

FELIPE BUENCAMINO, JR., PETITIONER AND APPELLEE, VS. THE MUNICIPAL COUNCIL OF BONGABONG, THE MUNICIPAL COUNCIL OF SAN JOSE, AND THE MUNICIPAL COUNCIL OF SAN ISIDRO, NUEVA ECIJA,...*G.R. Nos. 44158-44160. September 05, 1935*

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-44158-44160/>**IMPERIAL, J.:**

These are appeals taken by the municipal councils of Bongabong, San Jose and San Isidro of the Province of Nueva Ecija, from the decision of the Court of First Instance of said province directing them to meet at 7 o'clock in the morning of August 9, 1935, to set aside the appointments of election inspectors, their substitutes and poll clerks, and to appoint in their stead two inspectors with their substitutes and one poll clerk for the Partido Nacionalista Democrático represented by the petitioner, in each of the election precincts in said municipalities and one inspector with his substitute for the Partido Nacionalista-Pro Independencia.

The Partido Nacionalista Consolidado and the Partido Democrata formerly existed in the Province of Nueva Ecija. The Partido Nacionalista-Bloque Gabaldon sprang from the former and as a result the Partido Nacionalista Consolidado, the Partido Nacionalista-Bloque Gabaldon and the Partido Democrata came to be known in the province. Right after the approval of the Hare-Hawes-Cutting Law, the first and the last of said three parties were divided into Pros and Antis, the former favoring the law and the latter against it. The Nacionalista Consolidado Antis, the members of the Partido Nacionalista-Bloque Gabaldon, itself an Anti, and the Antis of the Partido Democrata organized themselves into a political faction known as the *Conjuncion Anti-HHC~Nacionalista Consolidado Gabaldonista Democrata*. The petitioner was elected president of this new group and Isauro Gabaldon its vice-president, and the Partido Nacionalista Consolidado ceased to exist in said province at least. The Nacionalista Pros and the Democrata Pros, in turn, organized the *Partido Nacionalista-Democrata-Pro Independencia*, a political organization which existed and was known throughout the country. At the general elections held on June 5, 1934, the *Conjuncion Anti-HHC-Nacionalista Consolidado Gabaldonista Democrata* polled the largest number of votes and the *Partido Nacionalista—Democrata Pro Independencia* followed in order. Months later, the Partido Nacionalista Consolidado composed of Antis and the Partido Democrata composed of Antis organized the *Partido Nacionalista Democrático* and the *Partido Nacionalista-Democrata Pro Independencia* subsisted. Still later, these two big political parties formed a coalition to support their candidates for national president and vice-president.

In Nueva Ecija the *Partido Nacionalista Democrático* was composed of the members of the former *Conjuncion Anti-HHC-Nacionalista Consolidado Gabaldonista Democrata*. At the meeting of the members of the *Partido Nacionalista Democrático* of Nueva Ecija on July 4, 1935, the question arose relative to the convenience of forming a coalition with the *Partido Nacionalista-Democrata Pro Independencia* of the province for the purpose of presenting only one candidate in the two districts of the province. The members present were divided. The group headed by the petitioner was against the proposed coalition and the group headed by Gabaldon favored it.

This misunderstanding gave birth to the local Tomacruz-Gabaldon group. Both factions presented their candidates for representative for the second district, that of the petitioner presenting him as its candidate and the Tomacruz-Gabaldon faction presenting Mariano Santa Romana.

The petitioner claimed for his faction two inspectors with their substitutes and the poll clerk in each of the election precincts and submitted a list of the names of those proposed to the respondent municipal councils. The Tomacruz-Gabaldon faction asked for an inspector with his substitute in each precinct. On August 1, 1935, the municipal councils of San Jose and San Isidro, appointed for each election precinct one inspector with his substitute for the Partido Naciowalista Democrdtico of Nueva Ecija headed by the petitioner, one inspector with his substitute and the poll clerk for the Tomacruz-Gabaldon group and the third inspector with his substitute for the Partido Nacionalista-Democrata-Pro Independencia. On said date the municipal council of Bongabong appointed for all its election precincts two inspectors with their substitutes and the poll clerk for the Tomacruz-Gabaldon faction and one inspector with his substitute for the Partido Nacionalista-Democrata Pro Independencia. It appointed none for the faction represented by the petitioner.

The petitioner instituted mandamus proceedings against the three municipal councils to compel them to appoint two inspectors with their substitutes and the poll clerk, in each precinct, for the faction represented by him, alleging that the Partido Nacionalistd Democrdtico polled the largest number of votes at the last general elections and that the Tomacruz-Gabaldon faction is not entitled to any inspector nor substitute because its members separated from the Conjuncion, and section 10 of Act No. 4203 forbids that it be granted representation on the board of election inspectors. The court rendered, the decision above stated and the municipal councils appealed.

Pending the appeal taken in case G. R. No. 44160, the municipal council of San Isidro, through its president, filed a sworn motion for withdrawal of its appeal alleging that it was satisfied with the appealed decision and that it had already complied therewith, stating furthermore that it had not authorized any of the attorneys who appeared for it to interpose the appeal or to appear in this court in its behalf. Attorney Vicente J. Francisco, in behalf of the Tomacruz-Gabaldon faction, opposed the withdrawal of the appeal on the ground that said faction and its leaders were directly affected thereby, for which reason, and because the appointment of inspectors, their substitutes and the poll clerks is of public interest, the appeal should stand and the questions raised and submitted therein passed on. The objection is supported by the affidavit of Jacinto Tomacruz, Isauro Gabaldon, Mariano Santa Romana, Mariano Q. Tinio and Luis C. Paez, leaders of the Tomacruz-Gabaldon faction. The record before us shows that the only respondent is the municipal council of San Isidro, of the Province, of Nueva Ecija. Neither Tomacruz-Gabaldon faction nor any of its leaders or prominent members were joined as party. Following the legal provisions applicable and the practice uniformly established in this jurisdiction, we are duty bound to hold that the opponents are not entitled to intervene in the case and, therefore, cannot validly oppose the petition. The motion is, therefore, granted and the appeal interposed by the municipal council of San Isidro, in case G. R. No. 44160, is deemed withdrawn, without special pronouncement as to costs of this instance.

As hereinbefore stated, the petitioners' contention is that the party represented by him is entitled to the majority of the inspectors, their substitutes and the poll clerks because it polled the largest number of votes at the last elections. He likewise relies upon the provisions of section 10, paragraph 3, of Act No. 4203, which forbids the granting of inspectors and substitutes to political groups or factions that separated from the political parties which had taken part and received votes at the last general elections. But it will be remembered that, as stated in the beginning, it was not the Partido Nacionalista Consolidado composed of the Antis nor the Partido Democrata composed of the Antis, that really polled the largest number of votes in the Province of Nueva Ecija at the last elections, but the Conjuncion Anti-HHC-Naeio-TMlistar-Conso-Mdado Gabaldonista Democrata of which all the former members of the Partido Nacionalistcb-Bloque Gabaldon formed part. We are of the opinion that the

prohibition of Act No. 4203 is not applicable to this particular case because in reality the present Tomacruz-Gabaldon faction did not separate from any national political party but reassumed its original organization of local character. It goes without saying that this separation was motivated by an incident which afflicted neither the fundamental political principles of the parties nor their platforms.

The difficulties of apportioning inspectors among the militant factions had already arisen before the petitioner brought the actions in court. To solve them, their leaders submitted the case to the president of the Partido Nacionalista Democrático who vigorously maintained that each of said factions should be granted an inspector and his substitute in districts where they had nominated and presented a candidate for the National Assembly. It should be noted that when he reiterated his above stated opinion for the last time, Act No. 4203, containing the prohibition, was already in force, and it should therefore be assumed that he was aware of its provisions. While such an opinion is not binding, as a precedent, on the courts, we believe, however, that it is a correct and clear expression of the intention of the Election Law and of its principal purpose to grant each political party or faction representation on the board of election inspectors in the interest of honest and clean elections.

This court has so interpreted the law in all the cases submitted to it, particularly in the cases of *Altavas et al. vs. Various Municipal Councils of the Province of Capiz* (G. R. Nos. 41537, 41538, 41552 and 41557, 60 Phil., 84), enunciating the following principles:

"The principles which have guided us in these cases and which will continue to guide us in analogous cases are these:

"1." The whole purpose of the Australian Ballot System as found in the Philippine Election Law is to provide for clean elections, and the courts will assist in accomplishing that purpose just in so far as they make themselves the instruments of the public welfare.

"2. Section 417 of the Election Law was provided as a precautionary measure for securing honesty in the conduct of elections, the officers from one party being counted upon to prevent fraud being committed by the officers from another party, and this primordial intent will be effectuated whenever possible by giving to the leading political parties or political groups representation on election boards.

"3. A liberal and practical construction of section 417 of the Election Law will be adopted so as to provide as complete a method as possible to obtain a clean election.

"4. As it is most often a minority party which suffers (this case being an example, for in seventeen municipalities what are known as the Antis were left without representation and in five municipalities what are known as the Pros were left without representation), the courts will, wherever the facts justify, permit of a minority party having one election inspector.

"5. Everything else being equal, political parties and political groups of a permanent nature and national in character will be preferred to sporadic local blocs formed for transitory election purposes.

"In relation with the above principles, only one authority need be noticed, namely, the decision of this court in the case of *Ysip vs. Municipal Council of Cabiao* ([1922], 43 Phil., 352). The general elections of 1922 made it incumbent on the court to interpret section 11 of Act No. 3030, now incorporated in section 417 of the Election Law. In the preceding general elections in 1919, two parties, the Partido Nacionalista and the Partido Democrata, contested for supremacy. Thereafter the Partido Nacionalista divided into two branches, the Partido Nacionalista, commonly known as Unipersonalista, and the Partido Nacionalista Colectivista. The question was, if the new Partido Nacionalista Colectivista should be recognized by the courts and should be permitted to have representation on election boards. The Supreme Court, adopting a liberal construction of the Election Law, answered the question affirmatively. In succeeding elections that rule has been generally accepted. It is as pertinently applicable now as then."

Wherefore, the judgment appealed from is reversed as to the part thereof referring to the municipal councils of Bongabong and San Jose, and the latter are ordered to meet immediately before September 7, 1935, and appoint for each of their election precincts an inspector, a substitute and the poll clerk for the faction or party represented by the petitioner and another inspector with his substitute for the Tomacruz-Gabaldon faction, without special pronouncement, as to costs of this instance. So ordered.

Malcolm, Villa-Real, Butte, and Goddard, JJ., concur.

Appeal dismissed as to municipal council of San Isidro and judgment reversed as to municipal councils of Bongabong and San Jose.

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.