

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. AGUSTIN CONCEPCION ET AL., DEFENDANTS AND APPELLANTS.¹

G.R. No. 4790. February 18, 1909

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4790/>

JOHNSON, J.:

On the 28th day of October, 1907, the prosecuting attorney of the Province of Capiz presented in the Court of First Instance of that province the following complaint:

"That on the 28th day of June, 1907, said accused were holding the office of election inspectors for the first precinct of the municipality of Calibo, Province of Capiz, the three persons above named constituting the board of inspectors of said precinct, and as such board of inspectors they held on the aforesaid day an ordinary meeting in the precinct of the municipality of Calibo, for the purpose of registering the voters duly qualified in said precinct for the election of a Delegate to the First Philippine Assembly; that Juan Policarpio, being a duly qualified voter of said precinct, appeared before the said inspectors and asked that he be registered as a voter; but, that the said inspectors willfully, intentionally, illegally, and feloniously refused and prevented the registration of the name of Juan Policarpio in the registry, and refused to administer to him the elector's oath prescribed by section 17 of the Election Law, thereby violating the provisions of section 29 of the said law."

To this complaint the defendants demurred, which demurrer was later overruled by the judge of that court, to which ruling of the court the defendants duly excepted.

On the 31st day of October, 1907, the defendants were duly arraigned and each pleaded "not guilty."

After hearing the evidence adduced during the trial, the lower court found each of the defendants guilty of the crime charged in the complaint and sentenced each of them to pay a fine of P300 and costs, and in case of insolvency to suffer subsidiary imprisonment at the rate of P2 per day, until said fine and costs were fully paid, which subsidiary imprisonment should in no case exceed an imprisonment of six months. From this sentence of the lower court the defendants each appealed.

No question was raised in this court as to the sufficiency of the complaint. The complaint charges that the defendants, being inspectors of election in the municipality of Calibo of the Province of Capiz, did on the 28th of June, 1907, voluntarily, knowingly, illegally, and criminally refuse to allow one Juan Policarpio to register as a voter in the said municipality.

During the trial the prosecuting attorney attempted to prove that the said Juan Policarpio was a resident of the municipality of Calibo and was entitled to be registered as a voter of said municipality; that the defendants knew that the said Policarpio was a resident of the said municipality and that he was entitled to be registered but that they fraudulently and corruptly refused him the right to register as a voter.

During the trial the defendants attempted to prove that one or more of them personally knew the said Policarpio and knew that he had not resided in the said pueblo for many years, and especially during the six months immediately preceding the time of registration.

At the time the said Policarpio presented himself for registration, he presented his personal cedula issued by the authorities of the city of Manila, which gave his residence) as the city of Manila. Notwithstanding the fact that the cedula stated that his residence was in Manila, the said Policarpio claimed that he presented several witnesses to the said inspectors, who stated to the inspectors that he, Policarpio, was a resident of the pueblo of Calibo. The defendants deny that Policarpio presented any proof whatever of his residence except his cedula.

Section 17 of Act No. 1582, as amended by section 4 of Act No. 1709, provides that the inspectors of election shall hold four meetings before any election at a designated place, for the purpose of preparing a list of names and residences of the persons qualified to vote, in the precinct in which they are acting as such inspectors. Said Act also provides the manner in which the list of names, etc., shall be arranged, and also provides that before the name of any resident shall be entered upon this list, he shall take an oath, prescribed by said law.

Said Act provides that any person who applies for registration at any of the four meetings of the board may be challenged by any of the inspectors or by any qualified elector of the precinct. In case of a challenge, the board shall examine such person and shall hear such other evidence as shall to them seem necessary, with respect to the qualifications or disqualifications of the applicant for registration. If the board finds that such applicant is entitled to be registered, they shall enter his name upon the list of voters. If they find that he is disqualified, they have a right to refuse to allow such person to register, and if his name had been already entered upon the list of voters, the board has a right to strike the same therefrom.

In the investigation of this question of qualification of the applicant for registration, the election board has authority to call witnesses and compel their attendance.

The law provides that the inspection board shall decide the question as to the qualification of the applicant for registration without delay. The law further provides that in case the applicant is refused the right to register, he may appeal to the provincial board of the province or to the judge of the Court of First Instance of said province, for the purpose of having his name placed upon the list of voters.

In the present case the record does not disclose whether the applicant appealed to the provincial board or to the Court of First Instance of said province.

Section 29 of said Act provides, among other things, that—

"Any inspector or poll clerk who knowingly enters upon any registry or poll list or causes or allows to be entered thereon the name of any person as a voter in a district who is not a voter thereof, and any inspector of election who refuses or willfully votes to refuse or willfully neglects to enter the name of any qualified applicant for registration upon the registry list, or who knowingly prevents or seeks to prevent the registration of any legally qualified voter * * * shall be punished by imprisonment for not less than one month, nor more than one year, or by a fine of not less than two hundred pesos, nor more than five hundred pesos, or both, in the discretion of the court."

It will be noted that this paragraph provides that if any inspector knowingly enters, etc., the name of any person as a voter, etc., who is not a voter, or who refuses or willfully votes to refuse or willfully neglects to enter the name of any qualified applicant, etc., shall be punished.

It will be noted that in said section 17, above quoted, the board of inspectors were given the right to decide in the first instance whether or not a particular applicant for registration was legally entitled to be registered or not. This authority is in the nature of a judicial capacity conferred upon the inspectors. Having thus been given judicial capacity or quasi-judicial capacity to decide the question whether or not a particular applicant is entitled to register, we are of the opinion and so hold, that such inspectors of election can not be punished under the provisions of section 29 until it is shown, beyond question, that such inspectors, knowingly, willfully, and

maliciously entered upon the poll list or knowingly, willfully, and maliciously refused to permit the entry upon such list of the name of any applicant for registration.

Under the provisions of the law evidently the inspectors of election have a right not only to call witnesses for the purpose of ascertaining whether or not a particular applicant is entitled to be registered, but they may act upon their own knowledge with reference to the qualifications of such applicant, and if they act honestly and without willfulness or maliciousness they can not be held to be criminally responsible. It is only when they knowingly, willfully, and maliciously register or refuse or vote to refuse to register one who is not entitled to be registered, or one who is entitled to be registered, that they can be punished criminally. The mere fact that they have registered or refused or voted to refuse to register one who is entitled to be registered or one who is not entitled to be registered, is not sufficient, under the law, to make the inspectors of election criminally responsible. It must be shown, beyond peradventure of doubt, that the acts of said inspectors in such a case were done knowingly, willfully, and maliciously.

In the present case, in our opinion, the record does not disclose facts sufficient to show that the defendants did knowingly, willfully, and maliciously refuse to allow the said Juan Policarpio to register, and therefore the sentence of the lower court is hereby revoked and it is hereby ordered that the said cause be dismissed and that the defendants be discharged from the custody of the law.

Arellano, C. J., Torres, Mapa, Carson, and Willard, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.