

**EMILIANO TRIA TIRONA, IN HIS CAPACITY AS CHAIRMAN,
ELECTION MATTER, “FRENTE POPULAR”, PETITIONER
AND APPELLANT, VS. THE MUNICIPAL COUNCIL OF DAGUPAN,
PANGASINAN, RESPONDENT AND ...**

G. R. No. 45865. December 08, 1937

Ponente: LAUREL, J.

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LAUREL, J.:

It appears that in the Province of Pangasinan, notwithstanding the fusion of the two major political parties into what is now known as the Partido Nacionalista, the division into what is commonly known as anti and pro factions was maintained, and that each such faction has presented a complete line-up for provincial offices and for municipal offices of Dagupan. (Stipulation of facts, page 2, decision of the lower court.) On the date set for the purpose, the municipal council of Dagupan appointed two inspectors and one poll clerk and their corresponding substitutes for the anti faction {Partido Nacionalista Democratico) in each and every electoral precinct of Dagupan and one inspector and substitute inspector of election in every such precincts for the pro faction (Partido Nacionalista Pro Independencia). This was done because in the general elections of 1934 the candidates of the Partido Nacionalista Democratico polled the largest number of votes in said municipality and the candidates of the Partido Nacionalista Pro Independencia polled the next largest number of votes therein. No inspector of election was given the Frente Popular and, for this reason, mandamus proceedings were instituted in the Court of First Instance of Pangasinan by Emiliano Tria Tirona representing the Frente Popular, to compel the municipal council of Dagupan to grant this party one inspector and substitute inspector of election in each and every electoral precinct of the municipality. After trial, the lower court dismissed the complaint. The petitioner, alleging the commission by the lower court of various errors of law, has appealed to this court.

The case at bar is not one where two or more opposition parties claim the right to a third inspector of election, but is one where the municipal council, relying on the provisions of paragraph (c) of section 417 of the Election Law, as amended by Commonwealth Act No. 233, has virtually given all the inspectors of election to the majority party. It is true that the municipal council of Dagupan has granted two inspectors to the anti faction and the third inspector to the pro faction of the Partido Nacionalista, but in view of the admitted and undeniable fact that these two factions belong to one and the same party, namely, the Partido Nacionalista, the result of such action was the monopoly of inspectors of election by this party. The lower court, while apparently recognizing the justice of the claim of the Frente Popular, declined to apply paragraph (c) of section 417 of the Election Law, as amended, because this paragraph refers to a case where the two factions of the majority party "present only one candidate for each office to be voted for in the city or municipality." The case at bar does not come under any of the cases enumerated in section 417 of the Election Law, as amended. It is clear, however, that the purpose of the legislature in providing for a system of political representation on all the boards of election inspectors is to insure the purity of elections. Any attempt, therefore, to deprive a political party of representation to which it is entitled should not be permitted. We are of the opinion and so hold that where the two major political parties at the last

preceding general elections have fused or consolidated into one party, and there are two sets of candidates of this party for elective provincial and municipal candidates against one set of candidates of an opposing party, the opposition party is entitled to one inspector and substitute inspector of election in each and every electoral precinct of the municipality. As it does not appear that the Partido Nacionalista has presented Official candidates but that each of the two wings of this party has presented a complete ticket of candidates for provincial and municipal offices in Pangasinan, one of the two inspectors and substitute inspectors of election in every electoral precinct of the municipality of Dagupan shall correspond to the anti faction and the other inspector and substitute inspector to the pro faction. The third inspector and substitute inspector shall go to the Frente Popular.

The judgment of the lower court is accordingly reversed and the municipal council of Dagupan is hereby ordered to meet within forty-eight hours from notice of this decision and to revoke the appointments of inspectors and substitute inspectors of election for the anti faction and forthwith to appoint an inspector and substitute inspector of election for the Frente Popular in each and every electoral precinct of Dagupan, Pangasinan, such appointments for the Frente Popular to be made in accordance with the proposal of the duly authorized representative of this party in the province or municipality aforementioned. Without costs. So ordered.

Avancena, C. J., Villa-Real, Abad Santos, Imperial, Diaz, and Concepcion, JJ., concur.

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