

**\*\*Title:\*\*** Evelio B. Javier vs. The Commission on Elections and Arturo F. Pacificador

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**\*\*Facts:\*\*** The 1984 Philippine Batasang Pambansa Elections in Antique set the stage for a fiercely contested battle between Evelio B. Javier and Arturo F. Pacificador. Javier, known for his popular support, and Pacificador, the KBL nominee, saw tensions climax with the ambush and murder of Javier's followers, allegedly by Pacificador's men, on May 13, 1984. This violence cast a shadow over the election process. Javier, alleging election irregularities and violence by Pacificador's camp, sought relief from the Commission on Elections (COMELEC) to prevent Pacificador's proclamation. Despite Javier's efforts, the COMELEC's Second Division dismissed his complaints and proclaimed Pacificador the winner. Challenging this, Javier contended that the Constitution required all election contests to be decided by the COMELEC en banc, not by division. This issue was under Supreme Court consideration when Javier was assassinated on February 11, 1986, amidst political turmoil following the 1986 Philippine revolution which ousted Ferdinand Marcos and installed Corazon Aquino as president. Despite subsequent developments rendering the specific electoral contest moot, the Supreme Court opted to resolve the central legal issues.

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

1. Whether the COMELEC Second Division had the authority to proclaim Pacificador, without an en banc decision.
  2. The definition and scope of "election contest" under the 1973 Philippine Constitution.
  3. Interpretation of the constitutional provision regarding the COMELEC's divisional authority vs. its en banc authority in deciding election-related cases.
  4. The application of due process, particularly concerning Commissioner Opinion's refusal to inhibit himself from the case due to conflict of interest.
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**\*\*Court's Decision:\*\***

The Supreme Court, emphasizing the significance of fair elections and due process, decided that:

1. Under the 1973 Constitution, all contests involving the election, returns, and qualifications of members of the Batasang Pambansa should be decided by the COMELEC en banc, negating the authority of its Second Division to proclaim Pacificador.

2. The term “contest” is interpreted broadly to include pre-proclamation controversies, thus requiring an en banc decision from the COMELEC for matters involving Batasang Pambansa members.

3. Confirmed the principle that due process demands impartiality and fairness, criticizing Commissioner Opinion’s involvement due to his previous association with Pacificador.

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

- The COMELEC must decide all contests relating to the election, returns, and qualifications of Batasang Pambansa members en banc, not by division, to ensure careful deliberation and uphold constitutional intents.

- Due process in electoral disputes necessitates impartiality both in appearance and in fact, and any semblance of bias or prejudicial conflict of interest undermines the fairness of the proceedings.

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

1. **\*\*Election Contests Jurisdiction:\*\*** COMELEC en banc is the sole judge for election contests involving Batasang Pambansa members per the 1973 Constitution, Article XII-C, Sections 2 and 3.

2. **\*\*Due Process:\*\*** Requires impartial adjudication in election contests; any potential conflict of interest or bias undermines the integrity of the process.

3. **\*\*Pre-proclamation Controversies:\*\*** Broadly interpreted within “election contests,” requiring en banc review and decision by the COMELEC.

4. **\*\*Important Statutory Provisions:\*\*** 1973 Constitution, Article XII-C, Sections 2 and 3 detail the jurisdiction and divisional operation of the COMELEC in election matters.

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**\*\*Historical Background:\*\*** The case arose during a tumultuous time in Philippine history, marked by the 1984 Batasang Pambansa elections under Ferdinand Marcos’ regime, characterized by widespread electoral fraud and violence. This context, coupled with the assassination of Evelio Javier, a symbol of the opposition, and the subsequent 1986 EDSA Revolution, underscores the broader struggle for democracy and the rule of law in the Philippines. The Supreme Court’s decision not only addressed the immediate jurisprudential issues but also served as a reaffirmation of the judiciary’s commitment to electoral integrity

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and due process amidst political upheaval.