

Title: Mike A. Fermin v. Commission on Elections and Umbra Ramil Bayam Dilangalen

Facts: Mike A. Fermin, the petitioner, was a registered voter in Barangay Payan, Kabuntalan. A new municipality, Northern Kabuntalan, was later created which included Barangay Indatuan, where Fermin claims to have resided for over a year. Seeking to run for mayor in the 2007 elections, Fermin transferred his voter registration to Barangay Indatuan. Umbra Ramil Bayam Dilangalen, another mayoralty candidate and incumbent mayor of Northern Kabuntalan, filed a petition for Fermin's disqualification on grounds of insufficient residency and perjury.

Dilangalen's petition alleged that Fermin did not fulfill the one-year residency requirement for candidacy and made false statements in his certificate of candidacy (CoC) and voter transfer application. No decision was made by COMELEC before the elections, which Dilangalen won. Fermin filed an election protest with the Regional Trial Court (RTC).

The COMELEC 2nd Division eventually disqualified Fermin for failing to meet the residency requirement, referencing his April 27, 2006 oath of office which stated his residence as Barangay Payan. Fermin lodged two petitions for certiorari with the Supreme Court (G.R. No. 179695 and G.R. No. 182369) contesting the COMELEC's resolutions and their En Banc's decisions affirming the disqualification and dismissing his election protest, respectively.

Issues:

1. Whether Dilangalen's petition constitutes a "Section 68" or "Section 78" petition under the Omnibus Election Code (OEC).
2. Whether the petition was filed within the prescribed period.
3. Whether the COMELEC committed grave abuse of discretion by ascertaining Fermin's non-residency.
4. Whether the COMELEC erred in ordering the dismissal of Fermin's election protest due to his alleged ineligibility.

Court's Decision:

1. The Supreme Court characterized Dilangalen's petition as one filed under Section 78 of the OEC (petition to deny due course to or cancel a CoC), based on allegations concerning material misrepresentations in Fermin's CoC regarding his residency qualification.
2. The Court held that COMELEC did not abuse discretion in accepting Dilangalen's petition as it was filed within the 25-day filing period from the date of Fermin's CoC.

3. The Court found COMELEC to have gravely abused its discretion in disqualifying Fermin. The sole evidence (his oath of office as of April 27, 2006) was insufficient to establish a lack of residency as of May 14, 2006, a year preceding the election.

4. The COMELEC's order to dismiss Fermin's election protest was deemed gravely erroneous due to their incorrect determination of Fermin's residency.

Doctrine: The Supreme Court reiterated the difference between a "Section 78" petition (concerning false material representations in a CoC) and a "Section 68" petition (grounded on disqualification due to certain actions or statuses).

Class Notes:

- "Section 78" Petition: Requires evidence of a material representation that is false; affects eligibility for public office; must be filed within 25 days from CoC filing.
- "Section 68" Petition: Grounds include commission of prohibited acts or possessing permanent resident status in a foreign country; filed any time after the last day of CoC filing but before the candidate's proclamation.
- Residency Requirement: For local elective positions, a candidate must be a resident in the area for at least one year immediately preceding the day of the election (Local Government Code, Section 39).
- The authority to decide disqualification and CoC-related cases is vested in the COMELEC (Constitution, Article IX, Section 2).

Historical Background: This case transpired during the period of decentralization and local government empowerment in the Philippines, highlighting the complexities of electoral law, particularly on the qualifications and disqualifications of candidates for local positions. It demonstrates the legal challenges that may arise from the creation of new local government units and the resultant issues on the residency of political candidates.