

### Title:

Antonio V.A. Tan vs. Commission on Elections and Others: A Test of COMELEC's Administrative Disciplinary Jurisdiction

### Facts:

Antonio V.A. Tan, the City Prosecutor of Davao City, was designated by the Commission on Elections (COMELEC) as Vice-Chairman of the City Board of Canvassers for the 11th May 1992 elections. Following these elections, Manuel Garcia was proclaimed the winner of a congressional seat, a declaration contested by Senforiano B. Alterado, another candidate. Alterado subsequently filed several cases questioning Garcia's proclamation and accused the Board of Canvassers members, including Tan, of various irregularities.

Alterado's electoral protest was dismissed by the House of Representatives Electoral Tribunal, and a criminal complaint filed with the Office of the Ombudsman was also dismissed. However, an administrative charge against the City Board of Canvassers, including Tan, for "Misconduct, Neglect of Duty, Gross, Incompetence and Acts Inimical to the Service" remained pending before the COMELEC. Tan moved to dismiss the administrative complaint, arguing that COMELEC lacked jurisdiction over him, a contention the COMELEC denied, leading to Tan's petition to the Supreme Court.

### Issues:

1. Does the COMELEC have jurisdiction over administrative disciplinary actions against Tan, a presidential appointee and member of the executive branch, for conduct related to his duties as an election canvasser?
2. Does the exercise of such jurisdiction by COMELEC encroach upon the administrative authority of the executive branch over its own personnel?
3. Is the phenomenon of forum shopping applicable in Tan's situation given the various legal actions initiated by Alterado?

### Court's Decision:

The Supreme Court dismissed Tan's petition, upholding the COMELEC's jurisdiction over administrative disciplinary actions against government officials, including presidential appointees, when these actions are related to election duties. The Court reasoned that the COMELEC's constitutional and legal mandates empower it to ensure free, orderly, and honest elections, including the authority to investigate and, where appropriate, prosecute cases of election law violations and to recommend disciplinary actions. It clarified that although COMELEC can recommend disciplinary actions, the ultimate authority to impose

such actions remains within the executive branch. The Court also distinguished between the various proceedings initiated by Alterado, negating the argument of forum shopping.

**### Doctrine:**

The decision reiterates the doctrine that the COMELEC possesses broad and encompassing authority to administer and enforce election laws, which includes the jurisdiction to initiate administrative disciplinary actions against deputized government officials, including those from the executive branch, in matters related to election duties, without encroaching upon the executive branch's administrative jurisdiction over its personnel.

**### Class Notes:**

- COMELEC's jurisdiction extends to administrative disciplinary actions against government officials deputized for election duties.
- The administrative authority of the executive branch over its personnel is complemented (not contradicted) by COMELEC's recommendatory power for disciplinary actions against its deputized officers for election-related duties.
- The principle of separation of powers is balanced with the need to enforce election laws and ensure election integrity.
- Forum shopping is not applicable when proceedings touch on separate and independent legal issues (e.g., criminal vs. administrative actions).

**### Historical Background:**

This case highlights the intricate balance between the constitutional mandates of the COMELEC to ensure the integrity of elections and the jurisdictional boundaries between the executive and the independent constitutional bodies. By delineating the scope of COMELEC's authority over administrative disciplinary matters concerning election-related duties of government officials, the Supreme Court's decision underscores the judiciary's role in interpreting constitutional provisions to foster both accountability and orderly governance.