

Title: Pamatong v. Commission on Elections

Facts: Rev. Elly Velez Pamatong, Esquire, filed his Certificate of Candidacy for President of the Philippines on December 17, 2003. The Commission on Elections (COMELEC), through Resolution No. 6558 dated January 17, 2004, refused to give due course to Pamatong's candidacy, labeling him as a nuisance candidate. The resolution was not unanimous, with dissenting opinions from Commissioners Tancangco and Sadain. Pamatong moved for reconsideration under SPP (MP) No. 04-001, which was denied by Omnibus Resolution No. 6604 dated February 11, 2004. This led Pamatong to file a petition for Writ of Certiorari, alleging violation of his constitutional right to "equal access to opportunities for public service," and attacking the validity of the form for the Certificate of Candidacy prepared by COMELEC.

Issues:

1. Whether or not there exists a constitutional right to run for public office, particularly the presidency, and if the COMELEC's Resolution infringes upon such a right or privilege.
2. Whether the COMELEC's declaration of Pamatong as a nuisance candidate was in grave abuse of discretion.
3. Whether the COMELEC form for the Certificate of Candidacy violates any constitutional right by lacking clear and reasonable guidelines for determining candidates' qualifications.

Court's Decision:

1. The Supreme Court ruled that there is no constitutional right to run for or hold public office, but only a privilege subject to limitations by law. The "equal access" provision in Section 26, Article II of the 1987 Constitution is considered not self-executing and does not contain an enforceable constitutional right but a guideline for legislative or executive action.
2. The decision of whether a candidate is a nuisance is both a legal and factual question. The Court could not determine if COMELEC committed grave abuse of discretion because the evidence considered by COMELEC was not provided. Hence, the case was remanded to the COMELEC for the reception of further evidence.
3. The Supreme Court stated that the COMELEC's form for the Certificate of Candidacy complies with Section 74 of the Omnibus Election Code and does not inherently violate any constitutional right.

Doctrine:

- There is no constitutional right to run for or hold public office and the "equal access"

provision in Section 26, Article II of the 1987 Constitution is not self-executing and does not contain an enforceable constitutional right.

- The determination of bona fide candidacy is governed by the statutes, and the privilege of equal access to public office may be subjected to limitations.

Class Notes:

- Constitutional rights vs. privileges: Privileges can be limited by law without constituting a violation of constitutional rights.

- Nuisance candidates: Legal mechanisms are in place to prevent the electoral process from being undermined by individuals who are not serious contenders.

Historical Background:

The Philippine Constitution's "equal access" clause was meant to promote a policy objective with regard to equal opportunities for public service, but not to create a right or privilege to run for public office enforceable by courts. The case of *Pamatong v. COMELEC* reflects the practical and legal complexities involved in determining who has the right or privilege to be a candidate in an election, balancing the State's interest in orderly elections against individual political ambitions.