

Title: Imelda Romualdez-Marcos vs. Commission on Elections and Cirilo Roy Montejo (GR. No. 119976)

Facts:

Imelda Romualdez-Marcos filed her Certificate of Candidacy for the position of Representative of the First District of Leyte on March 8, 1995. In her candidacy form, she indicated her residence in the constituency as “seven months.” Private respondent Cirilo Roy Montejo, the incumbent Representative of the same district and a rival candidate, filed a “Petition for Cancellation and Disqualification” with the Commission on Elections (COMELEC), contending that Mrs. Marcos did not meet the constitutional requirement of one year residency for candidates to the House of Representatives.

Mrs. Marcos subsequently filed an Amended/Corrected Certificate of Candidacy, changing her stated period of residency from “seven months” to “since childhood.” However, this corrected form was not accepted by the election office since the filing deadline had lapsed. Mrs. Marcos then filed the amended certificate directly with the COMELEC’s head office. She contested that the initial entry of “seven” months was merely due to an “honest misinterpretation” and that she had always considered Tacloban City, within the First District, her domicile.

The COMELEC’s Second Division found her disqualification petition meritorious, striking off the corrected certificate, and canceling the original one, thus disqualifying Mrs. Marcos from running for the congressional seat. The COMELEC en banc affirmed this decision, but on May 11, 1995, it issued two conflicting resolutions about Mrs. Marcos’ proclamation should she obtain the highest number of votes. Mrs. Marcos continued her plea to the Supreme Court, asserting that she has been a resident of the First Legislative District of Leyte since childhood and that prior to living in Tolosa for seven months, she was a resident of Tacloban City, another place within the same district.

Issues:

- Whether or not Mrs. Marcos has been a resident of the First District of Leyte for a period of not less than one year immediately preceding the election.
- Whether the COMELEC properly exercised its jurisdiction in disqualifying Mrs. Marcos after the prescribed period for disqualification cases under Article 78 of the Omnibus Election Code.
- Whether or not the jurisdiction over the question of Mrs. Marcos’ qualification lies with the House of Representatives Electoral Tribunal after the May 8, 1995 elections.

Court's Decision:

The Supreme Court set aside the COMELEC's resolutions and directed the Provincial Board of Canvassers to proclaim Mrs. Marcos as the duly elected Representative of the First District of Leyte. The Court found that the COMELEC erred in equating "residence" in election law to actual residence rather than domicile. Mrs. Marcos had proven her consistent intent to maintain Tacloban as her domicile despite living in several different locations over the years. She had involuntarily acquired a domicile in Batac, Ilocos Norte due to her marriage but returned to Tacloban upon her husband's death.

The Court also held that the COMELEC did not lose jurisdiction to decide on the petition for disqualification despite the lapse of the deadline mandated by the Omnibus Election Code. The COMELEC retained jurisdiction to hear and decide the case since it had not been resolved by final judgment before the 1995 elections, as provided for by Sections 6 and 7 of R.A. 6646.

Furthermore, the Court concluded that the jurisdiction of the House of Representatives Electoral Tribunal begins only after a candidate becomes a member of the House of Representatives. Since Mrs. Marcos was not yet a member of the House, the HRET, at this point, had no jurisdiction over the question of her qualifications.

Doctrine:

- In election law, residence is synonymous with domicile.
- The one-year residency requirement for election to the House of Representatives refers to domicile, not actual residence.
- A certificate of candidacy may be amended to correct honest mistakes regarding residency qualifications.

Historical Background:

The case arose in the post-EDSA revolution context, with Imelda Romualdez-Marcos, the widow of the late President Ferdinand Marcos, attempting to return to political power through electoral participation. Mrs. Marcos was contested on the ground of residency, a constitutional requirement for running for Congress, reflecting the desire to ensure candidates had genuine local ties and community interests. The Supreme Court's decision underscores the importance of domicile over mere physical presence and affirms the legal and political right of the candidate who secures the evident will of the electorate.