

THE UNITED; STATES, PLAINTIFF AND APPELLEE, VS. DANIEL NAVARRO ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 6160. March 21, 1911

Ponente: CARSON, J.

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CARSON, J.:

The appellants in this case were convicted in the court below of a violation of section 30 of the Election Law (Act No. 1582), and each of them was sentenced to pay a fine of P200 and costs, to be extinguished at the rate of one day's imprisonment for each P2 of fine and costs remaining unpaid.

The evidence of record satisfactorily establishes that each of the appellants made oath, before an election officer in the municipality of Piddig, in proceedings had in connection with the general election held on the 2d day of November, 1909, that he owned real property to the value of P500. The evidence further discloses that at the time none of these appellants, except Daniel Navarro and Genaro Calixtro, owned property of the assessed value of P500. Upon this evidence we think the court below properly convicted all of the appellants except Daniel Navarro and Genaro Calixtro, but each of these defendants having proven that he owned, at the time when he made oath to the value of his property, real estate of the assessed value of more than P500, the judgment of conviction as to them should be reversed.

It will be seen that the proof upon which the judgment of conviction rests is limited to evidence touching the assessed value of the property owned by the person making oath that he is a qualified voter. It has been suggested that, under the statute, the true test of the qualification of a voter is the actual or market value of the real property owned by him and not the assessed value thereof, so that proof that one is not the owner of real property of the assessed value of P500 is not proof that he is lacking this qualification of a voter, in the absence of further proof that he is not the owner of unassessed real property of the value of P500, or that the assessed property owned by him is not of the actual or market value of P500 whatever may be the amount for which it is assessed.

But while the statute does not in express terms declare that it is the ownership of property of the assessed value of P500 which determines this qualification of a voter, nevertheless, that such was the intention of the legislator becomes clear from an examination of the immediate context of the provision of the statute defining the "property qualifications" of voters, and of the statute as a whole, keeping in mind the purpose and object sought to be attained by the provisions of the statute generally, and particularly of those provisions defining qualifications and disqualifications of voters and providing machinery whereby persons entitled to vote may be secured in the exercise of that right, while any unlawful attempt to vote is severely penalized.

In the first place this qualification is made immediately alternative to the qualification based upon an annual payment of a fixed amount of the established taxes, both qualifications falling under a single head. This striking juxtaposition under one head or class of these separate and distinct kinds of qualifications at once suggests that in the mind of the legislator there was some intimate relation which justified their being thus bound together, as it were, under one head. The liability for the payment of a substantial amount of "the established taxes" at once sug-

gests itself as the relation which must have been in the mind of the legislator, and since taxes are collected upon "real property" in accordance with its assessed Value, we think we are justified in concluding that it was the intention of the legislator to limit the grant of the voting franchise based upon ownership of real property to owners of real property to the assessed value of P500.

Our conclusion that this is the true meaning to be given the language of this section of the statute is reinforced by the fact that another section of the statute provides that "any person" is disqualified from voting "who is delinquent in the payment of public taxes assessed since August thirteenth, eighteen hundred and ninety-eight," this being the only disqualifying provision based on the nonpayment of taxes. It is quite clear that this provision was directed to the case of delinquency in the payment of land taxes as well as all other taxes, and it would indeed be an anomaly if the failure to pay assessed land taxes would disqualify one person, as a voter, while the possession of nonassessed real estate, whatever its value, could be held as the sole and sufficient ground upon which another person may qualify as a voter.

Finally, the most superficial examination of the statute as a whole discloses that many of its most important provisions looking to the due administration of the law as a whole - that is to say, as an election law - and especially those provisions intended to secure the purity of the ballot box, would be in large measure defeated, if not rendered wholly abortive by any other construction of the language of the provision under consideration than that which we give it. We confidently assert that, if a successful challenge of the right to vote, asserted by one basing his claim on his alleged ownership of property of the value of P500, could only be successfully maintained by proof that the real or market value of the land owned by him is less than P500, then the task assigned by the law to the electoral boards, the registration boards, the judges of elections, and other elective officers, as well as to the courts of the Islands, could never be efficiently and intelligently performed so as to secure practical results within the limited time necessarily allowed to them for the performance of their respective duties in connection with elections, in the event of any general or even considerable attack on the purity of the ballot box by persons setting up an illegal claim of a right to vote based on this property qualification. While on the other hand, such a construction placed on the language of the statute, would place, for practical purposes, almost arbitrary power in the hands of dishonest registration boards to harass honest voters seeking registration based on their property qualification, and to deny their right of registry on the pretense that the proof offered of the existence of such qualification is not satisfactory.

When the language of a particular section of a statute admits of more than one construction, that construction should be adopted which tends to give effect to the manifest purposes and objects sought to be attained by the enactment of the statute as a whole; and a construction should be rejected which would defeat or strongly tend to defeat the intention of the Legislature as expressed in other sections of the same statute. Applying this rule in construing the provision of the Election Law under consideration, we have no doubt that it is the ownership of real property to the assessed value of F500, whatever may be the real or market value thereof, which constitutes the qualification of voters prescribed in subsection (b) section 13 of the Election Law.

The judgment of the court below, convicting and sentencing the appellants in this case, is affirmed as to all and each of them, except Daniel Navarro and Genaro Calixtro, with a proportionate share of the costs of this instance against the appellants as to whom the judgment is affirmed, the provision for the extinguishment of the penalty and costs being modified, however, so as to exclude therefrom the amount of the costs and so as to fix the rate of extinguishment at one day's imprisonment for each P2.50 of the fine imposed.

The judgment convicting and sentencing Daniel Navarro and Genaro Calixtro is reversed and those appellants are acquitted of the offense with which they are charged, with the costs of both instances de officio as to them.

Arellano, C, J., Moreland and Trent, JJ., concur.

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