

Title:

Wilmer Grego vs. Commission on Elections and Humberto Basco

Facts:

In 1981, Humberto Basco was removed from his position as Deputy Sheriff by the Supreme Court due to serious misconduct. Despite this, Basco successfully ran and served as Councilor for the Second District of the City of Manila in the 1988, 1992, and 1995 local elections. His election victories were challenged multiple times based on his previous dismissal but to no avail. In the 1995 elections, Wilmer Grego filed a petition for disqualification against Basco with the Commission on Elections (COMELEC), which was initially dismissed by the COMELEC's First Division and later by the COMELEC en banc upon motion for reconsideration.

Issues:

1. Whether Section 40 (b) of Republic Act No. 7160 applies retroactively to individuals removed from office before it took effect on January 1, 1992.
2. Whether Basco's election to office as City Councilor in 1988, 1992, and 1995 wiped away and condoned the administrative penalty against him.
3. Whether Basco's proclamation as a winning candidate while the disqualification case was pending is void ab initio.
4. Whether Romualdo S. Maranan, who placed seventh in the election, could be declared a winner pursuant to Republic Act No. 6646.

Court's Decision:

1. **Retroactivity of Section 40 (b):** The Court ruled that Section 40 (b) of the Local Government Code cannot be applied retroactively to disqualify Basco, as laws operate prospectively unless otherwise stated.
2. **Effect of Election on Administrative Penalty:** The issue was deemed irrelevant since, based on the prospective application of the law, Basco was never disqualified from running in the elections.
3. **Validity of Basco's Proclamation:** The Supreme Court found no grave abuse of discretion on COMELEC's part in not suspending Basco's proclamation, as the law grants COMELEC discretionary power in such matters.
4. **Declaration of Seventh Placer as Winner:** The Court concluded that Romualdo S. Maranan could not be legally declared a winner, as Basco was a qualified candidate who validly won the election.

Doctrine:

The Supreme Court reiterated that laws have a prospective effect and not a retrospective one unless explicitly stated. It also confirmed that administrative penalties do not necessarily disqualify individuals from elective positions unless specified by law at the time of their candidacy.

Class Notes:

- **Prospective Application of Laws:** Laws apply to actions moving forward and not to those that occurred before their enactment unless the law itself expressly states otherwise.
- **Electoral Eligibility and Disqualification:** Administrative penalties need specific legal delineation to affect eligibility for elective office.
- **Authority of COMELEC:** COMELEC has discretionary power regarding the suspension of a candidate's proclamation pending disqualification cases, as guided by the principle that administrative bodies' rulings, especially on matters within their expertise, are generally upheld.

Historical Background:

This case highlights the complexities and interplay between administrative penalties and eligibility for public office in the Philippines. It reflects the evolving legal landscape regarding the qualifications and disqualifications for elective positions and underscores the judiciary's deference to legislative intent and the guiding principles of statutory construction.