

Title: Amelito R. Mutuc vs. Commission on Elections

Facts: Amelito R. Mutuc, a resident of Arayat, Pampanga, and a candidate for a delegate position to the Philippine Constitutional Convention, was prohibited by the Commission on Elections (COMELEC) from using taped jingles for his political campaign. COMELEC, through a telegram, informed Mutuc that his certificate of candidacy was approved but enjoined him from employing jingles played by mobile units with sound system and loudspeakers, asserting that such practice is violative of section 12(E) of the Constitutional Convention Act. This Act prohibits candidates from distributing electoral propaganda gadgets, including various enumerated items and “the like.” Viewing the prohibition as an infringement on his constitutional right to freedom of speech, Mutuc sought relief in the Supreme Court by filing a special civil action for prohibition against COMELEC on October 29, 1970.

Issues: The legal issues involve whether COMELEC has the statutory authority to prohibit the use of taped political jingles and whether the prohibition is consistent with the constitutional guarantee of free speech. Mutuc argued that the prohibition violated his constitutional right to free speech, while COMELEC justified the prohibition under its interpretation of the Constitutional Convention Act.

Court’s Decision:

The Supreme Court ruled in favor of Mutuc, holding that COMELEC lacked the statutory authority to impose such a ban. The Court applied the principle of *ejusdem generis* in its statutory construction, determining that the general terms following a specific enumeration (“and the like”) only apply to things similar to those specifically listed, and that the distribution of gadgets mentioned in the Act was likely intended to refer to tangible materials used to induce votes. The Court further emphasized that statutes must be construed in harmony with the Constitution to avoid infringing fundamental rights, including the paramount right of freedom of expression more so when it is used for electoral purposes. The decision explained that the application of the provision by COMELEC raises severe constitutional concerns, and preserving the right to free speech, especially for political communication, is paramount. Thus, the Court issued a permanent injunction restraining and prohibiting COMELEC from enforcing its order banning the use of political taped jingles by candidates.

Doctrine:

This case reaffirms the doctrines of statutory construction, particularly the applicability of

the principle of *ejusdem generis* to limit the interpretation of general terms in light of specific enumerations in a statute. Moreover, it reinforces the doctrine of constitutional supremacy, mandating that any statutory interpretation must be in consonance with constitutional guarantees, here, the right to freedom of speech. Furthermore, it establishes that prohibitive actions by the government such as censorship on political expression are subject to strict scrutiny, as they implicate fundamental freedoms essential for the functioning of a democratic society.

#### Historical Background:

The case reflects the historical and ongoing tension between electoral regulations and fundamental rights in a democratic setting. Situated in the period leading to the 1971 Philippine Constitutional Convention, this case illustrates the challenges in ensuring fair electoral practices while safeguarding constitutional rights. It occurred during a time of heightened political engagement when the country was preparing to draft a new constitution, thus emphasizing the Supreme Court's role in upholding constitutional principles during politically significant moments. The Court's decision serves as a landmark reinforcement of free speech, especially in the context of political campaigns, and highlights the judiciary's role in ensuring that electoral regulations do not transgress constitutionally protected rights.