

FELIPE TOPACIO, PETITIONER, VS. ISIDRO PAREDES, JUDGE OF FIRST INSTANCE, ET AL., RESPONDENTS.*G.R. No. 8069. October 07, 1912*

Ponente: TRENT, J.

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This is an original action instituted in this court wherein the petitioner prays that a writ of certiorari issue to the judge of the Court of First Instance of the Province of Cavite, directing him to certify to this court a transcript of the record of the proceedings had in that court on a certain election contest, hereinafter set forth.

In answer to the order to show cause why the writ should not issue, respondents allege that the allegations in the petition do not constitute a cause of action for the reason that the respondent judge had jurisdiction to determine all the questions involved in the election contest which forms the basis of this action. The case has been well presented by able counsel on both sides, and the court is fully advised upon the issues involved.

The petitioner alleges that the respondent judge exceeded his jurisdiction in the course of that election contest in that he declared that no one had been legally elected president of the municipality of Imus at the general election held in that town on June 4, 1912, and the petitioner prays that the judgment thus rendered and all subsequent proceedings based thereon be declared null and void for lack of jurisdiction. A copy of all of the proceedings which are necessary for a clear understanding of the questions presented is attached to the petition and forms a part thereof.

The admitted facts are these: On June 4, 1912, a general election was held in the town of Imus, Province of Cavite, to fill the office of municipal president. The petitioner, Felipe Topacio, and the respondent, Maximo Abad, were opposing candidates for that office. Topacio received 430 votes, and Abad 281. Abad contested the election upon the sole ground that Topacio was ineligible in that he was re-elected the second time to the office of municipal president on June 4, 1912, without the four years required by Act No. 2045 having intervened.

There is now no question and never has been about the correctness of the method of casting and counting the votes. The only question in this case which it is necessary for us to determine is whether or not the respondent judge had jurisdiction, under the provisions of section 27 of the Election Law, as amended by Act No. 2170, to declare that no one was legally elected president of Imus on June 4, 1912. In other words, have the Courts of First Instance jurisdiction, under the above provisions of law, to determine the eligibility of candidates for office? It is admitted by all that the contest under consideration was instituted in the Court of First Instance of Cavite under those provisions and that the only question raised or which could have been raised by the pleadings in the proceedings in the court below was whether or not Topacio was eligible to be elected and to hold the office of municipal president. Section 27 of Act No. 1582 as originally enacted reads:

"Sec. 27. Election contests. - 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 hereinbefore 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."

As amended by Act No. 2170, the same section provides:

"Sec. 27. Election contests. - The Assembly shall be the judge of the elections, returns, and qualifications of its members. The time for the filing of the contests, the notification thereof, and the expenses, costs and bonds shall be fixed by resolution of the Assembly which shall be effective until repealed. 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. The contests shall be filed with the court within two weeks after the election and shall be decided by the same as soon as possible after the hearing of the contest. Such court shall have exclusive and final jurisdiction, except as hereinafter provided, 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 board 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 hereinbefore provided: Provided, however, That an appeal may be taken to the Supreme Court, within ten days, from any final decision rendered by the Court of First Instance on contests of elections for provincial governors, for the review, amendment, repeal, or confirmation of such decision, and the procedure thereon shall be the same as in a criminal cause.

"Before the court shall entertain any such motion or admit an appeal, the party making the motion or filing the appeal shall give bond in an amount fixed by the court with two sureties satisfactory to it, conditioned that he will pay all expenses and costs incident to such motion or appeal, 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.

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It will be noted that the only changes made in the section as amended are (1) the admonition to the courts to decide the election contests as soon as possible, and (2) that the jurisdiction of Courts of First Instance is not now final and conclusive in such contests as to provincial governors. In all other essential respects, the section remains the same. Consequently, if the courts did not have jurisdiction under the original section to determine, in election contests, the question of the eligibility or legal qualifications of candidates, the amendment does not confer upon them that jurisdictional power. The construction placed upon the original section by this court is perfectly applicable to the new.

The method provided in the above-quoted section for the determination of election contests is purely a statutory one. The proceedings are not ordinary suits. The statute expressly declares that the "proceedings" shall not be "upon pleadings or by action." This statute was especially enacted to give the Courts of First Instance the power to try contested election cases and it defines the powers of the court and the rules of procedure in the trial thereof. The statute prescribes a special mode of procedure and the court is compelled to conform to it. It provides a speedy remedy. It prescribes within what time the motion shall be filed and requires the court to decide the contest as speedily as possible, giving preference over all other cases, if practicable, and also defines to a great extent how the court shall reach its conclusions. These facts clearly show that the court is made a special tribunal to try

contested election cases. The jurisdiction of such tribunals, although courts of general jurisdiction in all other matters, is strictly confined within the provisions of the statute creating them for this purpose.

"The court can take no additional power from its general jurisdiction. In the exercise of such special powers it is precisely limited to those plainly delegated. Nothing is to be presumed which is not expressly given." (Sutherland, Stat. Const., § 391.)

"Whatever may be the rule with regard to courts of general powers, when acting within the scope of those powers, it is well settled that when they do not, and exercise a special and statutory authority, their proceedings stand on the same footing with those of courts of limited and inferior jurisdiction, and will be invalid unless the authority on which they are founded has been strictly pursued." (1 Smith's Lead. Cas., 832, citing Denning vs. Corwin, 11 Wend., 647; Williamson vs. Berry, 8 How., 495; Thacher vs. Powell, 6 Wheat., 119; Embury vs. Connor, 3 N. Y., 511, 53 Am. Dec, 525, and others.) [66 Am. Dec, 56,]

In Galpin vs. Page (85 U. S., 350, 21 L. Ed., 959), the court said:

"The extent of the special jurisdiction and the conditions of its exercise over subjects or persons necessarily depend upon the terms in which the jurisdiction is granted, and not upon the rank of the court, upon which it is conferred."

Section 27, with its amendment, was evidently intended to afford a new and summary remedy in cases of contested elections, and it is a cardinal rule that in summary proceedings the law must be strictly pursued. (Dorsey vs. Barry, 24 Cal., 449.)

That the proceedings authorized by those provisions were intended by the legislature to be summary' in the highest degree cannot be doubted. The requirements that the hearing, as we have said, is to be had on motion and not upon pleadings or by action; that the motion must be made within a very limited time; that notice of the motion shall not exceed twenty days; and that the court shall decide the contest as soon as possible, and issue its mandamus forthwith to the canvassers; all show the summary, expeditious, and informal character of the proceedings. It is a special authorization to the court to do certain things in a particular way, and it is not to be construed as conferring power to do anything not expressly authorized. The fact that the person selected to inquire into such contests happens to be a judge is a mere incident, and does not authorize the inference that the power possessed with reference to actions is possessed with respect to these proceedings, which are expressly declared not to be actions. In these summary proceedings, the court is given extraordinary powers in that its jurisdiction is exclusive and final.

"Statutes authorizing summary proceedings must be construed with strictness, and must be exactly followed by those who act under or in pursuance of them. (Black on Interpretation of Laws, 305, citing Robinson vs. Schmid, 48 Tex., 13.)

"It is a well settled and wholesome rule, that statutes authorizing summary proceedings, and by which extraordinary powers are given to courts or officers of justice, are to be strictly construed; and that the powers conferred must be strictly pursued, so far as regards all the steps and proceedings necessary to give jurisdiction, or the whole proceedings will be void." (Sedgwick on Stat. Const. (2d ed.), 299.)

Upon these premises the judgment in the case at bar must rest.

Counsel for respondents insist, first, that if the Courts of First Instance do not have the power under the above-quoted provisions of law to pass upon the, eligibility of candidates for public office, the result will be very serious in that it will be possible for a stranger, an enemy of the government and nation, by reason of his power and influence in a certain province or municipality, to take possession of the government of such province or municipality and continue in the possession of the same until he is ousted in accordance with section 12 of Act

No. 1582; or, in other words, that there is no machinery other than the Courts of First Instance whereby eligibility or legal qualifications of candidates for provincial and municipal offices can be determined before they enter upon the duties of such offices. As a legal proposition, this is not true. The provisions of law on this point and those giving the Governor-General power to remove ineligible provincial and municipal officers who are holding office are as follows:

"* * * The Governor-General may refuse to confirm the election of any elective provincial officer if there is reasonable ground to suspect his loyalty to the constituted authorities, or if there is, in the opinion of the Governor-General, reasonable ground to believe that such person is morally unfit to hold public office, or in case, in the opinion of the Governor-General, such person has a bad reputation for morality, honesty, and uprightness in the community in which he lives. In case of refusal to confirm the election of any provincial officer the Governor-General, with the advice and consent of the Philippine Commission, may appoint a suitable person to fill the vacancy for the full term and until the election and qualification of a successor or, in his discretion, may call a special election to fill the office as provided in section four hereof, and at such special election a person whose confirmation was so refused shall be ineligible and no vote shall be counted or canvassed for him. (Sec. 3, Act No. 1726.)

"Any member of a provincial board or other person who has information that the provincial governor or third member is ineligible shall at once report the matter to the Governor-General who shall order an investigation by such officer or officers as he may appoint for the purpose, giving the governor-elect or third member elect, as the case may be, opportunity to present evidence in his behalf, and upon the report thereof shall declare the office vacant, or dismiss the proceedings, as the facts may warrant. (Paragraph 8 [6] of section 12 as amended, Act No. 1582.)

"Any councilor or other municipal officer or other person who has information that a municipal officer is ineligible shall immediately report the matter to the municipal council which shall hold an investigation giving the officer opportunity to present the evidence in his favor. The council shall declare the office vacant or dismiss the proceedings as the facts may warrant. A record of the proceedings and evidence shall be kept and forwarded to the provincial board which, within thirty days, shall affirm or reverse the action of the council. (Paragraph 9 [7] of section 12 as amended, Act No. 1582.)

"The Governor-General, upon receipt of proof satisfactory to him that an ineligible person is holding any provincial or municipal office or employment, may summarily remove such person." (Section 2, Act No. 1726.)

Those disqualifications set forth in section 25 of Act No. 1582 as amended by section 3 of Act No. 1726 (*supra*) which render a person incapable of holding an elective provincial office and which prevent the confirmation of the election of such person are derived from the personal character of the individual and do not of themselves render him ineligible to be elected. They only prevent him from exercising the functions of the office until they are removed. Those disqualifications which are not derived from the personal character of the individual and which render him ineligible to hold the office are not included in this section.

Paragraph eight of section 12 of Act No. 1582 (as amended) authorizes and empowers the Governor-General, after an investigation as therein provided, to declare the office of provincial governor or third member vacant on account of the ineligibility of the "governor-elect" or "third member elect" In the sense here used, the word "elect" is defined by the lexicographers as follows:

"Chosen to an office, but not yet actually inducted into it; as, bishop elect, governor or mayor elect (Webster, Edition of 1910.)

"Elected to office but not yet in charge of its functions; as, the president elect; the bishop elect."

It will be noted that "governor-elect" is a hyphenated word, while "third member elect" is composed of three independent words, and that the hyphen is not used in either of the above definitions. This variation in the punctuation, however, is not important, as any construction of a statute based upon punctuation which is in conflict with the plain and evident intent of the legislature cannot be sustained. (Black, Int. of Laws, p. 185.) The Governor-General can only exercise the power conferred upon him by this paragraph in the interval between the election and the induction into office of such person. This is clear from the mere reading of the paragraph. Had it been otherwise, the legislature would not have used the words "governor-elect" and "third member elect." But it is said that under the rule of strict construction as above set forth, the word "ineligible" as used in the paragraph under consideration, does not include those disqualifications which are not derived from the personal character of the individual, such as the one mentioned in section 2 of Act No. 2045. That the authority here conferred is special and statutory and that its extent depends upon the terms of the grant, there can be no question. That the power to declare the office vacant has been granted cannot be doubted. There is an express grant. It is unrestricted. The paragraph is not ambiguous. Plain, ordinary language is used.

"If the words of a statute are of themselves precise and unambiguous, then no more can be necessary than to expound those words in their natural and ordinary sense. The words themselves do, in such case, best declare the intention of the legislature." (Sutherland, Stat. Const., § 247.)

The word "ineligible" is defined as follows:

"Legally or otherwise disqualified for office. Not eligible. (Standard, Edition 1910.)

"Disqualified to be elected to an office; also disqualified to hold an office, if elected or appointed to it." (28 Wis., 99; Black's Law Dict.)

The foregoing provisions of law cover every case of ineligible elective provincial officers.

Paragraph 9 [7] of section 12, as amended, of Act No. 1582 confers upon the municipal council, with the approval of the provincial board, the same powers with respect to municipal officers, as are conferred upon the Governor-General with respect to provincial officers by paragraph 8 [6]. The wording of the two paragraphs upon this point is exactly the same. The word "ineligible" is used in the same manner in each. There cannot be the slightest doubt about the existence of the power and the right and the duty of the municipal council to exercise it. The grant is expressed in direct and positive language. No construction is required to reach this result. But the paragraph does have to be examined in order to ascertain the intent of the legislature as to when the power is to be exercised; that is, whether it is operative before or after the person assumes office. To determine this question, the paragraph must be construed in connection with other provisions of the same act and subsequent legislation in *pari materia*. It cannot be segregated. If it stood alone, some difficulty would be encountered, as the word "officer" is not followed by the word "elect" as in paragraph eight. This might be said to indicate that it was the intention of the legislature that the power should be exercised after the person had entered upon the duties of the office; that the oath of office is a condition precedent to the exercise of the power therein conferred. But when this paragraph is read in connection with paragraph eight of the same section, and section 2 of Act No. 1726, the intent is manifest. This latter section provides that the Governor-General, upon receipt of proof satisfactory to him, that an ineligible person is holding any provincial or municipal office or employment, he may summarily remove such person. That the Governor-General cannot exercise the power herein conferred until after the person has assumed office is specifically stated. He can only remove persons holding office. Here the entire field is covered and includes all provincial and municipal officers and employees. It can hardly be said that the legislature intended to invest the same power with reference to the removal of ineligible persons holding municipal offices in both the Governor-General and the municipal council. The legislature very wisely withheld from municipal councils the power to remove persons holding municipal offices and placed this power in the highest executive officer of the

Government. It is therefore clear that the powers conferred upon municipal councils by paragraph nine of section 12 (supra), cannot be exercised after the municipal officers enter upon their duties as such. The result is that there exists a complete administrative remedy for preventing ineligible provincial and municipal officers elect from entering upon the duties of such offices. A like remedy exists for the summary removal of such officers after they have taken charge.

Secondly, counsel for respondents argue that section 27 confers upon the Courts of First Instance the power to pass upon the eligibility of candidates for an elective office, in the exercise of the special powers thereby granted.

We premise that if the Courts of First Instance cannot finally and conclusively determine any election dispute under the powers granted them by section 27, such dispute cannot properly be considered justiciable under those powers at all, inasmuch as the legislature has expressly provided that all decisions of such tribunals in the exercise of these special powers shall be final and conclusive (with the exception, of course, in the case of provincial governors, that an appeal may be taken within ten days). The qualifications and disqualifications of elective provincial and municipal officers are set forth in the following provisions:

"Provincial governors and third members of provincial boards must be at the time of the election qualified electors in the province; they must have been bona fide residents therein for at least one year prior to the date of their election; must owe allegiance to the United States, and must be not less than twenty-five years of age: Provided, however, That the provisions of this section shall not apply to those persons or cases where the Governor-General shall appoint a provincial governor or third member of a provincial board under existing provisions of law." (Second paragraph of section 12, as amended, of Act No. 1582.)

"No person shall be eligible to election as a Delegate to the Philippine Assembly, provincial governor, or third member of a provincial board unless, not less than ten days before the day set for the election, he shall have filed with the proper provincial board a written certificate, over his signature, that he thereby announces, or permits to be announced, his candidacy for the position to be mentioned in said certificate. * * * Provided, however, That in case of the death or disqualification of any candidate who has duly announced his candidacy, occurring within the ten days next preceeding the day of election, as hereinbefore mentioned, it shall be lawful for any other duly qualified person to file, on or before noon of the day set for the election, a certificate of his candidacy for the position for which the deceased or disqualified person was a candidate." (Paragraph 3 of section 12 as amended by section 7 of Act No. 2045.)

"An elective municipal officer must have been, at the time of the election, a qualified voter and resident in the municipality for at least one year, owing allegiance to the United States; he must be not less than twenty-three years of age, and be able to read and write intelligently either Spanish, English or the local dialect: Provided, That a person ineligible for office by reason of nonpayment of taxes who is elected to any office may remove such ineligibility by the payment of the taxes before the date fixed by law for assuming office, but not afterwards." (Paragraph 5 of section 12, Act No. 1582, as amended.)

"Unless fully pardoned, no person who is under judgment of conviction of a crime which is punishable by imprisonment for two years or more or which involves moral turpitude, regardless of whether or not an appeal is pending in the action, shall hold any public office, and no person disqualified from holding public office by the sentence of a court, whether or not an appeal is pending in the action, or so disqualified under the provisions of Act Numbered Eleven hundred and twenty-six, as amended, shall be eligible to hold public office during the term of his disqualification. No person who habitually smokes, chews, swallows, injects, or otherwise consumes or uses opium in any of its forms, shall be eligible to hold any provincial or municipal office." (Sec. 1, Act No. 1768.)

"A second reelection to any provincial or municipal office is prohibited, except after four years. (Sec. 2 of Act No. 2045.)

"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. * * *"
(Sec. 3, Act No. 1948.)

Is it possible to finally pass upon the eligibility of a candidate for such elective offices at any time prior to the date upon which he is to assume office? It is plain that if the candidate can not qualify on election day as to length of residence, age, or other requirement which can only be met by time, he would be ineligible to hold office, and the court or any other deciding power could very well decide immediately after the election that he was ineligible. But there is at least one qualification (the payment of taxes) which he is not required to meet on election day, and as to which he may qualify at any time prior to the date fixed for assuming office. As to the disqualifications mentioned in section 1 of Act No. 176,8, any or all of these may be removed between the date of the election and the date fixed for assuming office. The removal of these, in so far as his criminal record may be concerned, depends upon executive clemency,* while removal of the disqualification of the habitual use of opium depends upon the candidate himself. There are, then, cases relating to the eligibility of a person to hold the office as to which the Courts of First Instance, in the exercise of their special powers, cannot render a final and conclusive decision. Counsel does not suggest, nor is it hardly necessary to negative, the proposition that the powers conferred by section 27 are capable of exercise upon a motion presented two weeks after the election. If any question concerning an election cannot, because of its nature, be finally and conclusively determined under the court's special powers, it follows that such a question should not be considered at all, because not being within the jurisdiction conferred, which is, as to the subject matter, final and conclusive.

All election disputes may be divided into two distinct classes: (1) those which pertain to the casting and counting of the ballots; and (2) those which pertain to the eligibility of the candidates. If there be cases incapable of being so classified, they have not been suggested. Those parts of section 27 [Act No. 1582 as amended by Act No. 2170], indicative of the kind of contests which are to be determined under its provisions, read:

"Such court (of First Instance) shall have exclusive and final jurisdiction except as hereinafter provided, 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, * * *

* * * * *

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."

These very words indicate the character of the election disputes which Courts of First Instance are empowered to decide under this provision of law. Contests which cannot be decided by an examination of the registry lists and of the ballots, and evidence of fraud and irregularity in connection with the manner of casting and counting the votes, must be included in the phrase "for the determination of which provision has not been otherwise made*" which appears near the beginning of the section. If the nature of the evidence upon which the eligibility (qualifications) of a person to hold office must be decided is considered, it will be seen that such evidence has nothing to do with the manner of casting and counting the votes. To what purpose would be the examination of registry lists and ballots by officers appointed and paid for that purpose in determining the eligibility of a successful candidate for office? The eligibility of a person to be elected to a provincial or municipal office depends upon his qualifications as a voter, his residence, his allegiance to the United States, his age, the absence

of disqualifications inflicted by the courts by way of punishment, etc. That is, these qualifications and disqualifications do not depend upon the conduct of election inspectors, the illegal trafficking in votes, the method of casting and counting the ballots, or the election returns. The evidence required to establish such qualifications or disqualifications would not aid in any way in determining the questions relating to the manner of casting and counting the ballots. E converso, would the examination of ballots aid in arriving at a decision as to his eligibility. There is nothing in this section to indicate that the court shall receive or consider evidence as to the personal character or circumstances of candidates.

Again, the effect of a decision that a candidate is not entitled to the office because of fraud or irregularities in the election is quite different from that produced by declaring a person ineligible to hold such an office. In the former case the court, after an examination of the ballots may find that some other person than the candidate declared to have received a plurality by the board of canvassers actually received the greater number of votes, in which case the court issues its mandamus to the board of canvassers to correct the returns accordingly; or it may find that the manner of holding the election and the returns are so tainted with fraud or illegality that it cannot be determined who received a plurality of the legally cast ballots. In the latter case, no question as to the correctness of the returns or the manner of casting and counting the ballots is before the deciding power, and generally the only result can be that the election fails entirely. In the former, we have a contest in the strict sense of the word, because opposing parties are striving for supremacy. If it be found that the successful candidate (according to the board of canvassers) obtained a plurality in an illegal manner, and that another candidate was the real victor, the former must retire in favor of the latter. In the other case, there is not, strictly speaking, a contest, as the wreath of victory cannot be transferred from an ineligible candidate to any other candidate when the sole question is the eligibility of the one receiving a plurality of the legally cast ballots. In the one case the question is as to who received a plurality of the legally cast ballots; in the other, the question is confined to the personal character and circumstances of a single individual.

Applying the familiar principle of *ejusdem generis*, we hold that jurisdiction under this section is limited to those matters which may be decided by an inspection of the registry list and of the ballots and their *res gestae*. (Sutherland, Stat. Const., par. 268 et seq; Sedgwick, *id.*, 360; 36 Cyc, 1119.)

The utmost care must be exercised in the citation of authorities in support of any particular contention in the interpretation of election laws. They are universally statutory and seldom similar in the matter of election controversies. A single statutory or constitutional provision, may render worthless as an authority the best considered case coming from some other jurisdiction on the point under discussion. We have, however, the satisfaction of knowing that the Supreme Court of Illinois in two decisions in which the very question in the case at bar was at issue, adopted the view we take of this case. The provision of the Illinois law reads:

"The county court shall hear and determine contests of election of all other county, township and precinct officers, and all other officers for the contesting of whose election no provision is made." (Starr and Curtiss' Ann. 111. Statutes, 1661, par. 98.)

In *Greenwood vs. Murphy* (131 Ill., 604), the court said:

"We think that the statute limits the power of the county court to contests of elections. That court has no other or further jurisdiction than to determine which of the contestants has been duly elected. The question whether or not a party already elected possesses the necessary qualifications for the office is one which must be determined in another way and by a different proceeding.

"Where it is claimed that such an one unlawfully holds an office by reason of his lack of a legal qualification therefor, his right should be determined by information in the nature of *quo warranto* in the name of the people of the State."

This doctrine was reaffirmed and the earlier case cited with approval in the late case of *Edgcomb vs. Wylie* (248 111. (1911), 602).

In *Castro vs. Wislizenus* (12 Phil. Rep., 468), Vicente Sotto received six hundred and fifty votes and Martin Llorente four hundred and eighty-three votes for municipal president of Cebu. Llorente protested the election upon the sole ground that Sotto was ineligible to be elected to the office of municipal president in that he was then under a sentence of four years and two months of prison correccional for the crime of abduction. This was (by Sotto himself) a nonremovable disqualification which not only rendered him ineligible to be elected, but also ineligible to hold the office. The question squarely presented to the court below was whether or not it had the power, under section 27 of the Election Law to pass upon the eligibility of Sotto, who had received a plurality of the legally cast ballots, In disposing of the case, this court said:

"In the present case the court below had nothing to decide in the matter of the scrutiny of the ballots, and nothing was asked for in the motion with respect to the operations showing the true and lawful result of the election for the office of municipal president of Cebu; in proof thereof, the contending parties admit that the result of the scrutiny was lawful and correct; so that it is not a matter of rectifying the examination of the ballots so as to accord with the facts resulting from the proofs offered at the trial held by virtue of the protest, nor is it a case of a void election that should be referred to the Governor-General.

"The whole of the question submitted to the court below is the status of the party who obtained the majority of votes, that is, whether the election of a person sentenced to four years of prison correccional should be confirmed or not, and by none of the sections of the Election Law is this question submitted to the jurisdiction of the Court of First Instance." In a republican form of government, where a considerable number of the public servants received their appointments directly from the people in what are technically termed elections, it is only natural that controversies over who has thus been appointed to a particular office should arise with more frequency than they do in more centralized forms of government, and are more difficult to dispose of. Obviously, it is highly inexpedient and expensive to refer such question to the appointing power (the people), and they must, if possible, be decided by some more expeditious and economical method. To provide the means of disposing of these controversies quickly and cheaply, and in a way that will be reasonably certain to discover and declare the sacred will of the majority, is the task of legislators. In meeting these exacting requirements, the Philippine Legislature has covered the field by enacting appropriate legislation. It has established special tribunals with exclusive and final jurisdiction, by which the most vexatious controversies, those relating to the manner of casting and counting the ballots, may be expeditiously settled. It has provided for the further elimination of unnecessary and tiresome delays by clothing administrative officers of the government with power to remove for ineligibility candidates elect during the same interval of time. Confusion and uncertainty as to the results of an election are thus reduced to a minimum, and the return to political repose, so necessary to economic progress, is hastened.

The findings of the special tribunals above mentioned, acting within their jurisdictional powers, are final and conclusive. The returns of the canvassing board as corrected in accordance with the findings of these special tribunals are final and conclusive upon all departments of the government and upon all interested parties, as to who received a plurality of the legally cast ballots. But those administrative proceedings, authorized by law for the determination of the eligibility of candidates elect, while conclusive upon the administrative branch of the government, are not exclusive as to the courts. They do not abridge the right to the remedy of *quo warranto*.

For the foregoing reasons, we are of the opinion and so hold that the respondent judge exceeded his jurisdiction in declaring in those proceedings that no one was elect municipal president of the municipality of Imus at the last general election; and that said order and all subsequent proceedings based thereon are null and void and of no effect; and, although this decision is rendered on respondents' answer to the order to show cause, unless respondents raised some new and additional issues, let judgment be entered accordingly in 5 days, without costs.

So ordered.

Arellano, C. J., Torres, Mapa, and Carson, JJ., concur.

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