PEDRO A. ENRIQUEZ, PETITIONER, VS. J.S. POWELL, JUDGE OF FIRST INSTANCE FOR THE SEVENT JUDICIAL DISTRICT, AND EMILIO CAMPOMANES, RESPONDENTS.

G.R. No. 5768. December 20, 1909

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Petitioner applied for a writ of mandamus to compel the respondent judge to take cognizance of a protest against the election of a municipal president. The judge refused to proceed with the protest because it had been filed with the clerk of the court while the judge was holding sessions in another province from which he returned after he expiration of the two weeks fixed by the Election Law for the presentation of protests, and upon the ground that the law does not confer power upon the clerk to receive and file such protests. It is held, however, that the protest was presented in accordance with section 27 of Act No. 1582, and that it was the respondent's duty to take cognizance thereof. Writ granted.
Per Johnson, J.

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