

HELD: In the case of *Querubin vs. Court of Appeals, et al.* (46 O. G. 1554), the latest on the point, we held that Section 177 of the Revised Election Code is directory in nature. The following observations are controlling:

"The provision of Section 177 of the Revised Election Code . . . that the trial court shall decide a protest within six months or one year from its filing when contesting a municipal or provincial office is directory in nature.

"To dismiss an election contest or appeal because the respective courts, regardless of cause or reason, have failed to render final decisions within the time limits of said sections is to defeat the administration of justice upon factors beyond the control of the parties. That would defeat the purpose of due process of law and would make of the administration of justice in election contests an aleatory process where the litigants, irrespective of the merits of their claims, will be gambling for a deadline."

In the case at bar, the Supreme Court held that the protest was not disposed of by the respondent judge within the statutory period of six months due to justifiable causes.

Petition dismissed. (*Timoteo Cachola, Petitioner, vs. Andres Cordero, et al., Respondents, G. R. No. L-5780, promulgated February 28, 1953.*)

SECTION 180, REVISED ELECTION CODE

IN AN ELECTION PROTEST, COMMISSIONERS' FEES ARE COLLECTIBLE AGAINST THE LOSING PARTY AS PART OF THE "EXPENSES AND COSTS", BUT NOT THE PRINTING EXPENSES FOR THE BRIEF AND THE STENOGRAPHIC NOTES.

FACTS: Bernardo Torres filed an election protest against Mamerto Ribo for the office of provincial governor of Leyte. After trial, Mamerto Ribo was declared winner and upon appeal said decision was affirmed by the Court of Appeals. After the judgment had become final, Mamerto Ribo filed a bill of expenses and costs, which was opposed by Bernardo Torres. The court rendered

judgment allowing the payment of commissioners' fees and other items except attorney's fees and printing of brief. The motion for reconsideration filed by Torres having been denied, the present appeal was interposed.

HELD: The commissioners' fees are included within the term "expenses and costs" used in Section 180 of the Revised Election Code as collectible against the losing party. However, printing expenses for the brief¹ and the stenographic notes are not allowed as the latter are part of the record and no party is called upon to get a copy thereof. (*Bernardo Torres, Protestant-Appellant, vs. Mamerto Ribo, Protestee-Appellee, G. R. No. L-5394, promulgated April 29, 1953.*)

¹No allowance shall be made to the prevailing party in the Supreme Court or Court of Appeals for the brief or written arguments of his attorney, or copies thereof... (Rule 131, Sec. 11 (d), Rules of Court).