

JOSE ALTAVAS ET AL., PETITIONERS AND APPELLANTS, VS. MUNICIPAL COUNCIL OP CAPIZ ET AL., RESPONDENTS AND APPELLEES.

G. R. No. 41537. April 10, 1934

Ponente: MALCOLM, J.

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MALCOLM, J.:

These four cases concern the appointment of election inspectors for the twenty-seven municipalities of the Province of Capiz. The rights of five political parties or political groups—the Partido Nacionalista Consolidado, the Partido Nacionalista Pro Independencia, the Democrata Pros, the Democrata Antis, and the Partido Nacionslista Guerra Patriotica,—are involved. On the motion of Jose Y. Torres, attorney for the Democrata Antis and Jose Altavas in his own behalf, deriving his authority from the central organization of the Partido Nacionalista Consolidado, the submission of the cases was expedited, although curiously enough this move has met with the opposition of an attorney for this party. In this connection, we may say in passing that the court will continue to give preferential attention to election cases of this character in order that, through becoming involved in complicated procedural processes, their decision may not be delayed until after the general elections have been held.

The decision of the trial judge, Honorable Gervasio Diaz, is a seventy-eight-page document, well organized, making findings of fact on all the questions presented, fearlessly meeting the legal issues, and indicating a conscientious desire to do exact justice. If we had been sitting in first instance, we would have been inclined to take a short-cut, and in those municipalities where the so-called Pros had a monopoly of election inspectors would have assigned one of them to the opposition, and in those municipalities where the so-called Antis had a monopoly of election inspectors would have assigned one of them to the opposition, but this was not done, and the Partido Nacionalista Pro Independencia, which was most affected by the failure to follow this process, appears content with one inspector in each municipality and with challenging the right of the Partido Nacionalista Guerra Patriotica to be represented at all. In truth, the more elaborate method followed by the trial judge reaches a quite similar goal. While we do not necessarily have to concur with all the pronouncements of the trial judge, and while in particular municipalities, as for instance Balete, we might have ruled differently, surely considerable discretion in these matters must be lodged with the trial judge, and so after full and fair study and reflection we have unanimously voted to sustain the judgments without change.

The principles which have guided us in these cases and which will continue to guide us in analogous cases are these:

- The whole purpose of the Australian Ballot System as found in the Philippine Election Law is to provide for clean elections, and the courts will assist in accomplishing that purpose just in so far as they make themselves the instruments of the public welfare.
- Section 417 of the Election Law was provided as a precautionary measure for securing honesty in the conduct of

elections, the officers from one party being counted upon to prevent fraud being committed by the officers from another party, and this primordial intent will be effectuated whenever possible by giving to the leading political parties or political groups representation on election boards.

- A liberal and practical construction of section 417 of the Election Law will be adopted so as to provide as complete a method as possible to obtain a clean election.

- As it is most often a minority party which suffers (this case being an example, for in seventeen municipalities what are known as the Antis were left without representation and in five municipalities what are known as the Pros were left without representation), the courts will, wherever the facts justify, permit of a minority party having one election inspector.

- Everything else being equal, political parties and political groups of a permanent nature and national in character will be preferred to sporadic local blocques formed for transitory election purposes.

In relation with the above principles, only one authority need be noticed, namely, the decision of this court in the case of *Ysip vs. Municipal Council of Cabiao* ([1922], 43 Phil., 352). The general elections of 1922 made it incumbent on the court to interpret section 11 of Act No. 3030, now incorporated in section 417 of the Election Law. In the preceding general elections in 1919, two parties, the Partido Nacionalista and the Partido Demócrata, contested for supremacy. Thereafter the Partido Nacionalista divided into two branches, the Partido Nacionalista, commonly known as Unipersonalista, and the Partido Nacionalista Colectivista. The question was, if the new Partido Nacionalista Colectivista should be recognized by the courts and should be permitted to have representation on election boards. The Supreme Court, adopting a liberal construction of the Election Law, answered the question affirmatively. In succeeding elections that rule has been generally accepted. It is as pertinently applicable now as then.

The foregoing should be enough to indicate our point of view and to dispose of the appeals properly before us and which we have jurisdiction to decide. But for the satisfaction of the parties, we will pass in quick review the various questions raised by the respective appeals.

- Appeal of Antonio Belo.—A dispute arose between Jose Altavas and Antonio Belo as to which of them was the official representative of the Partido Nacionalista Consolidado in the Province of Capiz. Each pressed his case vigorously, and much could be said on both sides. However, one fact is decisive. The general secretary of the Partido Nacionalista Consolidado, Felipe Buencamino, jr., in communications addressed to Jose Altavas, indicated in unmistakable terms that the central organization of the party considered his as the only true organization of the party in the Province of Capiz. Obviously, where there is a conflict of this character, the best judge is the parent committee or board of the party. We must rule against the first two errors assigned by Mr. Belo, and as to the third error having to do with the rights of the Partido Nacionalista Guerra Patriotica, we will discuss this subject in another connection.

- Appeal of Jose Altavas.—The trial judge recognized Jose Altavas as the chief of the Partido Nacionalista Consolidado in Capiz and gave to that party one election inspector in all but one municipality. Not satisfied with this ruling, the appellant challenges the right of the new Partido Nacionalista Pro Independencia to have an election inspector. The uniform holding of this court as hereinbefore indicated has been that where a political party which polled the largest number of votes at the next preceding general elections has divided into two branches, each of the two branches is entitled to have one election inspector. There is just as much reason to follow this rule in Capiz in the 1934 elections as there was to follow it in Nueva Ecija in the 1922 elections when the split of the Nacionalista party occurred. Appellant further objects to the finding of the trial court that a coalition existed between the Partido Nacionalista Consolidado, the Partido Nacionalista Guerra Patriotica, and

the Democrata Antis, and although the observation is not exactly necessary to a decision, our surmise is that the trial court was right in so holding. Finally appellant finds fault with the taxation of costs which were divided pro rata among the petitioners and respondents, but this impresses us as an equitable arrangement. We must rule against the errors assigned by this appellant.

- Appeal of Comelio T. Villareal.—This appellant is the president of the provincial committee of the Democrata Party Pros in the Province of Capiz. The trial judge after an elaborate dissertation on the status of the Democrata party and its vicissitudes, gave to the branch of the party headed by Mr. Villareal one election inspector in nine municipalities of Capiz. Appellant insists that error was committed in awarding inspectors in the municipalities of Kalibo and Ibayay to the Democrata Antis. In this respect the trial judge may have been a title inconsistent, but his intentions were of the best, and we are not prepared to say that he was wrong. Appellant also attacks the right of the Partido Nacionalista Guerra Patriotica to be considered a political party or political group, and we will subsequently discuss this question. We must rule against this appellant on his second and third assigned errors.

- Appeal of Josefino Tirol.—Out of extreme consideration for the rights of the Anti branch of the Democrata party represented by this appellant, the trial judge allowed the party one inspector in the municipality of Ibayay and one inspector in the municipality of Kalibo. This appellant, through his errors assigned and his arguments, goes into the affairs of the Democrata party in detail. But as we are satisfied that the result was correct, since the Democrata party was an opposition party of quite some strength in the 1931 elections and appears to have continued to exist in the province, we prefer to abide by the conclusions reached by the trial judge. We must rule against this appellant on all the errors assigned by him.

- Appeal of Rafael Tumbokon.—This appellant is the chief of the Partido Nacionalista Guerra Patriotica. This party, group, or bloque, as variously denominated, was allocated one election inspector in twenty of the twenty-seven municipalities of Capiz. Appellant now lays claim to an additional election inspector in the municipalities of Balete, Kalibo, and Numancia, and to one election inspector in the municipalities of Dao, Dumalag, Dumarao, Ivisan, Marabusao, and Sigma. We can see the force of appellant's arguments, but nevertheless are not persuaded that the court on appeal should modify the decision in this respect. From one point of view the Partido Nacionalista Guerra Patriotica should consider itself fortunate in being allowed any inspectors at all. We must rule against this appellant on his various assigned errors.

- Position of Rafael Aruna.—This appellant represents the Partido Nacionalista Pro Independencia. The new party was allowed one inspector in the various boards of election inspectors in the province, except in the municipalities of BaJete and Kalibo. The party states that it is content with this arrangement, but joins the Nacionalista Consolidado Belo faction and the Democrata Pro Villareal faction in vigorously protesting against the right of the Partido Nacionalista Guerra Patriotica to be granted election inspectors. This brings us to a discussion of the status of the organization which is referred to.

Just before the last general elections in 1931, Jose Altavas for the bloque Guerra Patriotica instituted an action in this court against the municipal council of Pansy, Capiz, to obtain recognition for his bloque (G. R. No. 35166, promulgated March 26, 1931, not reported). In a well written decision prepared by Mr. Justice Villaraor, Mr. Altavas' petition was denied. If the views expressed therein now hold good, the Partido Nacionalista Guerra Patriotica, as the successor of the bloque Guerra Patriotica, must meet a similar fate. On the other hand, if, as found by the trial judge, conditions have changed, the party has rights which the courts¹ should protect. A correct solution of this problem, we have to admit, has bothered us more than any other question involved in these proceedings.

Our final determination has been to follow along the same line of liberal thought, which has influenced our views

in other connections. Conditions in 1934 with reference to this bloque or party are different than they were in 1931. The bloque or party has been reorganized. The statistics show that it received respectable support in the last general elections in all the municipalities of Capiz, and in one municipality at least was in the majority. It may well be that Jose Altavas, the organizer of the bloque or party and now in control of the organization of the Partido Nacionalista Consolidado has been guilty of perpetrating an election trick so that through two parties he can obtain control of the election machinery, but we have Mr. Altavas' denial of this accusation, and even if true we have to respect the votes given by the electorate for the Partido Nacionalista Guerra Patriotica. With some hesitation we have decided to adhere to the views expressed by the trial judge and to accord recognition to the Partido Nacionalista Guerra Patriotica.

Wherefore, the third error assigned by Antonio Belo and the first error assigned by Cornelio T. Villareal and the opposition interposed by Rafael Acunia must be overruled.

As is readily apparent, the correct decision of these cases presented difficulties to the trial judge and similar perplexities to this court. Nevertheless this can be said of the decision of the trial court and of the result: The absolute control of the election machinery attempted to be obtained by the so-called Pros in seventeen municipalities of Capiz will be broken, and the monopoly attempted to be secured by the so-called Antis in five municipalities of Capiz will be thwarted, and both the groups which are currently referred to as Antis and Pros will have election inspectors in all the municipalities in Capiz, the Antis being in the majority in twenty-one municipalities, and the Pros in six municipalities. In these days of trial when the destinies of a people are at stake, if the election inspectors, irrespective of party affiliation are imbued with the sole purpose of performing their lawful duties efficiently and fairly, we may all entertain the expectation that a clean election will be held and that the will of the majority will be given expression.

Judgments affirmed, the costs of this instance to be paid proportionately by the appellants.

Villa-Real, Hull, Imperial, and Goddard, JJ., concur.

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