

43 Phil. 290

[G. R. No. 18849. April 06, 1922]

**ANTONIO BUSTOS, PETITIONER, VS. MUNICIPAL COUNCIL OF MASANTOL,
PROVINCE OF PAMPANGA, ET AL., RESPONDENTS.**

D E C I S I O N

MALCOLM, J.:

The principal question submitted for decision in this original action in mandamus, concerns the rights of the Democrata Party to election inspectors, when it is shown that this party polled the largest number of votes in any given municipality at the last election. The subsidiary question which the court must decide relates to a determination of which of two rival claimants is the legitimate representative of the Democrata Party in the municipality of Masantol, Province of Pampanga.

The Election Law, enacted by the Philippine Legislature at its recent session, under the epigraph, "Appointment of Inspectors and Poll Clerk," contains the following: "* * * Should there be in such municipality one or more political parties or branches or fractions thereof, or political groups, then *two of said inspectors and two substitutes for the same shall belong to the party which polled the largest number of votes in said municipality at such preceding election and the other inspector and his substitute shall belong to the party, branch or fraction thereof, or political group which polled the next largest number of votes at said election*; and the inspectors so appointed shall be persons proposed by the legitimate representative or representatives of such political parties, branches or fractions thereof, or political group." (Act No. 3030, sec. 11.) This is the law which it is the bounden duty of the court to interpret, so as to carry out legislative intention, which plainly is, to provide such checks by rival parties as will prevent fraud by the officers of the other party. And this is the law which it is likewise the bounden duty of the court to enforce as it finds it. The law is plain, and merely needs application to particular states of fact.

At the election in 1919, in the municipality of Masantol, Province of Pampanga, two parties

contested for the favor of the voters, the Democrata Party and the Nacionalista Party. A tabulation shows that "the party which polled the largest number of votes in said municipality at such preceding election," to follow the exact language of the law, was the Democrata Party, and that the party "which polled the next largest number of votes at said election" was the Nacionalista Party. Accordingly, pursuant to the law and the facts, the Democrata Party must be assigned two election inspectors and two substitutes for each of the election precincts of the municipality, and the Nacionalista Party must be assigned the remaining inspector and his substitute, for each election precinct.

The action taken by the municipal council of Masantol, in which the council gave one inspector and one substitute to the "Partido Nacionalista," one inspector and one substitute to the "Partido Liberal Nacionalista," known as "Colectivista," and one inspector and one substitute to the "Partido Democrata," represented by one Espiridion Pineda, was in violation of law. As said, the Democrata Party was entitled under the law to two election inspectors and two substitutes, and the Nacionalista Party to the remaining election inspector and his substitute. The inspectors which should be named for the Democrata Party are those recommended by the petitioner in this case, Antonio Bustos, who is shown, by the exhibits presented, to be the legitimate representative of the party in the municipality of Masantol.

In order that there may be no misunderstanding, let it be said that the decision in this case is predicated squarely on the law and the facts. When other statements of facts are laid before us, such as might come from municipalities where the Nacionalista Party was victorious in the last election, and where it is shown that this party has, since that time, divided into two or more branches, and when other situations which cannot now be ascertained exactly, come to our attention, we will decide the cases as they arise. Certainly, however, whatever may have happened within the ranks of the Nacionalista Party (and the court can properly take judicial notice of current political history), cannot be permitted to have any effect on the rights of the Democrata Party, when it is demonstrated that in any given municipality the latter party polled the largest number of votes in the preceding election.

Our decision, it may be added, agrees with previous decisions of the court too numerous to be cited.

The writ prayed for is granted, and it is the order of this court that the municipal council of Masantol, Pampanga, shall immediately convene and proceed to appoint two election

inspectors and two substitutes therefor, for each election precinct of the municipality, from the persons proposed by Antonio Bustos, the legitimate representative of the Democrata Party in the municipality, and one election inspector and his substitute for each election precinct from the persons proposed by the legitimate representative of the Nacionalista Party in this municipality. Costs against the respondent municipal council. So ordered.

Araullo, C. J., Villamor, Ostrand, Johns, and Romualdez, JJ., concur.