

TIGBATAS PARTY, PETITIONER, VS. HONORABLE JOSE LOPEZ VITO, RUFINO LUNA, AND JOSE ABREU, ETC., RESPONDENTS.

G.R. No. 48594. September 24, 1941

Ponente: OZAETA, J.

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OZAETA, J.:

On August 25, 1941, eleven individuals, all residents of the Province of Iloilo, formed a nonstock corporation under the name Tigbatas Party for the following purposes:

- "1. To work for political and economic independence of the Philippines;
- "2. To conserve and preserve the patrimony of the state and of all things Philippine;
- "3. To work for the reelection of President Manuel L. Quezon and Vice-President Sergio Osmeña, and such candidates for public office as are best qualified for public service;
- "4. To preserve and conserve individual freedom insofar as it is not inconvenient with the security of the state.
- "5. To work for the greatest good of the greatest number, and for an equal opportunity to all."

They registered their articles of incorporation and by-laws on August 28, 1941, and, on that same day, submitted to the Commission on Elections a list of candidates for the national elections to be held on November 11, 1941. The list contained no names of candidates for Members of the House of Representatives except those for the five representative districts of Iloilo, for which, respectively, the following were named: Mariano Ezpeleta, Fermin Caram, Atanasio Ampig, Cesario Golez, and Victorino Salcedo. Each of these five candidates filed a certificate of candidacy with the Commission on Elections stating under oath that he belongs to the Nacionalista Party. Fermin Caram subsequently withdrew his candidacy.

For President and Vice-President, the Tigbatas Party listed the same candidates as those officially nominated by the Nacionalista Party; and for Senators, it listed sixteen of the twenty-four official candidates of the Nacionalista Party and added eight more of its own choice, the majority of whom are known members, but not official candidates, of the Nacionalista Party.

Based on the registration of its articles of incorporation and by-laws, the Tigbatas Party claimed to be a duly organized political party and requested the Commission on Elections to have the names of its candidates printed on the official ballot for the coming elections in accordance with section 3 of Commonwealth Act No. 666. After a hearing, the Commission declared that the Tigbatas Party is not entitled to have its ticket printed on the official ballot because it did not participate and could not have participated in the 1938 national elections, since it came into existence only on August 28, 1941, when its incorporation papers were filed. The Commission also declared that the Tigbatas Party is not entitled to recognition as a duly organized political party for purposes of submitting a party ticket to be voted for as a whole.

Thereupon, the Tigbatas Party, thru Attorney Mariano Ezpeleta, filed in this Court the present petition entitled

"For Declaratory Relief and Petition for a Writ of Certiorari, Prohibition and Mandamus," praying (1) that sections 2, 3, and 4 of Commonwealth Act No. 666 be declared void and unconstitutional; (2) that the respondents be ordered to print on the official ballot the officially nominated candidates of the Tigbatas Party and/or to print or cause to be printed the ordinary and regular official ballots without the names of the candidates as provided for in sections 119 to 124 of the Election Code; and (3) that the Tigbatas Party be declared a duly organized and existing political party and as such entitled to submit a party ticket to be voted for as a whole in the coming national elections.

Disregarding the questionable propriety of petitioner's invoking indiscriminately the remedies of declaratory judgment (for which this court has no original jurisdiction under Act No. 3736, as amended by Commonwealth Act No. 55), certiorari, prohibition, and mandamus, we shall treat petitioner's action as a petition for the writ of certiorari to review the decision of the Commission on Elections under section 9 of Commonwealth Act No. 657, which we deem adequate for the reliefs sought by the petitioner.

The pivotal question to decide is whether or not the Tigbatas Party is a political party within the meaning of the election law. Upon that question depends the right of the petitioner to either of the alternative reliefs it seeks. On the premise that it is a political party, it seeks to compel the Commission on Elections to print on the official ballot the list of candidates submitted by it or to declare sections 2, 3, and 4 of Commonwealth Act No. 666 unconstitutional so that no political party would be entitled to have the names of its candidates printed on the official ballot.

Section 2 of Commonwealth Act No. 666, which will govern the coming national elections only, provides that any political party having officially nominated candidates for national positions shall file with the Commission on Elections a certificate of such nominations subscribed under oath by the president and the secretary of the corresponding political party. Section 3 of the same Act provides that the ballot shall be prepared in such manner that the voter may vote for a straight party ticket or for individual candidates, and for this purpose the tickets of the regularly organized political parties that participated in the last preceding election for national officials shall be printed on the ballot.

The provisions of the Election Code are expressly made applicable by section 1 of Commonwealth Act No. 666 to the election therein provided for insofar as they are not in conflict with said Act. We have to resort to the Election Code to determine the meaning of the phrases "political party" and "regularly organized political parties" used in Commonwealth Act No. 666. Section 76 of the Election Code defines "political party" to be "an organized group of persons pursuing the same political ideals in a government and includes its branches and divisions." No recognition is given by the Code to any branch or fraction which has seceded from its respective party, or from the party resulting from their fusion (section 72). The right to propose inspectors and poll clerks is given only to the authorized representatives of the national directorates of the parties (section 73).

The respondent Commission held that the petitioner is not a political party within the purview of section 76 of the Election Code because no direct evidence had been presented to show that it is supported by a more or less known group of people pursuing the same political ideals in a government. On the contrary, the Commission said, its records fail to show that any candidate for the office of Member of the House of Representatives filed a certificate of candidacy stating that he belongs to the Tigbatas Party.

Counsel for the petitioner admitted in open court during the oral argument that petitioner's political ideals are the same as those of the Nacionalista Party, but he contended that no single party can claim a monopoly of all the virtues and good principles of government. He further admitted that all the candidates of the Tigbatas Party for the five representative districts of Iloilo belong to the Nacionalista Party, but that they are not the official candidates

of the latter. As a matter of fact, according to him, if the candidates for Representatives from Iloilo named in the list of the Tigbata Party had been officially nominated by the Nacionalista Party, the Tigbata Party would not have been formed. He said that the organization of that party was deemed necessary in order that said candidates might be included in the official ballot as the candidates of a political party for the purpose of block voting.

It is transparent that the incorporation of the petitioner was mere electioneering tactics.

We find that the Commission on Elections correctly held that the Tigbata Party is not a political party within the purview of the election law. The organization contemplated in the definition of political party (section 76 of the Election Code) is not a mere paper organization but a real, bona fide, functioning organization with a personality derived not from a mere corporate name but from its pursuit and advocacy of certain political ideals different from or opposed to those of another party. To recognize the petitioner as a regularly organized political party within the purview of the election law would be to sanction a subterfuge to circumvent the law.

Having arrived at the conclusion that the petitioner is not a duly organized and existing political party, we find it unnecessary to decide the constitutional question raised by it. Not being a political party, it had no personality to invoke any right before the Commission on Elections.

The petition is dismissed, with costs. So ordered.

Avanceña, C. J., Santos, Diaz, Laurel, Moran, and Horrilleno, JJ., concur.

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