

TEOFILO REGATCHO, PETITIONER, VS. JUDGE EMMANUEL G. CLETO, COURT OF FIRST INSTANCE OF PANGASINAN, LINGAYEN BRANCH II, AND ISABELO CLEMENTE, RESPONDENTS.*G.R. No. 61946. December 21, 1983*

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61946/>**AQUINO, J.:**

This case involves the issue of whether a quo warranto proceeding against a barangay captain on the ground of illiteracy falls within the jurisdiction of the Court of First Instance, now Regional Trial Court, or the Commission on Elections, as held by respondent Judge in his dismissal order of July 27, 1982 which was appealed to this Court under Republic Act No. 5440 (Civil Case No. 15792).

In the election of May 17, 1982 held at Barangay Bolaoen, Sual, Pangasinan, Isabelo Clemente obtained ninety-seven votes while Teofilo Regatcho obtained seventy votes for barangay captain. Clemente was proclaimed the winner and was scheduled to take his oath of office on June 7, 1982.

Nine days after the election of Clemente, or on May 26, 1982, Regatcho, the defeated candidate, filed with the municipal circuit court of Labrador-Sual a "petition contesting the election" of Clemente, docketed as Election Case No. 2-S (pp. 20 and 28, Annexes B and D of Petition).

Instead of pursuing that municipal court case, Regatcho filed on June 4, 1982 with the Court of First Instance of Pangasinan a quo warranto action against Clemente on the ground that he does not know how to read and write, as required in section 7 of the Barangay Election Law, and, therefore, ineligible to hold office, and praying that Regatcho be declared the winner and entitled to hold the office of barangay captain (p. 18, Rollo).

On June 26, 1982, the municipal court dismissed Election Case No. 2-S because of Comelec Resolution No. 1566 approved on May 24, 1982, regarding unresolved petitions for disqualification. It is noteworthy that the ground for dismissal was erroneous because Resolution No. 1566 referred to "pre-election petition for disqualification of barangay candidates and not to an action to declare ineligible a duly proclaimed barangay captain.

On July 5, 1982, Clemente opposed the petition for quo warranto filed in the Court of First Instance. He interposed the defenses that he "can read and write a little in Ilocano", that Regatcho had already filed a similar case in the Sual municipal court and that the action had prescribed because it was filed twenty days after Clemente's proclamation (pp. 20-21, Rollo).

Then, Clemente filed a motion to dismiss on the grounds of lack of jurisdiction, prescription and lack of personality to file the petition since even if Clemente were declared ineligible, Regatcho could not be proclaimed barangay captain because he did not obtain a plurality of votes. Regatcho opposed the motion.

As already stated earlier, the lower court dismissed the quo warranto petition on the ground that the Comelec has jurisdiction over the case because of paragraph 2, section 189 of the 1978 Election Code which provides that "any voter contesting the election of any officer on the ground of ineligibility or of disloyalty to the Republic of the

Philippines may file a petition for quo warranto with the Commission within ten days after the proclamation of his election".

On the other hand, the same Code vests in the inferior court jurisdiction over election contests for barangay offices:

"SEC. 191. Election contests for barangay offices. - A sworn petition contesting the election of a barangay officer shall be filed with the proper city or municipal court by any candidate for the same office who has duly filed a certificate of candidacy, within ten days after the proclamation of the election."

We hold that the municipal trial court or the municipal circuit trial court has jurisdiction, and not the Comelec nor the Regional Trial Court, over the said quo warranto case regarding the barangay captain's ineligibility.

Jurisdiction over such cases is vested in the appropriate city or municipal or metropolitan trial court pursuant to the 1982 Barangay Election Law, Batas Pambansa Blg. 222, which provides:

"SEC. 20. Inclusion and exclusion cases; and protest.- x x x x x x.

"A sworn petition contesting the election of any barangay official shall be filed with the city or municipal or metropolitan trial court, as the case may be, within ten days from the date of the proclamation of the winners. The trial court shall decide the election protest within fifteen days after the filing thereof. The decision of the municipal or city or metropolitan trial court may be appealed within ten days from receipt of a copy thereof to the Regional Trial Court (CFI) which shall decide within thirty days from submission, and whose decision shall be final."

That second paragraph of section 20 of the Barangay Election Law is a modified reenactment of section 8 of the Revised Barangay Charter and section 7 of the Barrio Autonomy Law.

Although section 20 refers to "election protests", it may be construed as embracing Regatcho's quo warranto action which is not as complicated as an ordinary quo warranto case.

The writ of quo warranto is an ancient common-law prerogative writ and remedy. In its broadest sense it is a proceeding to determine the right to the use or exercise of a franchise or office and to oust the holder from its enjoyment, if his claim is not well founded, or if he has forfeited his right to enjoy the privilege. It is a demand made through the State by some individual to show by what right an individual or corporation exercises a franchise or privilege belonging to the State, which according to the laws of the land they cannot legally exercise except by virtue of a grant or authority from the State (74 C.J.S. 174).

So, usually, the quo warranto action is commenced by the Solicitor General or a fiscal, when directed by the President of the Philippines, or when upon complaint or otherwise he has good reason to believe that proper action by the State against an individual or a corporation would lie (Sec. 3, Rule 66, Rules of Court).

The application of the writ has been expanded to include an action by a person claiming to be entitled to a public office or position usurped or unlawfully held or exercised by another (Sec. 6, Rule 66, Rules of Court).

Original jurisdiction to issue the writ of quo warranto is vested in this Court, the Intermediate Appellate Court and the Regional Trial Court (Sec. 9[1] and 21[1], Batas Pambansa Blg. 129; Sec. 17, Judiciary Law; sec. 5[1], Article X, Constitution).

The remedy of quo warranto has been extended to cover a voter's action contesting the election of any officer on the ground of ineligibility or disloyalty to the State and jurisdiction over such action is vested in the Comelec (2nd paragraph, sec. 189, 1978 Election Code).

Undoubtedly, a quo warranto action on the ground of ineligibility of a member of the interim Batasang Pambansa or any provincial or city official falls within the Comelec's jurisdiction under section 189.

This Court in *Gabatan vs. Commission on Elections*, G. R. No. 58113, May 2, 1983, 122 SCRA 1, through Chief Justice Fernando, held that the Comelec has jurisdiction also over a quo warranto proceeding against a municipal official. Justices Teehankee and Abad Santos dissented.

But the instant case involves a quo warranto proceeding against a barangay captain.

There is a clear and manifest intention of the lawmaker that the inferior court should have jurisdiction over all disputes regarding the election of barangay officials, whether the dispute be an election contest or a quo warranto proceeding. This is the opinion of Zoilo Gomez, Jr., the manager of the Comelec law department, in his comment as *amicus curiae*.

Lawyer Gomez cited Election Case No. 4-P of the municipal trial court of Pateros and Fort Bonifacio, Metro Manila, a quo warranto case entitled "*Edgardo B. Valencia vs. Venancio T. Osano*", involving barangay elections. In that case the Pateros municipal court issued an order dated June 3, 1982, forwarding to the Comelec the records of the case.

The Comelec in its resolution of June 10, 1982 returned the case to the Pateros municipal trial court with the directive to continue hearing the quo warranto case. The Comelec cited Republic Act No. 3590, the Revised Barangay Charter, which provides:

"SEC. 8. Election of barangay council.- x x x

x x x x x x x x x x x

"All disputes over barangay elections shall be brought before the city or municipal court of the city or municipality concerned; And in the determination and decision thereof, the court shall follow as closely as possible the procedure prescribed for inferior courts in Rule 5, Rules of Court. The decision of the city or municipal court shall be appealable pursuant to the Rules of Court to the Court of First Instance whose decision shall be final on questions of facts." (last paragraph).

The aforequoted last paragraph of section 8 of the Revised Barangay Charter was taken from the following provisions of the Barrio Autonomy Law, Republic Act No. 2370, which provides:

"SEC. 7. Election of the barrio council. - x x x

x x x x x x x x x x x

"All disputes over barrio elections shall be brought before the justice of the peace court of the municipality concerned; in the determination and decision thereof, the court shall follow as closely as possible the procedure prescribed for inferior courts in Rule 4, Rules of Court. The decision of the justice of the peace court shall be appealable pursuant to the Rules of Court to the court of first instance whose decision shall be final on questions of fact." (Penultimate paragraph).

This provision was construed as "too absolute to admit distinctions, and evidences legislative intent to confer extraordinary jurisdiction upon justice of the peace courts for the sake of prompt and inexpensive solutions to the controversies arising from barrio elections" (*Palma vs. Mandocdoc*, 116 Phil. 924, 929).

The theory is that disputes over barangay elections are not important enough to demand the immediate attention of the Comelec or the Regional Trial Court which is already saddled with relatively more vital cases. This view appears plausible considering the great number of existing barangays.

The Palma case was styled as quo warranto case. In that case an election of barrio officials for Labac, Cuenca, Batangas was held on January 17, 1960. Ernesto Palma was elected barrio lieutenant, together with other barrio officials. They took their oaths of office on January 21, 1960. They belonged to the Liberal Party.

However, at about four o'clock in the afternoon of that same day, Gabriel Jaen, former barrio lieutenant, called a meeting of the barrio assembly during which meeting a set of election tellers, all Nacionalistas, was formed and another election of barrio officials was held from eight o'clock in the evening up to ten o'clock on the following morning. Jose Mandocdoc was elected barrio lieutenant together with others as barrio officials.

On April 11, 1960, Palma and his colleagues filed a complaint for quo warranto in the Court of First Instance of Batangas against Mandocdoc and his set of barrio officials and prayed that he (Palma) and his co-petitioners be declared the duly elected and qualified members of the Labac barrio council. Mandocdoc et al. moved to dismiss the petition on the ground that it falls within the jurisdiction of the justice of the peace court of Cuenca because of section 7 of the Barrio Charter already quoted.

Judge Barcelona sustained the motion. On appeal this Court held that the controversy was within the jurisdiction of the justice of the peace court.

In the instant case, Regatcho acted correctly in filing a case in the municipal circuit trial court of Labrador-Sual contesting Clemente's election. He was mistaken in abandoning that case and refiling it in the Court of First Instance. He acted in good faith.

"Mistake upon a doubtful or difficult question of law may be the basis of good faith" (Art. 526, Civil Code). In the interest of justice, he should be allowed to revive the said case in the municipal circuit trial court of Labrador-Sual.

But Regatcho's prayer that should Clemente be held ineligible (see Gregorio vs. De Jesus, 65 Phil. 332) he be declared the duly elected barangay captain, cannot be granted because he did not obtain a plurality of votes (Nuval vs. Guray, 52 Phil. 645, 654; Ferrer vs. Liamoso, 84 Phil. 490)

WHEREFORE, the dismissal order of the lower court is reversed and set aside. Regatcho is granted twenty (20) days from notice of the finality of this judgment within which to continue Election Case No. 2-S of the municipal circuit trial court of Labrador-Sual, Pangasinan. No costs.

SO ORDERED.

Fernando, C.J., Concepcion, Jr., Guerrero, De Castro, Melencio-Herrera, Plana, Escolin, Relova, and Gutierrez, Jr., JJ., concur.

Teehankee, J., dissents in a separate opinion.

Makasiar, J., in the result.

Abad Santos, J., no part.

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Dissenting Opinion

TEEHANKEE, J.:

The Regional Trial Court correctly dismissed the quo warranto action for lack of jurisdiction, since under section 20 of the 1982 Barangay Election Law, B.P. Blg. 222 quoted in the main opinion, the municipal trial court or the municipal circuit trial court is vested with exclusive original jurisdiction over all barangay election protests, including quo warranto cases challenging the barangay captain's eligibility or ineligibility.

The fact that the regional trial court erroneously ruled that it is the Comelec that has jurisdiction over the quo warranto action does not warrant the reversal of its dismissal order. Suffice it to point out, as has been done, that it is neither the Comelec nor the Regional Trial Court but the municipal trial court or municipal circuit trial court that is vested with such jurisdiction. Neither should petitioner-loser be granted the right to revive the election protest he had in the first place correctly filed in the municipal circuit trial court of Labrador-Sual, Pangasinan, since he had abandoned it for the present quo warranto action which he filed anew in the regional trial court, notwithstanding that he had raised in the municipal court the very question of respondent-winner's ineligibility on the ground of alleged illiteracy. The municipal court's dismissal on June 26, 1982 of the said election protest has long since become final and executory and such dismissal is now *res judicata*.

I concur, however, with the disposition in the main opinion (on the last page) that "Regatcho's prayer that should Clemente be held ineligible (see *Gregorio vs. De Jesus*, 65 Phil. 332) he be declared the duly elected barangay captain, cannot be granted because he did not obtain a plurality of votes (*Nuval vs. Guray*, 52 Phil. 645, 654; *Ferrer vs. Llamoso*, 84 Phil. 490)."

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