

JUAN SUMULONG, IN HIS CAPACITY AS PRESIDENT OF THE PAGKAKAISA NG BAYAN, PETITIONER, VS. THE COMMISSION ON ELECTIONS, RESPONDENT.

G.R. No. 48609, October 10, 1941

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

The Commission on Elections, acting under the authority of section 5 of Commonwealth Act No. 657, adopted a resolution providing for the appointment of election inspectors to be proposed by the political parties and persons named therein. One of those parties, Pagkakaisa Ng Bayan, of which petitioner is the President, claiming the exclusive right to propose the appointment of such inspectors, now seeks to nullify that resolution on the ground that section 5 of Commonwealth Act No. 657 is unconstitutional, in so far as it requires that a political party must have polled at least ten per centum of the total number of votes cast in the preceding election in order to have the right to propose the appointment of one inspector and his substitute. Petitioner contends that this requirement of section 5 is a subject not expressed in the title of the Act, and that its inclusion in that section contravenes the provision of the Constitution that "No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill." Constitution, Article VI, section 21 (1).

Commonwealth Act No. 657 is entitled "An Act to reorganize the Commission on Elections." It implements the provisions of the Constitution by reorganizing the Commission on Elections created under Commonwealth Act No. 607, and converting it into the Commission on Elections established under Article X of the Constitution. Among the powers conferred by the Constitution on the Commission on Elections is that of deciding administrative questions affecting the appointment of election inspectors; and section 5 of Commonwealth Act No. 657 provides, among other things, that "the Commission on Elections shall, directly or through its authorized provincial representatives, appoint a board of election inspectors for each election precinct, to be composed of three inspectors and poll clerk." It further provides that the appointment of one inspector and his substitute and the poll clerk and his substitute shall be proposed by the party which polled the largest number of votes in the preceding election, and that the appointment of another inspector and his substitute shall be proposed by the party which polled the next largest number of votes, if the same constitute at least ten per centum of the total number of votes cast in the said election.

The constitutional requirement that the subject of an act shall be expressed in its title should be reasonably construed so as not to interfere unduly with the enactment of necessary legislation. It should be given a practical rather than technical construction. It should be a sufficient compliance with such requirement if the title expresses the general subject and all the provisions of the statute are germane to that general subject. As stated by the Supreme Court of the United States: "We must give the constitutional provision a reasonable construction and effect. The constitution requires no law to embrace more than one subject, which shall be expressed in its title. Now the object may be very comprehensive and still be without objection, and the one before us is of that character. But it is by no means essential that every end and means necessary or convenient for the

accomplishment of the general object should be either referred to or necessarily indicated by the title. All that can reasonably be required is, that the title shall not be made to cover legislation incongruous in itself, and which by no fair intendment can be considered as having a necessary or proper connection." (Blair v. Chicago, 26 S. Ct. 427, 201 U. S. 400, 50 L. ed. 801.)

It seems evident, in the light of the relevant provisions of the Constitution, that the challenged provision of section 5 of Commonwealth Act No. 657 has a necessary and proper connection with the reorganization of the Commission on Elections, which is the subject expressed in the title of the Act. Under the Constitution the Commission on Elections is empowered to decide administrative questions affecting the appointment of election inspectors and other election officials, and the requirement that, to be entitled to propose the appointment of one inspector and his substitute, a political party must have polled at least ten per centum of the total number of votes cast in the preceding election, is germane to the general subject of the reorganization of the Commission on Elections.

We find no merit in petitioner's contention that, if its validity is upheld, section 5 of Commonwealth Act No. 657 would have the effect of nullifying the decision of this court in G. R. No. 47940, Juan Sumulong vs. The Commission on Elections. That decision involved controversies arising out of the elections held on December 10, 1940. It construed section 70 of the Election Code in the sense that it gave the Pagkakaisa Ng Bayan the right to propose an inspector for each and every election precinct in the municipality of Bauan, Province of Batangas. The judgment entered pursuant to that decision had long been executed when Commonwealth Act No. 657 was approved.

It is true that if the law had remained unchanged, the doctrine laid down in the case mentioned would apply to future similar cases. But there is no principle or rule of law which prevents the legislative from amending statutes merely because the interpretation given to such statute by the courts would be rendered nugatory. Instances abound where legislative acts have either been repealed or amended after the courts have had occasion to interpret and apply them. The question is one of power, and it cannot be seriously disputed that the organization of the boards of election inspectors is a proper subject for legislative cognizance. Because of the theory of separation of the powers of government, it is a firmly established principle that the propriety, wisdom and expediency of legislation are exclusively matters for legislative determination. The remedy against unwise legislation is an appeal not to the courts, but to the people who elect the members of the legislative body.

It remains to consider petitioner's contention that the resolution of the Commission on Elections, by giving the so-called rebel candidate or free-zone faction of the Nationalista Party the right to propose one election inspector for each of the precincts in each of the fifty-three legislative districts mentioned in paragraph IV of the petition, contravenes section 5 of Commonwealth Act No. 657. He argues that under that section the Nationalista Party has the right to propose one, and only one inspector for each precinct, and that the resolution has the effect of giving that party two inspectors in each and every precinct within those legislative districts. The argument stems from a misapprehension of the provisions of said section 5. That section provides, among other things: First, that the appointment of one inspector and his substitute and the poll clerk and his substitute shall be proposed by the party which polled the largest number of votes at the preceding election; second, that the appointment of another inspector and his substitute shall be proposed by the party which polled the next largest number of votes, if the same constitute at least ten per centum of the total number of votes cast in the said election; and third, that the third inspector and his substitute shall be chosen by the Commission on Elections, and this third inspector shall be the chairman of the board. It also provides, that if the representatives of the national directorates of political parties should fail to propose the names of persons to be appointed as election inspectors in their respective legislative districts, or if there be no political party entitled to propose the appointment of any inspectors, the

Commission shall, at its discretion, choose said. inspectors and their substitutes.

In the instant case, it appears that in the fifty-three legislative districts under consideration none of the minority parties obtained in the preceding election the minimum number of votes required to entitle it to propose the appointment of election inspectors. The question presented, therefore, is whether the Commission on Elections, in giving the so-called rebel candidates and free-zone factions of the Nationalista Party the right to propose election inspectors for the fifty-three legislative districts, has acted within the limits of the discretion granted to it by law. Petitioner maintains that the discretion given by section 5 of Commonwealth Act No. 657 to the Commission on Elections in the choice of election inspectors where none of the minority parties is entitled to propose the appointment of such inspectors is not absolute, but limited by the provision of the Act that the majority party shall have the right to propose only one inspector. We think that this is taking a rather narrow view of the law. We are inclined to take a more liberal view.

The Commission on Elections is a constitutional body. It is intended to play a distinct and important part in our scheme of government. In the discharge of its functions, it should not be hampered with restrictions that would be fully warranted in the case of a less responsible organization. The Commission may err, so may this court also. It should be allowed considerable latitude in devising means and methods that will insure the accomplishment of the great objective for which it was created—free, orderly and honest elections. We may not agree fully with its choice of means, but unless these are clearly illegal or constitute gross abuse of discretion, this, court should not interfere.

Politics is a practical matter, and political questions must be dealt with realistically—not from the standpoint of pure theory. The Commission on Elections, because of its fact-finding facilities, its contacts with political strategists, and its knowledge derived from actual experience in dealing with political controversies, is in a peculiarly advantageous position to decide complex political questions.

In the answer to the petition filed in this case, it is stated that in providing for the appointment of election inspectors for the fifty-three legislative districts, the Commission on Elections took into account the circumstances of each particular district, having considered, among other factors, the availability of teachers and other government employees and the strength of the opposing parties, factions and candidates; and adopted the following formula:

"a. In districts where the majority party is not opposed by any opposition party of substantial political strength, and where the real opposition therein is represented by a candidate who has proven his political strength in the past according to the records of the Commission, said candidate is given the minority inspector, irrespective of his party.

"b. In districts where the opposition has not obtained at least 10 per cent of the total votes cast, but shows sufficient political strength as evidenced by the Commission's records, the minority inspector is given to such opposition party.

"c. In districts where the majority party is not opposed by any opposition party nor by any candidate of substantial strength, teachers are appointed as minority inspectors.

"d. In districts where the opposition has not shown any political strength, the minority inspector is denied them in order to avoid the trafficking with the appointment of inspectors."

There are no ready-made formulas for solving public problems. Time and experience are necessary to evolve patterns that will serve the ends of good government. In the matter of the administration of the laws relative to the conduct of elections, as well as in the appointment of election inspectors, we must not by any excessive zeal take away from the Commission on Elections the initiative which by constitutional and legal mandates properly

belongs to it. Due regard to the independent character of the Commission, as ordained in the Constitution, requires that the power of this court to review the acts of that body should, as a general proposition, be used sparingly, but firmly in appropriate cases. We are not satisfied that the present suit is one of such cases.

The order of the Commission on Elections is affirmed, with costs against the petitioner.

Diaz, Moran, and Horrilleno, JJ., concur.

Ozaeta, J., concurring and dissenting:

I concur on the constitutionality of section 5 of Commonwealth Act No. 657, but dissent on the interpretation given by the Commission on Elections to said section for the same reasons stated in my dissenting opinions in the cases of *Vinzons vs. Commission on Elections*, G. R. No. 48596; *Rimando vs. Commission on Elections*, G. R. No. 48603; and *Sumulong vs. Commission on Elections*, G. R. No. 48634.

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