

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ISIDRO MADAMBA, DEFENDANT AND APPELLANT.*G.R. No. 6457. March 02, 1911*

Ponente: TRENT, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6457/>**TRENT, J.:**

This is an appeal from a judgment of the Court of First Instance of the Second Judicial District, Honorable Dionisio Chanco presiding, condemning the defendant, Isidro Madamba, to pay a fine of P200 and the costs of the cause for the crime of having violated the provisions of paragraph 8, section 29, and paragraph 20, section 30, of the Election Law.

A vacancy having occurred in the office of municipal president of the town of Dingras, Province of Ilocos Norte, the provincial board, by resolution approved October 30, 1908, appointed the defendant, Isidro Madamba, to fill this vacancy. Immediately thereafter Madamba accepted the appointment and after qualifying entered upon the duties of his office. On the 2d of August, 1909, Madamba presented his resignation, in writing, as such appointed president, to the provincial board, for the purpose of becoming a candidate for the same office at the general election to be held on the 2d day of November of that year. His resignation was accepted on the 18th of that month and he received notification of such acceptance on the 25th of the same month. Upon receipt of this notice he then ceased to perform the functions of that office and to receive the emoluments attached thereto. He then publicly announced to the voters of that municipality that he was a candidate for the office of municipal president. These facts are not disputed.

Paragraph 8, section 29, of the Election Law, as amended by section 3 of Act No. 1948, reads as follows:

"No person, except a notary public, holding any appointive public office or employment, or any public office or employment by appointment, shall, within ninety days preceding any general election, or within sixty days preceding any special election, announce his candidacy for or be eligible to hold any elective public office or employment to be filled at such general or special election. No person holding an elective public office to which such person has been elected shall present his candidacy, nor shall he be eligible while holding such office, at any municipal, provincial or Assembly election, except for reelection to the office held by him. Resignations tendered for electoral reasons shall be accepted without delay by the officer or person called upon to accept them. The resignations mentioned in this section shall, in the case of Delegates to the Philippine Assembly, be tendered to the Speaker thereof. No judge of the Court of First Instance, justice of the peace, provincial fiscal, or officer or employee of the Bureau of Constabulary or of the Bureau of Education, or provincial treasurer, shall aid any candidate, or influence in any manner or take any part in any municipal, provincial, or Assembly election under penalty of being deprived of his office and being disqualified to hold any public office whatever for a term of five years: Provided, however, That the foregoing provisions shall not be construed to deprive any person otherwise qualified of the right to vote at any election: And provided further, That the tender in writing of a resignation within the time herein above fixed shall be held to be a compliance with the requirements of this section."

Paragraph 20, section 30, of the Election Law provides that:

"Any person who, being disqualified for an office for any reason other than nonpayment of taxes, publicly announces his candidacy for any elective office, shall be punished by a fine of not less than two hundred pesos nor more than five hundred pesos."

From the date (August 2d) of the presentation by the defendant of his resignation in writing to the second of November, the date on which the general election was held, is a period of ninety-one days, excluding both dates. He therefore did not present his resignation within the ninety days specified in the section above quoted. It will be noted that the last part of said section reads:

"And provided further, That the tender in writing of a resignation within the time herein above fixed shall be held to be a compliance with the requirements of this section."

Under this provision the defendant complied with the law, and he then and there (on the second day of August) ceased to be such municipal president by appointment, and from that date to the twenty-fifth of the month he was de facto municipal president for the purposes of this case. The intention of the Legislature in amending paragraph 8, section 29, of the Election Law, in the manner above set forth was to cover such cases as the one under consideration.

For these reasons the judgment appealed from is reversed and the defendant acquitted, with costs de oficio. So ordered.

Arellano, C. J., Mapa, Carson, 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.