismissing the protest filed by the petitioners.

And, if the jurisdiction has not been exceeded, there is not nor could there be any legal ground for the issuance of the writ of certiorari, because these proceedings can only and exclusively be granted to remedy abuses committed in the exercise of a power or jurisdiction. Sections 217 and 514 of the Code of Civil Procedure providing for such relief, unequivocally and specifically refer to the act of exceeding or going beyond the jurisdiction; and this court has repeatedly held that, in order that certiorari may issue, it is absolutely necessary to show that the respondent has exceeded his power or jurisdiction. (In re Prautch, No. 581, 1 Phil. Rep., 132; De los Reyes vs. Roxas, No. 1156, 1 Phil. Rep., 625; Springer vs. Odlin, No. 1372, 3 Phil. Rep., 344.)

It is unnecessary for us to discuss in this opinion the other points raised by the appellants in their brief, because they have no bearing on the main issue of this case and will in noway affect the result. Even though the respondents had been held in default, or a date previous to the hearing of the case had been assigned for the filing of their answer, or even though it was held that the facts in controversy are within the scope of a writ of mandamus, which in sum is what the appellants claim in raising these questions, there is no ground for the issuance of the writ of certiorari sought by them, inasmuch as it appears, in a manner which leaves no room for doubt, that the respondents have not exceeded the powers expressly vested in them by law.

The order appealed from is affirmed with the costs of this instance de officio.

Arellano, C. J., Torres and Carson, 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.