

SILVESTRE ARZADON, PLAINTIFF, VS. DIONISIO CHANCO, JUDGE OF FIRST INSTANCE OF ILOCOS NORTE, AND LORENZO BALDUEZA, DEFENDANTS.

G. R. No. 4479. January 10, 1910

Ponente: MAPA, J.

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MAPA, J.:

At the elections held on the 5th day of November, 1907, the petitioner obtained a majority of votes for the office of municipal president of the town of Badoc, Province of Ilocos Norte. A protest was lodged with the Court of First Instance of said province against said elections, in so far as the said office was concerned, by the defeated candidate Lorenzo Baldueza, one of the respondents herein. The protest was presented within the term appointed by the law, alleging as ground therefor, acts which are said to constitute a violation of paragraph 3 of section 30 of the Election Law (Act No. 1582 of the Philippine Commission).

Proceedings were commenced under the provisions of section 27 of the said law, and after consideration of the evidence adduced by both parties, the trial court rendered judgment as follows;

"The record discloses that from the year 1903, Silvestre Arzadon was, and still is, the organizer of a body or group of electors for the office of municipal president. He promised that if he should be elected to that office his electors would not be employed in any work for the town, and that if they ever became involved in any court proceedings or with the government, they would be assisted by him, the expenses to be paid out of the funds of the group; that one of the agreements made by the group was to distribute ballots among the electors bearing the names of the persons to be voted for, prior to the former taking the oath prescribed by law; the said electors were instructed to elect no other persons than such as were designated in the ballots; that Silvestre Arzadon held meetings for the purpose of influencing and inducing the electors to vote for certain persons and offered money wherever necessary or to the electors who did not desire employment, etc., etc.

"By the foregoing, Silvestre Arzadon appears to have violated the provisions of the Election Law which prohibit every action, influence, and promise of any kind, for the purpose of obtaining votes. These should indicate the free will of the voters, and for such infractions his election for the office of municipal president of the town of Badoc must be considered illegal.

"Therefore, it is decreed by the court that the election of Silvestre Arzadon for the office of president, held on the 5th day of November last, in the municipality of Badoc, Ilocos Norte, was not legal, and another special election for the said office must be held at the expense of the said Arzadon who shall not then be eligible, and any vote entered in his favor shall not count; the costs and expenses of these proceedings shall also be charged to him."

Upon being notified of the above decision, Silvestre Arzadon appeared before this court and instituted, certiorari proceedings and prayed that said decision be declared null in so far as it held that he was ineligible for the special election for the office of municipal president of the town of Badoc, as ordered in said judgment, and so far as it provides that said special election be held at his expense. The matter has now been submitted to this court.

Certiorari is the proper remedy whenever an inferior tribunal, board, or officer exercising judicial functions, has exceeded its or his jurisdiction, and no appeal, nor any plain, speedy, and adequate remedy exists to correct such excess or extralimitation. (Sees. 217 and 514, Code of Civil Procedure.) The jurisdiction of Courts of First Instance to hear and decide election contests is exclusive and final (sec. 27 of the Election Law) ; consequently, decisions rendered by them in the exercise of said jurisdiction can not be reviewed by means of an appeal. As they are not appealable and as against them no other plain, speedy and adequate remedy exists, it is evident that they constitute a proper subject for the extraordinary remedy of certiorari. Therefore, if the court below has exceeded his jurisdiction in rendering the above-cited decision it is proper to annul the same by virtue of said proceedings.

It is our opinion that he has so exceeded his jurisdiction. The jurisdiction of Courts of First Instance to hear election protests is conferred upon them by the aforesaid section 27 of the Election Law, and neither the said section, nor any other legal provision authorizes the court, in deciding such protests, to declare ineligible in future elections the person against whom the protest was presented, nor to sentence him to pay the expenses of the new election to be held. Hence, the court below had no power to enter such rulings in the case as gave rise to these proceedings, and in consequence thereof said rulings must be entirely annulled.

The said court having ordered a special election, it is a question whether or not he was authorized to do so under the Election Law. But this point in his decision has not been impugned nor appealed from, and can not therefore be the subject of a ruling in this decision.

The judgment appealed from is hereby annulled in so far as it holds that the petitioner is ineligible at the special election ordered therein, and imposes on him the obligation to bear the expenses of such election, without any special ruling as to the costs in these proceedings. So ordered.

Arellano, C. J., Torres, Johnson, and Carson, JJ., concur.

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