

Title: Ocampo v. House of Representatives Electoral Tribunal and Crespo

Facts: In the May 14, 2001 elections, Mario B. Crespo a.k.a. Mark Jimenez was proclaimed the duly elected Congressman of the 6th District of Manila by the Manila City Board of Canvassers. He surpassed his closest rival, petitioner Pablo V. Ocampo, by 768 votes. Subsequently, Ocampo filed an electoral protest against Crespo, questioning the election results based on various alleged irregularities. In parallel cases filed by other complainants against Crespo (HRET Cases Nos. 01-020 and 01-023), the House of Representatives Electoral Tribunal (HRET) declared Crespo “ineligible for the Office of Representative of Sixth District of Manila for lack of residence in the district.” Ocampo then moved to have the votes for Crespo disregarded, invoking Section 6 of Republic Act No. 6646. The HRET denied the motion and held that Crespo’s disqualification did not entitle Ocampo to be proclaimed the winner. Ocampo’s subsequent motion for reconsideration was also denied.

Issues: The pivotal legal issues before the Supreme Court are:

1. Whether the votes cast in favor of Crespo should not be counted pursuant to Section 6 of R.A. No. 6646 due to his disqualification declared by the HRET.
2. Whether Ocampo, as the second-place candidate, could be proclaimed the duly elected Congressman of the 6th District of Manila following Crespo’s disqualification.

Court’s Decision: The Supreme Court dismissed the petition, ruling that:

1. For the disqualification to affect the counting of votes, a “final judgment before the election” is requisite, which was absent in the case at hand.
2. The jurisprudence firmly establishes that the subsequent disqualification of a candidate who obtained the highest number of votes does not entitle the candidate with the second-highest vote count to be declared the winner.

Doctrine: The decision upholds the doctrine that the ineligibility or disqualification of a candidate who won the election does not automatically grant the runner-up the right to take the vacated position. Instead, the appropriate course of action is typically to call for a special election, as the runner-up has not received the majority’s mandate.

Class Notes:

- Disqualification Criteria: Lack of residence in the district, vote buying, and other electoral malpractices.
- Jurisprudential Doctrine: A second placer cannot be proclaimed the winner even if the first placer is disqualified post-elections.

- Section 6, RA 6646: Votes cast for a candidate declared disqualified by final judgment before an election shall be considered stray. This statute was not applicable in this case due to the timing of the disqualification ruling.
- Moot and Academic Principle: No useful purpose can be served in passing upon a case that has become moot and academic due to subsequent events, such as the adjournment of the legislative term and the election of a new representative.

Historical Background: The case contextualizes the electoral process and the Supreme Court's stance on how vacancies caused by disqualifications post-election are to be filled in the Philippine legislative system, emphasizing on the democratic mandate and the sanctity of the majority's vote in choosing their representatives.