

MACARIO ARNEDO, PETITIONER, VS. THE HON. JULIO LLORENTE, JUDGE OF THE COURT OF FIRST INSTANCE OF PAMPANGA, AND FRANCISCO LIONGSON, RESPONDENTS.*G.R. No. 6313. January 09, 1911*

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6313/>**CARSON, J.:**

This is an original action, instituted in this court under the provisions of section 514 of the Code of Civil Procedure, wherein the petitioner prays that a writ of certiorari issue to the judge of the Court of First Instance of the Province of Pampanga, directing him to certify to this court a transcript of the record of the proceedings had in that court on the election contest, hereinafter mentioned. Petitioner alleges that the respondent judge exceeded his jurisdiction in the course of those proceedings in that he granted an order vacating a final judgment entered therein, which final judgment as petitioner alleges finally and conclusively determined the contest; and petitioner prays that the vacating order and all subsequent proceedings based thereon be declared null and void as in excess of the jurisdiction of the court.

On the 2d of November, 1909, a general election was held in the Province of Pampanga to fill the office of provincial governor. The petitioner in this case, Macario Arnedo, and the respondent, Francisco Liongson, were opposing candidates for that office. The result of the election, as reported by the board of canvassers, was that the petitioner Arnedo received 2,169 votes and his opponent, 2,995. On the 15th of November of the same year, Arnedo instituted proceedings before the Court of First Instance of Pampanga for the purpose of contesting the election upon various grounds, among others, the alleged illegality of a large number of the votes counted in favor of Liongson, and his alleged ineligibility by reason of the fact that he had been a member of the school board of Bacolor until the 30th of September, 1909. Proceedings were had upon the contest before the respondent judge, in accordance with the provisions of section 27 of Act No. 1582, and on the 9th of March, 1910, the respondent judge rendered judgment in favor of the contestant, Arnedo, and issued his mandate to the board of canvassers, directing it to Correct its canvass in accordance with the facts found by him. By this decision the court gave a majority of the votes legally cast to Arnedo. On the same day the clerk of the court, acting in conformity with the provisions of the Election Law, sent to the Executive Secretary a notice of the "determination" of the contest. The board of canvassers on the 11th of March corrected its canvass in accordance with the mandate of the court. About twenty days after the rendition and execution of the judgment of the trial court Liongson's attorney filed with the clerk of the Court of First Instance of the Province of Pampanga a motion for "a reconsideration and revision" of the judgment theretofore rendered. Some time thereafter, written arguments were submitted by both parties, counsel for Arnedo insisting that the court had no jurisdiction to grant the prayer of the motion. On June 29, 1910, the respondent judge vacated his former judgment and entered a new judgment, in which he announced that he had changed his opinion with respect to the conclusions to be drawn from the evidence, and thereupon a new order was issued to the board of canvassers, directing them to recanvass the votes in accordance with the new findings made by him. The new judgment held Liongson to have received a majority of 15 votes over Arnedo.

From this statement of facts, it is clear that the precise question for determination in this action is whether a Court of First Instance, which has rendered judgment in an election protest in the course of proceedings had under and by virtue of the provisions of section 27 of Act No. 1582, which has issued its mandamus, directed to the board of canvassers to correct its canvass in accordance with the facts found, and whose clerk has given notice of the determination of the contest to the Executive Secretary, has jurisdiction thereafter to reopen or vacate such judgment, and grant a new trial of the contest or to enter a new and different judgment, and issue a second mandamus to the board of canvassers, on the ground that in rendering the former judgment the court erred in its findings on the facts or in its application of the law to the facts found. This question must, we think, be answered in the negative.

It is contended that not only is the right so to do, in the absence of express statutory authority, a sort of inherent power of the court, arising out of the proper exercise of control over its own judgments, but that this right is expressly conferred upon the court in election-contest proceedings during the term at which the election contest was heard, under the provisions of section 145 of the Code of Civil Procedure.

We shall first examine the claim of an inherent right in courts in these Islands, in the absence of statutory authority, to vacate their judgments, and enter new judgments; but in our consideration of this question it must be understood that what it said is limited to vacations of final judgments and entries of new judgments upon new trial or otherwise, wherein the vacated judgment is changed or modified in any matter of substance or in any matter affecting the merits, as a result of an attempt by the court to correct errors of law or of fact into which the court itself may have fallen in rendering the original vacated judgment. The right of the courts in certain cases to amend clerical errors or omissions in their judgments, to set aside void judgments and judgments fraudulently procured, and to make their judgments as entered conform to their judgments as actually rendered, rests on different principles, and need not now be considered, because in the case at bar the trial court avowedly set aside its former judgment and entered the new judgment on the ground that in entering the former judgment it had fallen into error in its application of the law to the facts proven.

In support of this claim of inherent power in the court below to vacate its judgments, and enter new judgments, we are cited to the practice of the courts of England and the United States, from whence our judicial and procedural system is in large measure adopted; and it is true that except so far as statutory changes and modifications of the ancient "term system" of procedure has necessitated modification of the doctrine, the records, in jurisdictions wherein the ancient "term system" has been continued in force, remain subject to the revision of the court throughout the term, and during that period the judgment itself may be altered, revised, or revoked, in matters both of form and substance. In the quaint language of Coke, the doctrine was thus expounded:

"During the terme wherein any judicial act is done, the record remaineth in the brest of the judges of the court, and in their remembrance, and therefore the roll is alterable during that teime, as the judges shall direct; but when the terme is past, then the record is in the roll, and admitteth no alteration, averment, or proof to the contrarie."

Freeman in his work on Judgments, volume I, paragraph 69, informs us that of the law thus laid down, the only part remaining unshaken to the present time is, that during the term, the proceedings remain in the breast of the judges, and the judgments entered during the term may therefore be vacated and amended by the court in matters of substance as well as in matters of form throughout that period. But the "term system" of procedure and practice which was in force in England and in the United States when this doctrine was announced has never been imported into this jurisdiction. While our Code of Procedure adopts the word term for the purpose of designating certain subdivisions of time in the various courts of the Islands, by reference to which the records of the courts can conveniently be kept, and the time of the sittings of the sessions of the court and of certain proceedings had

therein can conveniently be designated, nevertheless, it is quite clear from a review of our entire judicial and procedural system, and especially of the provisions requiring that the courts, "shall be always open, legal holidays and nonjudicial days excepted," that neither the ancient system of terms and final adjournments under which judicial business was conducted in England, and continues to be conducted in many jurisdictions in the United States, nor the incidents inherent in and peculiar to such a system of procedure, were intended to be carried over into the system of courts and civil procedure implanted in these Islands. (*Garcia vs. Hipolito*, 2 Phil. Rep., 732; *Carpenter vs. Superior Ct.*, 75 Cal., 596, and California cases therein cited; *U.S. vs. Gwyn* (N. Mex., 1888), 42 Pac. Rep., 157; *Headly vs. Miller*, 63 Wis., 173; *Skagit Ry. Co. vs. Cole*, 1 Wash., 330.) In the case of the *United States vs. Cuna* (12 Phil. Rep., 241), we said that "neither English nor American common law is in force in these Islands, nor are the doctrines derived therefrom binding upon our courts, save only in so far as they are founded on sound principles applicable to local conditions, and are not in conflict with existing law." This rule of practice of the common law can not therefore be deemed to have any controlling force in this jurisdiction, wherein there are no "terms of court," in the sense in which they are contemplated in the rule.

But it is said that, admitting it to be true that the rule of practice of the common law has no application in this jurisdiction, nevertheless the courts, from the very nature of their organization and of the duty imposed upon them of adjudicating all questions submitted to them in accordance with the facts and the law applicable thereto, must be deemed to have inherent power over their own judgments to correct errors into which the court may have fallen as to the facts or the law, if not for the term, then at least for a reasonable time after the entry of final judgment, to be fixed by the court in its discretion, as may be required by the varying circumstances of each case.

We do not think so, if by this proposition it is claimed that a final judgment upon which, under the statute, the prevailing party is entitled as of right to have execution issue, can be vacated for the purpose of correcting such errors. It is true that it is the purpose and intention of the law that courts should decide all questions submitted to them "as truth and justice require," and that it is greatly to be desired that all judgments should be so decided; but controlling and irresistible reasons of public policy and of sound practice in the courts demand that at the risk of occasional error, judgments of courts determining controversies submitted to them should become final at some definite time fixed by law, or by a rule of practice recognized by law, so as to be thereafter beyond the control even of the court which rendered them for the purpose of correcting errors of fact or of law, into which, in the opinion of the court it may have fallen. The very purpose for which the courts are organized is to put an end to controversy, to decide the questions submitted to the litigants, and to determine the respective rights of the parties. With the full knowledge that courts are not infallible, the litigants submit their respective claims for judgment, and they have a right at some time or other to have final judgment on which they can rely as a final disposition of the issue submitted, and to know that there is an end to the litigation. "If a vacillating, irresolute judge were allowed to thus keep causes ever within his power, to determine and redetermine them term after term, to bandy his judgments about from one party to the other, and to change his conclusions as freely and as capriciously as a chameleon may change its hues, then litigation might become more intolerable than the wrongs it is intended to redress." And no words would be sufficient to portray the disastrous consequences which would follow the recognition of unbridled power in a court which has the misfortune to be presided over by a venal and corrupt judge, to vacate and amend, in matters of substance, final judgments already entered.

It is no answer to what has just been said to point to the fact that in England and the United States the right to set aside judgments and grant new trials during the term at which they are entered has always been recognized, and that in some States this right has been extended even beyond the term by express statutory enactment. We do not question the wisdom or validity of the common-law rule in jurisdictions wherein it is applicable, and to which it has been extended, nor of statutes expressly conferring jurisdiction upon the courts to grant new trials within a fixed period after the entry of final judgment; our objections are exclusively directed to the claim of an inherent

right in the courts to set aside final judgments entered by them, and to enter new judgments or grant new trials for an indefinite period of time after the entry of the original judgment: the length of such period to be fixed in the discretion of the court, and not definitely fixed by law, or by some known rule of practice recognized by law. Indeed, the very reasoning which we have adopted in combating this claim of inherent power is the reasoning upon which the right is denied to the courts in England and the United States to vacate final judgments and grant new trials after the expiration of the period prescribed by statute or authorized by the common-law rule of practice.

Under the system of procedure in force in these Islands before the new Code of Civil Procedure went into effect, the courts were expressly denied the right to change, modify or correct their judgments after they had been filed and the parties thereto notified except for the purpose of correcting certain specified clerical errors, and even this right was limited to a period of twenty-four hours after the parties have been notified of the filing of the judgment. We are of opinion, however, that under the new system of procedure and organization of the courts no such rigid limitation on the right to amend and vacate judgments is prescribed by law or required by sound rules of practice: for while on the one hand the common-law rule under which plenary control over its judgments is held to be in all courts during the term wherein they are entered is not applicable here for the reasons above stated, on the other hand, the reasons for denying to courts the right to set final judgments aside in their discretion do not demand or require the denial to the courts of plenary control over the proceedings, including the judgment, up to the moment when the judgment becomes final in the sense that the party in whose favor it is rendered is entitled to execution thereon "as of right." Our statutes definitely prescribe the time when executions may issue as of right and does not leave its determination to the discretion of the court. Up to this time none of the parties can be said to have acquired any definite right in or to the judgment, and they have no just cause of complaint if prior thereto the court takes such action as may be necessary to correct any error into which in its opinion it may have fallen, and if an appeal lies from the judgment, such action on the part of the court may well avoid unnecessary and wasteful expense and delay incident to an appeal, reversal, and new trial.

We are satisfied that the rule of practice thus laid down for the courts in this jurisdiction is in strict accord with the spirit which informs the procedural law, both criminal and civil, as introduced into these Islands by the present sovereign; and that it finds its justification in the same line of reasoning applied to the system of organization of the courts and the procedural law in this jurisdiction, as that which gave rise to the common-law rule of practice in the jurisdiction wherein it has its origin.

General Orders, No. 58, which implanted a new system of criminal procedure in these Islands, and continues substantially unamended as the procedural law in criminal cases, expressly provides for the reopening of these cases "on account of errors of Jaw committed at the trial," "at any time before the final entry of a judgment for conviction;" that is to say, before the expiration of the period allowed for the taking of an appeal, or in the language of the rule we have just laid down, before the prosecution can have execution upon the judgment of conviction, "as of right." At the time when these General Orders were promulgated the time within which judgments of conviction might be set aside could not have been fixed by reference to the running of a term of the court, as the phrase "the running of a term," if used with reference to the system of organization of the courts then in existence, would have been a wholly meaningless expression.

Section 145 of the new Code of Civil Procedure, hereinafter set out at length, which contains the express grant of authority in our procedural law to set aside civil judgments and grant new trials, limits this express authority to judgments rendered in actions, and limits the time during which this express grant of authority may be exercised to the term at which the judgment was rendered, the word term as used in this section referring, of course, to the subdivision of time provided for by our statutes as hereinbefore explained. But this court, in a long line of

decisions giving effect to the somewhat contradictory code provisions for the perfection of appeals, has held that it is the duty of the court to entertain motions for a new trial after the entry of judgment, and until the time has elapsed within which, under the provisions of section 143, the parties are required to inform the court of their intention to prosecute their bill of exceptions; and this notwithstanding the fact that in the meantime the term at which the judgment was entered may have expired. These rulings clearly recognize in the Court of First Instance power to entertain motions for a new trial, independent of that conferred in section 145 of the code, and not necessarily limited to the term wherein the judgment was entered. We think that the true limitation as to time within which this power is vested in the courts is the expiration of the period within which a bill of exceptions may be perfected, or in other words of the period during which, under the provisions of section 144 of the code, execution may not issue, "except by special order of the court."

So under the provisions of Act No. 867, wherein provision is made for the filing of final judgments rendered by judges after they have left the province wherein the case was tried, and for the forwarding of such judgments by mail to the clerk of the proper court for entry, it would seem quite clear that the right to be heard on a motion for a new trial could not, in the nature of things, be limited to the term at which the judgment is entered, and that the time within which this right may be exercised in such cases must be held to coincide with the period therein allowed for the perfection of appeals in such cases; or in other words, that the right is not necessarily limited by the expiration of a particular term, but by the lapse of the period during which execution may not issue "as of right."

Again, since the express authority to grant new trials under the provisions of section 145 of the Code of Civil Procedure is limited to cases wherein the judgments thus set aside are rendered in "actions," it is clear that this section can have no direct application in cases wherein the question is one of setting aside judgments, orders, and decrees entered in the special proceedings dealt with in Part II of the code, or decrees adjudicating title in the Courts of Land Registration, or in any other proceeding which does not fall under the definition of the word "action," as found in section 1 of the code. But the mere failure expressly to confer upon the courts the power to grant new trials in this numerous class of cases should not and can not be construed as a denial to the courts in these Islands of the jurisdiction to grant new trials so universally recognized in the system of procedure in England and the United States from whence the body of our procedural law has been adopted, so far as such jurisdiction is not inconsistent with the general system of procedural law in force in these Islands. Indeed the right to vacate such judgments and grant new trials has always been freely exercised by the courts throughout the Islands, and the only questions in respect to this very salutary practice which are properly open for consideration at this time are the limitations and restrictions under which the right should be exercised. And while we can not have recourse to the common-law rule of practice which is predicated on the so-called "term system" of procedure and practice in determining these limitations and restrictions, we think that applying to our system of procedure and practice the reasoning upon which that rule is based, which is as applicable here as in England or the United States, the plenary power of the court over its proceedings in the absence of express statute, must be held to terminate when the judgment becomes final in the sense that the party in whose favor the judgment is rendered is entitled to have execution thereon as of right.

Under the ancient "term system," by a sort of fiction devised for the purpose of securing uniformity in the procedure, the entire term was deemed to consist of but one day, and everything which was done throughout the term was treated as though it had been done on that day. While the clerk kept notes and memoranda of all that occurred, the judgment roll or record in each case was not formally prepared until the end of the term, and not until then was the judgment formally entered by the clerk. The judgment having been thus formally entered, and the judgment roll having been deposited in the treasury of the proper court, it was thereafter deemed to be beyond the further control of the court, and everything properly made a part of the roll was said to "import absolute

verity." Coke, and the older writers, explained the common-law rule of practice under which the courts of record were said to have plenary control over the proceedings and the judgment prior to the expiration of the term by a reference to these various steps in the preparation of the judgment roll. But the basic reason on which the rule rested would appear to be that, as a result of the fact that the judgment roll was not made up until the close of the term, no execution could issue on a judgment until the end of the term at which the judgment was rendered, unless specially directed by the court to be issued at an earlier period for special cause, and "a capacity to issue execution on a judgment at law implies its finality, unless there be something to repel the implication in the terms of the law which gives the capacity." (*Enders' Executors vs. Burch*, 15 Grattan (Va.), 64.) In the decision of the case just cited in a common-law State by a court learned in the doctrines and history of the common law, the court held that a statute which authorized the issuance of executions on office judgments on the fifteenth day of the term, upon which theretofore executions could not issue until the last day of the term, abrogated the common-law rule of practice as to those judgments, and deprived the court of the power it had theretofore under the common-law rule of practice to set aside these judgments after the fifteenth day of the term.

We conclude, therefore, that in the absence of statutory provisions expressly extending or limiting the time within which the courts in these Islands may vacate judgments and grant new trials or enter new judgments on the ground of error in fact or in law into which the court may be of opinion that it has fallen, these courts have no power thus to vacate judgments after they have become final in the sense that the party in whose favor they are rendered is entitled as of right, to have execution thereon, but that prior thereto the courts have plenary control over the proceedings including the judgment, and in the exercise of a sound judicial discretion may take such proper action in this regard as "truth and justice require."

A cursory examination of the statute prescribing the proceedings in election contests, which is hereinafter set out in full, makes it quite clear that the court is required forthwith to give effect to final judgments entered in such contests, or in other words to execute such judgments as soon as entered; and therefore, under the rule just laid down, the court has no inherent power thereafter to vacate such judgments on the ground of error of fact or of law into which in its opinion it may have fallen in rendering them.

We come now to consider the contention of respondent that jurisdiction to reopen the judgment in question and to enter a new judgment was expressly conferred upon the court, during the term at which the election contest was heard, under the provisions of section 145 of the Code of Civil Procedure. That section is as follows:

"At any time under the term at which an action has been tried in a Court of First Instance, the judge thereof, may set aside the judgment and grant a new trial, upon such terms as may be just, on the application of the party aggrieved, and after due notice to the adverse party and hearing, for any of the following causes, materially affecting the substantial rights of such party:

"1. Accident or surprise which ordinary prudence could not have guarded against, and by reason of which the party applying has probably been impaired in his rights;

"2. Newly discovered evidence, material to the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial;

"3. Because the judge has become satisfied that excessive damages have been awarded, or that the evidence was insufficient to justify the decision, or that it is against the law."

Section 27 of Act No. 1582, which prescribes the proceedings in election contests such as that under consideration is as follows:

"The assembly shall be the judge of the elections, returns, and qualifications of its members. Contests in all elections for the determination of which provision has not been made otherwise shall be heard by the Court of

First Instance having jurisdiction in the judicial district in which the election was held, upon motion by any candidate voted for at such election, which motion must be made within two weeks after the election, and such court shall have exclusive and final jurisdiction and shall forthwith cause the registry lists and all ballots used at such election to be brought before it and examined, and to appoint the necessary officers therefor and to fix their compensation, which shall be payable in the first instance out of the provincial treasury, and to issue its mandamus directed to the boards of canvassers to correct its canvass in accordance with the facts as found. If in any case the court shall determine that no person was lawfully elected it shall forthwith so certify to the Governor-General, who shall order a special election to fill the office or offices in question as herein before provided.

"Before the court shall entertain any such motion the party making it shall give a bond in an amount to be fixed by the court with two sureties satisfactory to it, conditioned that he will pay all expenses and costs incident to such motion, or shall deposit cash in court in lieu of such bond. If the party paying such expenses and costs shall be successful they shall be taxed by the court and entered and be collectible as a judgment against the defeated party.

"All proceedings under this section shall be upon motion with notice of not to exceed twenty days to all candidates voted for and not upon pleadings or by action, and shall be heard and determined by the court in the judicial district in which the election was held regardless of whether said court be at the time holding a regular or stated term. In such proceedings the registry list as finally corrected by the board of inspectors shall be conclusive as to who was entitled to vote at such election.

"The clerk of the court in which any such contest is instituted shall give immediate notice of its institution and also of the determination thereof to the Executive Secretary."

The contention that section 145 of the code expressly confers authority and jurisdiction to vacate judgment in proceedings had on election protests under the above-set-out section 27 of Act No. 1582 might perhaps, be sufficiently refuted by merely calling attention to the language of the code provisions whereby authority to grant new trials is conferred.

The code provisions is in terms made applicable to cases in which an action has been tried by a Court of First Instance. Section 1 of the code (Act No. 190) defines the word "action" as used therein to be "an ordinary suit in a court of justice, by which one party prosecutes another for the enforcement or protection of a right, or the redress or prevention of a wrong; every other remedy furnished by law is a special proceeding." It seems very clear that the proceedings provided for the determination of election contests are not actions under the technical definition of that term as furnished by the code itself. Certainly they are not ordinary suits in a court of justice. The statute providing for these contests expressly declares that the "proceedings" had thereunder shall not be "upon pleadings or by action." And although this language is somewhat "in-artificial," as pointed out by counsel for the respondents, it would seem to be sufficient, taken together with the general provisions of the statute, to make clear the intention of the legislator that these proceedings are not to be held to be "actions" in the strictly technical signification of that term as it is defined in the code, and are not necessarily subject to the incidents which by law attach to actions generally. If proceedings for the determination of election contests are not actions under the code definition of that term, it follows of course that the express grant of authority to Courts of First Instance to grant new trials found in section 145 of the code, being therein limited to judgments rendered in "actions" tried by those courts, does not extend to these proceedings.

But we prefer to rest our finding on this contention upon a broader foundation than that furnished by a technical examination of the language of the statute, believing as we do that the "reason of the law" which is "the life of the law" clearly forbids a finding that the legislator in enacting the law touching the determination of election protests intended to make or that he did in fact make the provisions of section 145 of the code applicable thereto.

The remedy furnished for the trial of election contests, such as that under consideration, is one of the provisions of a general election law. Its peculiar and distinguishing features are manifestly the result of the demands of public policy that such contests should be instituted with the utmost promptitude, and dispatched and determined in the most summary manner consistent with the right of the various contestants to have an opportunity to be heard, and to submit evidence in support of their contentions; this in order "to put a speedy and certain end to the litigation between the parties about a public matter so well calculated to promote and perpetuate discords and feuds" - "and destroy confidence on the local magistracy and demolish their efficiency." To this end, the statute confers exclusive and final jurisdiction over these election contests upon the Court of First Instance of the province wherein the contested election was held; and maps out a system of procedure, radically different from that prescribed in ordinary actions, and complete in outline from the "institution" to the "determination" thereof, and the execution of the judgment whereby the contests is "determined;" a system, which in our opinion, does not contemplate and by necessary implication denies the right of the trial court to review its judgment and to grant a new trial or enter a new judgment.

Examining the statute (sec. 27 of Act No. 1582), as above set out, we find that it furnishes a complete skeleton of the proceedings in an election contest from beginning to end, clearly, unmistakably, and unequivocally indicating where, how, and when such contests may be instituted, and with no less certainty, the mode and the time of their determination. All the essential steps in the proceedings from the beginning to the end are given in outline, and while it is true, as ably expounded in respondents' brief, that in acting under and by virtue of the statute, the court will find itself compelled to fill out this skeleton outline by resorting to the various provisions of the Organic Law, under which it operates and has its being and to the General Procedural Law which in the absence of express or implied statutory provisions to the contrary controls all proceedings had in the Courts of First Instance of these Islands (sec. 795 of the Code of Civil Procedure); nevertheless, in the application of such general provisions, the court is necessarily controlled by the provisions of the special statute under which it is proceeding, and no incident of an ordinary action or special proceeding, which is in conflict with the express provisions of the special statute can be imported into it, nor can any such incident be deemed to constitute a part of the special proceeding furnished by the Act if it is not clearly within the limits and boundaries of such proceedings as expressly set out in the skeleton outline furnished by the statute, or if it is in manifest conflict with the spirit and intent of the legislator in authorizing such proceedings.

Examining more particularly the provisions of the statute touching the determination of election contests, we find that it clearly contemplates the bringing of all the proceedings on the merits of all such contests to an end promptly upon the determination of the contest by the court. If, as a result of the contest, no one of the candidates appears to have been duly elected, the court shall forthwith so certify to the Governor-General, who shall order a special election to fill the office or offices in question; if as a result of the contest, the court is of opinion that the canvass of the board of canvassers was incorrect, it clearly becomes the duty of the court, without waiting the end of the term, to issue its mandamus directing the correction of the canvass; and on the other hand, if it appears that the canvass was correct, it is as clearly the duty to decline to issue the mandamus; and in all cases the imperative duty is thereupon imposed upon the clerk of the court to give immediate notice of the determination of the contest to the Executive Secretary. All this, manifestly, in order that the Executive Department of the Government may thereupon take such further steps as may be proper and necessary in giving to the election its proper effect, or for the holding of a new election, in the event that the court is of opinion that no person was in fact elected. We think that there can be no doubt these express provisions for what may be described as the immediate execution of the "determination" of the contest by the court without giving any discretion to the court to stay the execution of its judgment, authorizing and directing the executive officers of the Government to proceed thereafter as if there were no contest pending, clearly, unmistakably, and unequivocally indicates the purpose of the legislator to bring

these election contests to an end by the entry of the judgment of the court, without leaving it in the discretion of the court to reopen the contest thereafter.

This line of reasoning might be extended further, but we deem it unnecessary, and think that what has been said justifies us in holding in favor of petitioner's contention that Courts of First Instance have no jurisdiction to vacate final judgments entered by them "determining" election contests had under the provisions of section 27 of Act No. 1582.

Although this decision is rendered on respondents' demurrer to the petition, it entitles the petitioner to judgment in accordance with the prayer of his complaint, unless respondents raise some new and additional issues in their answer, which, with the whole record before us, we do not anticipate. Therefore, unless an answer to the complaint is filed within ten days from the date hereof, let judgment be entered declaring the vacating order in the election contest proceedings in the court below, dated June 29, 1910, and all further proceedings based thereon, null and void and of no effect as in excess of the jurisdiction of the court, without special condemnation of costs in this instance, and twenty days thereafter let the record in these proceedings be filed in the archive of original actions in this court. So ordered.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.