

**CIPRIANO P. PRIMICIAS AND FELICIANO B. GARDINER,
PETITIONERS, VS. QUINTIN PAREDES, IN HIS CAPACITY AS SPEAKER
OF THE HOUSE OF REPRESENTATIVES, AND JOSE A. CLARIN, IN HIS
CAPACIT...**

G. R. No. 42878. December 22, 1934

Ponente: MALCOLM, J.

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MALCOLM, J.:

The petitioners, members of the House of Representatives of the Philippine Legislature, ask that mandamus issue commanding the respondents', the Speaker of the House of Representatives and the Acting President of the Senate, to sign and certify House bill No. 1268. The burden of the complaint is that the said bill was duly approved by both Houses of the Philippine Legislature as is evidenced by legislative records, and that this being true, it became the ministerial duty of the respondent presiding officers to present the same to the Governor-General for action. The answer of the respondents, as a first special defense, alleges that the Senate on receipt of the bill in question from the House, amended the bill in its title, and that this amendment was not acted upon by the House as is evidenced by legislative records; accordingly it is denied that the bill was legally passed by both Houses of the Philippine Legislature. As a second special defense, respondents submit that they are not subject to judicial control, and that, therefore, the court lacks jurisdiction, and as a third special defense, it is averred that the question presented is now moot. The petitioners have interposed a reply in which they generally and specifically deny the allegations of the answer.

It is to be noted that documents cited by the petitioners indicate one thing and that documents cited by the respondents indicate another thing. The parties are not even in agreement as to which of the exhibits constitutes the journal which the Organic Act requires each House of the Legislature to keep. In effect the court is asked to find the facts in favor of the petitioners, and having done so to cause the legislative records to be corrected in accordance with the reconstructed facts. This plainly we are not authorized to do, for it would constitute an inquisition into the conduct of members and officers of the Legislature and would do violence to the rights of a coordinate body. Under the conditions existing in this case, it suffices to say that the judiciary, by means of a writ of mandamus operating upon the heads of a legislative body, can not supervise the making up of a record of the proceedings of that body. The return of the Speaker of the House and the Acting President of the Senate, supported by certified documents prepared by officers whose duty it was to prepare them, imports absolute verity and must be accepted as conclusive. (*Clough vs. Curtis* [1890], 134 U. S., 361; *Fox vs. Harris* [1917], 91 S. E. 209; *Ex parte Echols* [1866], 88 Am. Dec., 749; *State vs. Bolte* [1899], 74 A. S. R., 537; *Alejandrino vs. Quezon* [1924], 46 Phil., 83.)

Restricting discussion to the issue raised by the first special defense, and without expressing any opinion on other points of the case, the court directs that the petition be dismissed, as is hereby done, with costs against the petitioners.

Avancena, C. J., Street, Villa-Real, Abad Santos, Hull, Vickers, Imperial, Butte, Goddard, and Diaz, JJ., concur.

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