

**\*\*Title:\*\*** Jocelyn Sy Limkaichong vs. COMELEC et al.: Jurisdiction of the HRET Over Election Contests Post-Proclamation

**\*\*Facts:\*\***

Jocelyn Sy Limkaichong filed her Certificate of Candidacy (COC) for the position of Representative of the First District of Negros Oriental for the May 14, 2007 National and Local Elections. Subsequently, Napoleon N. Camero and Renald F. Villando filed separate disqualification petitions against Limkaichong with the Commission on Elections (COMELEC) on the ground that she was not a natural-born Filipino citizen as both her parents were Chinese citizens at the time of her birth. Both petitions sought to cancel Limkaichong's COC and disqualify her from the candidacy list.

The COMELEC consolidated these petitions but did not resolve them until after the elections were held. Limkaichong won the election, garnering 65,708 votes. Olivia Paras then filed a motion to suspend Limkaichong's proclamation.

On May 17, 2007, the COMELEC Second Division disqualified Limkaichong from running and suspended her proclamation. However, following the COMELEC policy-guideline under Resolution No. 8062, the Provincial Board of Canvassers proclaimed Limkaichong the winner. Paras sought nullification of Limkaichong's proclamation, but this was dismissed by the COMELEC's First Division for lack of merit, declaring actions relating to Limkaichong's qualifications should be relegated to the HRET following her assumption of office.

The COMELEC En Banc denied Limkaichong's motion for reconsideration, essentially upholding her disqualification. Unresolved motions and a plea for clarification on jurisdiction lodged with the COMELEC by Limkaichong also followed. The COMELEC eventually held that all pending incidents relating to Limkaichong's qualifications should be determined by the HRET.

Several petitions were filed in the Supreme Court by Limkaichong and private citizens, Louis Biraogo, Olivia P. Paras, and Renald F. Villando, challenging actions of the Spellings as they related to Limkaichong's disqualification, proclamation, and the jurisdiction of the COMELEC and HRET. These petitions were consolidated due to their interrelated issues.

**\*\*Issues:\*\***

1. Whether Limkaichong's proclamation as the winning candidate divested the COMELEC of jurisdiction over the disqualification cases against her, thereby conferring jurisdiction to the House of Representatives Electoral Tribunal (HRET).

2. Whether the COMELEC Second Division and COMELEC En Banc correctly disqualified Limkaichong on the grounds of not being a natural-born Filipino citizen.
3. Whether the disqualification by COMELEC had become final and executory.
4. Whether actions taken post-proclamation could invalidate Limkaichong's assumption of office.

**\*\*Court's Decision:\*\***

The Supreme Court granted Limkaichong's petition, reversing the COMELEC Second Division's disqualification ruling, and dismissing the other consolidated petitions. It held that once a winning candidate has been proclaimed, taken an oath, and assumed office, jurisdiction over any election contest relating to the election, returns, and qualifications shifts to the HRET. The Court ruled that Limkaichong's proclamation was valid and with her assumption of office, it is now under the HRET's jurisdiction to resolve related disputes. The Court also found that the petitions challenging Limkaichong's qualification due to citizenship were misplaced and should have been directed in a denaturalization proceeding if any existed against her father's naturalization.

**\*\*Doctrine:\*\***

The jurisdiction over election contests involving the qualifications of Members of the House of Representatives shifts to the HRET upon the candidate's assumption of office. The proclamation of a winning candidate serves as the operative act that divests COMELEC of its jurisdiction over related disputes.

**\*\*Class Notes:\*\***

1. **\*\*Election Proclamation Validity:\*\*** A candidate's proclamation by the Provincial Board of Canvassers is valid if it follows a timely filed motion for reconsideration against a disqualification order, preventing the order's execution.
2. **\*\*Jurisdiction of HRET:\*\*** Jurisdiction over election contests relating to qualifications of Members of the House of Representatives belongs exclusively to the HRET after the candidate's proclamation and assumption of office.
3. **\*\*Finality of COMELEC Decisions:\*\*** A COMELEC decision becomes final and executory after five days from its promulgation unless a restraining order from the Supreme Court is obtained.
4. **\*\*Denaturalization Proceedings:\*\*** Challenges against the citizenship of a person's parent, which may affect the person's own qualifications, are properly brought in denaturalization proceedings, rather than electoral contests.

**\*\*Historical Background:\*\***

The case underscores the procedural complexities and jurisdictional boundaries between electoral bodies (COMELEC) and the legislative bodies' electoral tribunals (HRET) in the Philippines. It highlights the importance of the finality of proclamation and transition of jurisdiction over electoral disputes from administrative to legislative adjudicative mechanisms. It also sheds light on the procedural and substantive aspects of citizenship disputes in election cases, emphasizing the importance of direct proceedings for questions of naturalization.