

LIONS CLUBS INTERNATIONAL AND JAMES L. SO, PETITIONERS, VS. HON. AUGUSTO M. AMORES, PRESIDING JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, BRANCH XXIV, COURT OF APPEALS AND V...*G.R. No. 61259. April 26, 1983*

Ponente: GUERRERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61259/>**GUERRERO, J.:**

Where the Constitution of petitioner association, the Lions Clubs International, specifically provides that all Lions Clubs so organized shall be under the exclusive jurisdiction of the International Board of Directors (Sec. 5, Art. III) and that all District Governor election results shall be adopted by the International Board of Directors and thereby become effective, except in the case of an election protest filed or legal action resulting therefrom, in which event the appointment or election of such District Governor shall be subject to action by the International Board of Directors [Sec. 8(a), (1) 2nd par., Art. VII] and in accordance therewith, the election protest between petitioner So and respondent Josefa for the position of District Governor of District 301-AI Philippines for the fiscal year 1982-1983 was filed and elevated to the International Board of Directors through its Constitution and By-Laws Committee following the prescribed Constitutional Complaints Procedure and said Committee conducted a hearing therein attended by the parties, each claiming to be duly elected to the disputed position, the decision of the International Board of Directors adopting the Committee's Report and approving the election of petitioner James L. So to serve as District Governor of District 301-AI for the fiscal year 1982-1983 is final, binding, and conclusive, it being a question of policy, discipline, and internal government in the relation of the mother organization with local clubs organized, chartered and supervised exclusively thereunder, absent any clear showing of mistake, fraud, collusion, or arbitrariness and, therefore, the basic matter in dispute in the instant petition as to who has the right to the contested office presents no justiciable controversy that necessitates judicial interference or intervention.

The case at bar is a special civil action for certiorari, mandamus and prohibition with prayer to lift the restraining order issued by the Court of Appeals (now the Intermediate Appellate Court) in CA-G.R. No. 14599-SP entitled "Vicente Josefa, Petitioner, versus Hon. Judge Augusto M. Amores, Lions Clubs International, and James L. So, Respondents."

The principal adversaries in this controversy are respondent Vicente Josefa of the Manila Traders Lions Club and petitioner James L. So of the Manila Centrum Lions Club, which Lions clubs are duly organized, chartered, and affiliated with Lions Clubs International having its International offices at 300 22nd Street, Oakbrook, Illinois 60570, U.S.A. The Manila Traders Lions Club and the Manila Centrum Lions Club, together with other Lions clubs, are embraced and constituted into the newly organized District 301-AI. The Lions districts in the country form the so-called Multiple District 301-Philippines. All clubs so organized and chartered under the Constitution of Lions Clubs International are under the exclusive supervision of the International Board of Directors.

The records show that on July 1, 1982, Vicente Josefa filed a complaint for Quo Warranto, Injunction, Damages with writ of preliminary injunction and prayer for temporary restraining order docketed as Civil Case No. 82-10588 in the Court of First Instance of Manila against Lions Clubs International and James L. So, defendants, alleging inter alia the following material and pertinent allegations: that Josefa and So filed their certificates of candidacy for the position of District Governor of District 301-A1 for the fiscal year 1982-83; that before the elections, or on April 22, 1982, an agreement was executed between Josefa and So for the purpose of avoiding an expensive, full-blown election contest, whereby the latter withdrew his certificate of candidacy in favor of Josefa; that said withdrawal of So was duly accepted by District 301-A through Governor Huang who affixed his signature to the aforesaid agreement; that however, news items were published conveying the idea that So had not withdrawn from the gubernatorial race; that Gov. Huang informed Josefa that So had not filed a new certificate of candidacy and that the District did not recognize So as a candidate to any position; that a telex was sent to Lions Clubs International requesting information whether So was still a candidate after his withdrawal and Lions International admonished incumbent Governor Huang to enforce the Constitution and By-Laws of Multiple District 301 if the withdrawal was in fact made and accepted by the District.

It was further alleged that on the day of the election, June 6, 1982, the Chairman of the Nominations Committee reported at the Plenary Session of the 33rd Multiple District Convention held at the Little Theater of the Olongapo High School, Olongapo City, that because of So's failure to file another certificate of candidacy, the District recognized only one candidate, Vicente Josefa, for Governor; that, however, some members of the Council of Past District Governors arbitrarily set aside said report and proclaimed So as a qualified candidate, which action was vigorously objected to by some Lions present in the Plenary Session on the ground that the session was not the proper quorum to deliberate and decide on the matter as some of those present were Lions and Lionesses who were not qualified to vote; that the Past District Governors dismissed the members of the Nomination Committee, Election Committee, and other committees in-charge of the accreditation of votes and unlawfully appointed new members thereof.

The complaint likewise alleged that during all this time, armed men by force and intimidation prevented known leaders and followers of Josefa from entering the Plenary Session; that forced by the deteriorated peace and order in the convention hall and by virtue of the powers vested in him by the State Council of Governors, as well as the Rules of Procedure, Gov. Huang through his Cabinet Secretary announced in the Plenary Session that he has changed the venue of the election from the Little Theater of the Olongapo High School to its new site at the ground floor of Admiral Hotel, also at Olongapo City; that to this transfer, Vice Chairman of the State Council of Governors, Gov. Ramon Beleno and the Secretary General of the hosting clubs, Estanislao Cesa, Jr. made no objections, provided the cost of facilities of new venue is not shouldered by them.

Plaintiff Josefa also alleged that So and some members of the Council of Past District Governors continued to hold and supervise an illegal election at the old site where voting and non-voting delegates and alternates were allowed to cast their votes without ballots, without ballot boxes and without the issuance of valid accreditation papers of the registered voting delegates; that in the meantime, at the election held at the Admiral Hotel supervised by Gov. Huang, Josefa obtained 115 votes, a majority of the qualified voting delegates duly accredited, and was duly proclaimed as the Governor-elect of District 301-A1 by the State Council of Governors; that, however, defendant Lions Clubs International unlawfully recognized So as the winner.

And finally alleging that So would assume the powers and prerogatives of Governor of District 301-A1 at the closing program of the International Convention on July 3, 1982, Josefa prayed for the issuance of a writ of preliminary injunction or at least a temporary restraining order. He likewise asked for moral damages and for attorney's fees.

Finding the foregoing allegations of the complaint to be sufficient in form and substance, the Court of First Instance on the same date, July 1, 1982, issued a temporary restraining order enjoining so from assuming the powers and prerogatives of the office of Governor of District 301-AI, and Lions Clubs International, represented by Antonio Ramos, from recognizing and proclaiming So as the Governor of District 301-AI for the fiscal year 1982-1983.

On July 8, 1982, defendants So and Lions Clubs International filed a Motion to Dismiss and to Lift Restraining Order on the grounds that: (1) the Court of First Instance had no jurisdiction over the person of the defendants or over the subject of the action or suit; (2) venue is improperly laid; and (3) there is another action pending between the same parties for the same cause. Plaintiff Josefa filed his Opposition, to which defendants filed a Reply.

On July 26, 1982, the Court of First Instance issued an Order denying defendants' motion to dismiss. Finding the motion to lift restraining order to be meritorious, the Court set aside said restraining order.

Before the hearing on the application for a writ of preliminary injunction, Josefa filed in the Court of Appeals on July 29, 1982 a petition docketed as CA-G.R. No. 14599-SP for certiorari with preliminary and mandatory injunction and a prayer for a temporary restraining order, assailing that portion of the Order of the Court of First Instance dated July 26, 1982 lifting the restraining order. Josefa contended that by lifting said restraining order without awaiting the evidence on his petition for a writ of injunction, So would immediately assume the contested position, the very act sought to be enjoined, thereby making the action moot and academic and whatever favorable judgment may be rendered in the main action would be rendered useless and nugatory.

The appellate court in a Resolution dated July 29, 1982 issued a temporary restraining order "restraining and prohibiting the respondents (Hon. Judge Augusto M. Amores, Lions Clubs International and James L. So) from implementing the questioned Order of July 26, 1982 issued in Civil Case No. 82-10588 particularly the portion thereof lifting the temporary restraining order issued by the respondent Judge on July 1, 1982 until further orders . . ."

Herein petitioners Lions Clubs International and James L. So now come to this Court attributing grave abuse of discretion to the Court of First Instance of Manila for the denial of their Motion to Dismiss dated July 6, 1982, and contending that the Court of Appeals acted in excess of its jurisdiction in issuing its temporary restraining order of July 29, 1982. As prayed for by said petitioners, We issued on August 4, 1982 a temporary restraining order enjoining the enforcement of the assailed temporary restraining order of the Court of Appeals.

The basic issue posed for Our determination is the justiciability of the election dispute between herein petitioner James L. So and private respondent Vicente Josefa for the position of District Governor of District 301-AI Philippines. It is petitioners' submission that the subject matter of the instant case is purely an internal affair of the Lions organization and, therefore, is beyond judicial review. On the other hand, private respondent maintains that court intervention is warranted when, as he alleges in this case, there is fraud, oppression, bad faith, when the proceedings in question are violative of the laws of the association, or where the proceedings are illegal.

We find for the petitioners and in finding so, We adopt the general rule that ". . . the courts will not interfere with the internal affairs of an unincorporated association so as to settle disputes between the members, or questions of policy, discipline, or internal government, so long as the government of the society is fairly and honestly administered in conformity with its laws and the law of the land, and no property or civil rights are invaded. Under such circumstances, the decision of the governing body or established private tribunal of the association is binding and conclusive and not subject to review or collateral attack in the courts." (7 C.J.S. pp. 38-39).

The general rule of non-interference in the internal affairs of associations is, however, subject to exceptions, but

the power of review is extremely limited. Accordingly, the courts have and will exercise power to interfere in the internal affairs of an association where law and justice so require, and the proceedings of the association are subject to judicial review where there is fraud, oppression, or bad faith, or where the action complained of is capricious, arbitrary, or unjustly discriminatory. Also, the courts will usually entertain jurisdiction to grant relief in case property or civil rights are invaded, although it has also been held that the involvement of property rights does not necessarily authorize judicial intervention, in the absence of arbitrariness, fraud or collusion. Moreover, the courts will intervene where the proceedings in question are violative of the laws of the society, or the law of the land, as by depriving a person of due process of law. Similarly, judicial intervention is warranted where there is a lack of jurisdiction on the part of the tribunal conducting the proceedings, where the organization exceeds its powers, or where the proceedings are otherwise illegal. (7 C.J.S., pp. 39-41).

In accordance with the general rules as to judicial interference cited above, the decision of an unincorporated association on the question of an election to office is a matter peculiarly and exclusively to be determined by the association, and, in the absence of fraud, is final and binding on the courts. (7 C.J.S., p. 44).

The instant controversy between petitioner So and respondent Josefa falls squarely within the ambit of the rule of judicial non-intervention or non-interference. The elections in dispute, the manner by which it was conducted and the results thereof, is strictly the internal affair that concerns only the Lions association and/or its members, and We find from the records that the same was resolved within the organization of Lions Clubs International in accordance with the Constitution and By-Laws which are not immoral, unreasonable, contrary to public policy, or in contravention of the laws of the land.

It is of judicial notice that a Lions club is a voluntary association of civic-minded men whose general purpose and aim is to serve the people and the community. It appears from the records that duly organized and chartered Lions clubs all over the world are under the supervision of the mother club known as The International Association of Lions Clubs (or Lions Clubs International) which holds international offices in Illinois, U.S.A., and is governed by its constitution and by-laws. The objects of this worldwide organization are:

- "(a) To create and foster a spirit of understanding among the peoples of the world.
- (b) To promote the principles of good government and good citizenship.
- (c) To take an active interest in the civil, cultural, social and moral welfare of the community.
- (d) To unite the clubs in the bonds of friendship, good fellowship and mutual understanding.
- (e) To provide a forum for the open discussion of all matters of public interest; provided, however, that partisan politics and sectarian religion shall not be debated by club members.
- (f) To encourage service-minded men to serve their community without personal financial reward, and to encourage efficiency and promote high ethical standards in commerce, industry, professions, public works and private endeavors." (Constitution of the International Association of Lions Clubs, Article II, Section 2).

Member clubs are chartered in accordance with the provisions of its constitution which provide that:

"Section 4. . . . A Lions club shall be considered chartered when its charter has been officially issued. The acceptance of a charter by a Lions Club shall be a ratification of, and agreement on its part to be bound by, the Constitution and By-Laws of this Association and a submission by said Lions Club to have its relationship with this Association interpreted and governed by this Constitution and By-Laws according to the laws in effect, from time to time, in the State of Incorporation of The International Association of Lions Clubs.

"Section 5. Except as otherwise provided herein, the International Board of Directors shall have full power and

authority to sanction the organization and chartering of all clubs, under such rules and regulations as it may prescribe.

"Subject to the provisions of this Constitution and By-Laws, all clubs so organized shall be under the exclusive jurisdiction of said Board of Directors."

Aside from the obligation to carry on activities for the advancement of the civic, cultural, social or moral welfare of the community and for the promotion of international understanding, a chartered Lions club shall "(j) abide by the policies and requirements as determined, from time to time, by the International Board of Directors." (Constitution, Art. XI, Sec. 1). The International Board of Directors is composed of the President, Immediate Past President, First and Second and Third Vice Presidents and 28 Directors. (Art. V, Sec. 1, Constitution).

In the matter of the election for the office of District Governor, the Constitution of Lions International provides:

"Section 8(a) Subject to the provisions of Sec. 2 of this Article VII:

(1) . . .

An election for the office of District Governor shall be conducted in accordance with the provisions of the respective District (Single, Sub or Multiple) Constitution and By-Laws. The results of each District Governor election shall be reported to the International Office by the respective current District Governor and/or the Association's Extension Representative. The results so reported shall be presented to the International Board of Directors. All District Governor election results shall be adopted by the International Board of Directors and thereby become effective, except in the case of an election protest filed or legal action resulting therefrom, in which event the appointment or election of such District Governor shall be subject to action by the International Board of Directors." (*italics supplied*)

The records disclose that the election dispute between petitioner James L. So and respondent Vicente Josefa was brought before and elevated to the International Board of Directors through the Constitution and By-Laws Committee of Lions Clubs International, 300 22nd Street, Oakbrook, Illinois 60570, U.S.A. (See Letter Protest of petitioner So marked Annex "20", pp. 187-190, Records and Answer of Gov. Huang marked Annex "21", pp. 191-196, Records).

In his formal protest dated June 11, 1982, petitioner So assailed the validity of the "alleged election and proclamation" of Lion Vicente Josefa as District Governor of District 301-AI for the Lions fiscal year 1982-1983 and called attention to the "blatant display of oppressive conduct of Gov. James T. Huang of District 301-AI before, during, and after the just concluded convention in the hope that the mistakes and miscarriage of justice be rectified." Narrating the sequence of events, petitioner claimed that Gov. Huang failed to constitute and present within the prescribed periods, the District Nominations and Elections Committee in violation of the Multiple District 301 Constitution and By-Laws; that duly registered delegates were deliberately disenfranchised; that Gov. Huang arbitrarily transferred the venue of election from the Little Theater, Olongapo City National High School, to the Admiral Hotel which was the headquarters of his opponent, Vicente Josefa, without the sanction and authority of the State Council of Governors and the Convention.

Petitioner So pointed out that he was duly nominated by the District Nominations Committee as well as respondent Vicente Josefa and in the elections duly conducted by the Election Committee at the official venue at the Little Theater, he received 147 votes as against 3 votes in favor of Josefa and that the 147 votes he received is a clear majority of the total number of registered delegates of District 301-AI which was 251, or a clear majority of 59%. The election results were duly certified by the Convention Chairman and by the official representative of the State Council of Governors, District Gov. Ramon Beleno of District 301-E. Petitioner, therefore, prayed that he be recognized as the duly elected District Governor of District 301-AI for the Lion fiscal year 1982-1983.

Answering the letter-protest of petitioner So and as directed by Lions Clubs International, Gov. Huang in his letter dated June 17, 1982 denied the assertions of the protestant, petitioner So, and maintained that he had faithfully performed all the duties and responsibilities of his office in accordance with the Constitution and By-Laws of the Multiple District, citing incidents wherein followers of petitioner So allegedly created trouble by booing, shouting and uttering invectives and armed men intimidated followers of Josefa from entering the Little Theater. In changing the venue of elections, Huang said he wanted "a democratic and peaceful election which could not be achieved in the old site because of the unruly and deteriorated atmosphere caused by the agitations from the camp of James L. So." Gov. Huang, moreover, contended that the election in the Little Theater was never legally convened as there were no ballots, no accreditation papers, no ballot boxes and other important papers relative to an honest election. And since the election of Josefa was proclaimed by the State Council of Governors, Gov. Huang prayed that the election of Governor-elect Vicente Josefa be sustained and affirmed. Filed and attached to the Answer of Gov. Huang is the Report of the Governor to Lions Clubs International including reports of the Election Committee, the Board of Canvassers, Minutes of the Election Proceedings, Certification of the Proclamation of Governor-elect Josefa and Resolution of the State Council of Governors confirming the proclamation. (See Annex "22", pp. 197-203).

Thereafter, the Constitution and By-Laws Committee, through Joseph D. Stone, General Counsel of the International Association of Lions Clubs, submitted to the International Board of Directors the following Report:

"The International Board of Directors has received a complaint filed by Lion James L. So. This complaint has been filed in accordance with the Constitutional Complaints Procedure of the International Board of Directors. All parties have been given the opportunity to respond and have filed their official response with the International Association.

"Your Committee has examined the evidence submitted by the parties and has conducted a hearing attended by Lion So, District Governor of District 301-A Lion James Huang, Lion Vicente Josefa and Multiple District 301 Council Chairman Lion Antonio Ramos.

"Your Committee hereby makes the following finding of facts and recommendations respecting the election for the office of District Governor in District 301-AI for the fiscal year 1982-83:

- That there were two properly nominated candidates for the office of District Governor, District 301-AI, for the fiscal year 1982-83: Lion James L. So and Lion Vicente Josefa.
- That one hour after the designated convening time, District Governor Huang transferred the election meeting from the designated site to the Admiral Royal Hotel.
- That after the announcement of District Governor Huang transferring the election meeting, a majority of the delegates of the newly authorized District 301-AI remained at the designated site and convened an election for District Governor between the two candidates, Lion So and Lion Josefa.
- That there were two elections held on June 6, 1982 for the office of District Governor of District 301-AI.
- That one election was held as a part of the official District Convention at the designated election meeting site, the Little Theater Olongapo National High School, at which Lion So received 147 votes and Lion Josefa received 3 votes.
- That the other election was held at the Admiral Royale Hotel at which Lion Josefa received 115 votes.
- That the action of District Governor Huang in transferring the election meeting away from the convention site was without approval of a majority of the delegates and was without any clear authority and justification.
- That the said election meeting held at the Little Theatre Olongapo National High School was properly

conducted and resulted in the election of Lion So.

- That said election of Lion So was duly certified by the official Election Committee Chairman Lion Ernesto Castañeda, appointed by District Governor Huang, and District Governor Beleno of District 301-E, the official Multiple District Council representative.

"Based upon the above finding of facts your Committee is of the opinion that Lion James L. So was duly elected as District Governor, District 301-AI for the fiscal year 1982-83 and that said election should be recognized by the International Board of Directors. Your Committee is also of the opinion that the election conducted by District Governor Huang, 301-A, at the Admiral Royale Hotel was unauthorized and improper and is thereby null and void. Your Committee recommends that the Board concur in said finding of facts and recommendations by the adoption of RESOLUTION III-A hereinafter." (Annexes "O" and "O-1", Reply, pp. 237-238, Records).

At the meeting of the International Board of Directors held on June 27, 1982, the election of petitioner James L. So to serve as District Governor of District 301-AI for the fiscal year 1982-83 was approved and said petitioner was duly informed thereof by Richard G. Rice, Manager, District Operations Department, Lions Clubs International in his letter dated July 8, 1982 and marked Annex "K" to the petition, p. 79, Records. Petitioner attended and completed the District Governors' Executive Seminar as District Governor of 301-AI (see Annex "L", p. 80, Records). On June 29, 1982, petitioner So was proclaimed, sworn to and installed to office as District Governor of District 301-AI by the President of Lions International at the close of the 65th Lions Clubs International Convention held in Atlanta, Georgia, U.S.A.

The Report of the Constitution and By-Laws Committee duly approved and adopted by the International Board of Directors clearly belies the claim of injustice alleged by respondent Josefa in his complaint in Civil Case No. 82-10588 that petitioner So was illegally and arbitrarily nominated; that the latter's election was illegal and that he (Josefa) was legally elected in a valid election held at the new venue and was duly proclaimed by the State Council of Governors and that Lions International unlawfully recognized So as the winner on the basis of his illegal election. These findings upon the evidence submitted and examined at the hearing of the election protest before the Committee personally attended by both petitioner So and respondent Josefa may not be disturbed by the courts. The decision of the Association's tribunal, the International Board of Directors, is controlling since respondent Josefa alleges no invasion of his property or civil rights and neither is it claimed that the government of the Association is not fairly and honestly administered in conformity with its laws and the law of the land.

It is clear that under the Constitution of Lions International, Art. IV, Section 8, the District Governor serves without compensation. Lionism prides itself in that its motto is: "We serve", and "Liberty, Intelligence, Our Nation's Safety" its slogan or credo. (Secs. 2 and 3, Art. I, Constitution). There is, therefore, no proprietary or pecuniary interest involved in the membership of the Lions and in the offices they seek and hold in the club and district levels. Being merely a member or officer of the Lions Clubs or District is only a privilege and an opportunity for service to the community that is not enforceable at law. And since the disputed election to the position of District Governor is within the peculiar province and function of Lions International through its established tribunal to decide and determine in accordance with its governing laws, its resolution may not be questioned elsewhere, much less in the courts.

Thus, in Our jurisprudence in *U.S. vs. Cañete*, 38 Phil. 253, the Supreme Court held that in matters purely ecclesiastical, the decision of the proper church tribunals are conclusive upon the civil tribunals and that a church member who is expelled from membership by the church authorities or a priest or minister who is by then deprived of his sacred office, is without remedy in the civil court, which will not inquire into the correctness of the decision of the ecclesiastical tribunals. So also in *Felipe vs. Leuterio, et al.*, 91 Phil. 482, We held that the judiciary has no power to reverse the award of the Board of Judges of an oratorical contest and for that matter, it

would not interfere in literary contests, beauty contests, and similar competitions.

In essence, the courts, considering the nature of the action or suit at bar, are without jurisdiction and authority to review and reverse the decision of the International Board of Directors, Lions Clubs International, approving and recognizing the petitioner as duly elected District Governor of District 301-AI for the fiscal year 1982-1983.

WHEREFORE, IN VIEW OF THE FOREGOING, Civil Case No. 82-10588 entitled "Vicente Josefa vs. Lions Clubs International, Antonio Ramos and Lion James L. So", Court of First Instance of Manila, Branch XXIV (now Regional Trial Court, National Capital Region) and the petition entitled "Vicente Josefa vs. Hon. Judge Augusto M. Amores, Lions Clubs International and James L. So", CA-G.R. No. 14599-SP (now Intermediate Appellate Court) are hereby DISMISSED. No costs.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Abad Santos, De Castro and Escolin, JJ., concur.
Aquino, J., took no part.

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