

CIRIACO V. CAMPOMANES, PETITIONER, VS. THE MUNICIPAL COUNCIL OF SARIAYA, TAYABAS, RESPONDENT.*G. R. No. 45869. December 08, 1937*

Ponente: LAUREL, J.

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This an original action in this court for a writ of mandamus to compel the municipal council of Sariaya, Province of Tayabas, to appoint for the Frente Popular one inspector and one substitute inspector in each and every election precinct of the municipality aforesaid, for the elections scheduled to take place on the 14th of this month.

The facts are not disputed and are stated in the following stipulation submitted to this court by counsel for both parties:

"1. El recurrente Ciriaco V. Compomanes fue el candidato oficial del Partido Sakdalista para el cargo de Gobernador Provincial de Tayabas en las elecciones generates de junio de 1934.

"2. En dichas elecciones de 1934 el Partido Sakdalista, lo mismo que el Partido Nacionalista-Democratico Anti, presento en la Provincia de Tayabas un ticket completo para todos los cargos Insulares y provinciales, asi comom para todos los cargos municipales en Sariaya, Tayabas.

"3. Actualmente los candidatos para cargos provinciales del Frente Popular, con el cual se ha confundido el Partido para el cargo de Gobernador, y Honesto D. R. Manalo, Osmundo T. Cruz, Isaac Ballo y Felix Palacio para vocales.

"4. El Partido Frente Popular y el Partido Sakdalistano tienen candidates para cargos municipales en Sariaya,Tayabas, en las elecciones venideras.

"5. Fuera de los candidatos provinciales del Partido Nacionalista y del Frente Popular no existen otros candidatos para dichos cargos provinciales para las proximas elec-ciones; y fuera de los candidatos municipales del PartidoNacionalista y del Partido Reformista no existen otros candidatos municipales en Sariaya, Tayabas.

"6. Los grupos politicos pula y puti, ambos ramifieacionesdel Partido Nacionalista, del Municipio de Sariaya estaban coaligados en las elecciones de 1934 y sus candidatos. municipales triunfaron en dichas elecciones en contra de loscandidatos del Partido Reformista y los candidatos del Partido Sakdalista.

"7. Los votoa obtenidos por cada uno de dichos Partidosen las elecciones de 1934 son los que constan en el ExhibitB del recurrente y en el adjunto Exhibit F del mismo recurrente.

"8. El Partido Liberal Reformista es un grupo puramentelocal en Sariaya, constituido desde el afio 1920 y desdeentonces hasta las ultimas elecciones generales de junio de 1934, siempre ha presentado un ticket completo paratodos los cargos municipales en el Municipio de Sariaya,Tayabas, bajo certificados de candidatura cuyo ejemplar teriores se acompaña aqui como Anexo 1; no ha presentado para todos sus candidatoa en dichas elecciones y otras anen cualquiera eleceion candidates insulares o provinciales, ni tampoco candidatos

municipales en otro cualquier municipio fuera de Sariaya.

"9. El Partido Sakdalista se constituyó en la Provincia de Tayabas el año 1930, pero en el Municipio de Sariaya solamente en las elecciones de 1934 presentó candidatos para cargos locales en el referido municipio.

"10. Los grupos políticos Pula y Puti han pertenecido siempre al Partido Nacionalista Consolidado, luego al Partido Nacionalista Democrático Anti y hoy al Partido Nacionalista.

"11. De los afiliados al Partido Liberal Reformista en la última elección presidencial, la mayor parte apoyó al candidato presidencial socialista, algunos al candidato presidencial del Partido Republicano y unos cuantos al candidato presidencial de la coalición anti-pro; y en otras elecciones pasadas a veces apoyaba a candidatos insulares Nacionalistas y a veces Demócratas antis y pros.

"12. Que sumados los votos obtenidos por los candidatos del Partido Liberal Reformista en Sariaya desde el Presidente Municipal hasta el último concejal en las elecciones generadas de junio de 1934, y sumados igualmente los votos obtenidos en Sariaya por los candidatos del Partido Sakdalista para cargos provinciales y municipales, el Partido Liberal Reformista ha obtenido mayor número de votos que el Partido Sakdalista en el citado Municipio de Sariaya.

"13. En 4 de octubre de 1937 (un día antes de la sesión del Concejo Municipal de Sariaya) el representante debidamente autorizado del directorio nacional del Frente Popular sometió la propuesta de inspectores Exhibit A-1 del recurrente, firmado por el Sr. Donato Magtibay, presidente local, y por el Sr. Dionisio C. Mayor, representante provincial.

"14. El Partido Liberal Reformista en la misma fecha 4 de octubre, 1937, sometió la propuesta Exhibit A del recurrente, firmada por el Presidente del Partido Liberal Reformista.'

"15. El día 2 de octubre, 1937, el Partido Nacionalista sometió la propuesta Exhibit A-2 del recurrente firmada por su representante debidamente autorizado.

"16. El acta Exhibit C del recurrente es copia exacta del acta del Concejo recurrido nombrando inspectores.

"17. Las partes también convienen en que se admitan como prueba los affidavits que cualquiera de las partes quiera someter sobre si existe o no confabulación entre el Frente Popular y el grupo Liberal Reformists."

The right of the Partido NadoTwlista to two inspectors of election in each and every election precinct of the municipality of Sariaya is not denied. Neither is there any dispute regarding the appointment of said inspectors at the instance of the duly authorized representative of that party (Exhibit A-2). Although it appears from resolution No. 92, series of 1937, of the municipal council of Sariaya, Tayabas (Exhibit C), that the inspectors were appointed for a local political organization (Pula-Puti) of the Partido Nacionalista, it appears from the foregoing stipulation of facts (par. 6) that this political organization was a local branch of the Partido Nacionalista in Sariaya. The conflict arises between the Partido Liberal Reformista to which the municipal council gave an inspector and a substitute inspector of election and the Frente Popular which claims a better right thereto. It is not denied that the Frente Popular is a "political party" within the definition of paragraph (h) of section 417 of the Election Law. Upon the other hand, it is admitted in paragraph 8 of the above stipulation that the Partido Liberal Reformista "es un grupo puramente local en Sariaya, constituido desde el año 1920 y desde entonces hasta las últimas elecciones generales de junio de 1934, siempre ha presentado un ticket completo para todos los cargos municipales en el Municipio de Sariaya, Tayabas, bajo certificados de candidatura cuyo ejemplar para todos sus candidatos en dichas elecciones y otras anteriores se acompaña aquí como Anexo 1; no ha presentado en cualquiera elección candidatos insulares o provinciales, ni tampoco candidatos municipales en otro cualquier

municipio fuera de Sariaya."

The question presented is: Which political organization is entitled to recognition as an opposition party with respect to the appointment of an inspector and a substitute inspector of election, the Frente Popular or the Partido Liberal Reformista?

Section 417 of the Election Law, prior to its amendment by Commonwealth Act No. 233, recognizes the legal personality of political aggroupments for election purposes, and the right to propose inspectors of election. A "political group" is there denned. The amendatory section of Commonweath Act No. 233 no longer accords this recognition and has eliminated the definition of this term. The evident purpose of the law is to foster and encourage the formation of political parties inspired by high political ideals of government. In case, therefore, of antagonism or conflict between a political party whose claim to national character is not denied and a mere political group, the claim of the former, as an opposition party, to an inspector of election under section 417 of the Election Law, as amended, must prevail over that of the latter" That such is the intention of the legislature is, furthermore, inferable from paragraph (f) of the same section.

Counsel for the respondent municipal council of Sariaya invokes the ruling laid down by this court in the case of Municipal Board of the City of Manila and Mendoza vs. Agustin (36 Off. Gaz., 1335), as authority in support of the action taken by the said municipal council of Sariaya granting an inspector and a substitute inspector of election to the partido Liberal Reformista. Our ruling in that case is necessarily predicated upon the facts related in the decision of the Court of Appeals and its application should not be extended beyond its ratio decidendi or the legal propositions therein decided. Our decision in that case did not pass upon the character of the political organizations which were parties to the controversy or were involved therein. That point was not then before us. On the contrary, the political character of such organizations appears to have been conceded, and in that connection this court was careful to observe:

"While in the oral argument of counsel for both parties there has been a mutual denial of the existence of the one and the other party, we find from the relation of facts of the decisions of the Court of First Instance of Manila and of the Court of Appeals that the existence of the contending parties here, within the definition of paragraph (h) of section 417 of the Election Law as amended, is not controverted and we cannot properly inject our finding into the record."

In view of the foregoing, the writ prayed for is hereby granted, and the municipal council of Sariaya is hereby ordered to meet within forty-eight hours from notice of this decision, to revoke the appointments of inspectors and substitute inspectors of election for the Partido Liberal Reformista and forthwith to appoint an inspector and a substitute inspector of election for the Frente Popular in each and every precinct of the municipality of Sariaya, Tayabas, such new appointments to be made in accordance with the proposal of the duly authorized representative of the Frente Popular in the province or municipality aforementioned. Without costs. So ordered.

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

CONCURRING

IMPERIAL, J.:

It being admitted by the parties that the Popular Front is a political party as defined by law and that El Partido Liberal Reformista is merely a local political group, the question to be determined is, in the first place, whether or not the two political entities are entitled to an inspector and substitute and, if so, which has a better or preferred right.

"Paragraphs (c) and (f) of section 417 of the Revised Administrative Code, as amended by Commonwealth Act No. 233, provided as follows:

"(c) Two of the" inspectors and the poll clerk, and their substitutes, shall belong to the party which polled the largest number of votes in the city, municipality or municipal district at the next preceding election, and the other inspector and his substitute shall belong to the party which polled the next largest number of votes at said election. In computing the number of votes polled by each party for the appointment of inspectors for a regular election of provincial and city or municipal officers, the votes polled by all the candidates for said offices belonging to said party according to their certificates of candidacy shall be counted, and in the case of the appointment of inspectors for a regular election for President or Vice-President of the Philippines and Members of the National Assembly, or only the latter, the votes polled by the candidate for the offices to be filled belonging to the party concerned according to their certificates of candidacy shall be counted for the purposes of said computation."

"(f) The election inspectors and poll clerks and their respective substitutes shall be persons proposed by the authorized representatives of the national directorates of the parties. The representatives of the parties in the municipality or province, as the case may be, shall communicate in within at least three days before the meeting for the appointment of inspectors is held, the names, surnames, and post-office addresses of the persons who are to act as their representatives in the designation of the election inspectors."

From the foregoing provisions infer that the National Assembly prescribed two fundamental conditions to be fulfilled by the political parties in order to be entitled to inspectors and substitutes, to wit: (1) That they polled the largest and next largest number of votes in the city, municipality or municipal district at the next preceding election, or in 1934, and (2) that they be national in character.

With respect to the Partido Liberal Reformista, it is clear that it is not entitled to an inspector and substitute on the ground that it is not a political party under the law, but merely a local political group. Strictly speaking, neither is the Popular Front entitled to an inspector and substitute, although it is a political party, national in character, because it did not poll the largest or the next largest number of votes in the municipality of Sariaa at the last elections, not having then been organized.

Therefore this is a case not provided for in the amendment to the Election Law. Taking into consideration the fact that it has always been the intention of the legislature to grant the third inspector and substitute to the opposing political party or group existing in a locality in order to maintain the cleanliness of elections, I am of the opinion that the Popular Front is more entitled to the third inspector and substitute than the Partido Liberal Reformista on the ground that the latter is local in nature and, according to the facts, it does not strictly represent the opposition.

For these reasons, I concur in the majority opinion.

Petition granted with instructions.

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