

### Title: Atty. Pablo B. Francisco vs. Commission on Elections and Atty. Johnielle Keith P. Nieto

### Facts:

Atty. Pablo B. Francisco, a registered voter in Cainta, Rizal, filed a Petition for Disqualification against Atty. Johnielle Keith P. Nieto, who was re-elected as mayor in 2016. Francisco alleged Nieto used government resources for a road project during the election ban, violating the Omnibus Election Code (OEC). Nieto countered the project underwent proper bidding and was excluded from the ban. The COMELEC Second Division dismissed the petition, relying on the principle that a candidate cannot be disqualified without a prior judgment. Francisco's motion for reconsideration was denied by the COMELEC En Banc, prompting his petition to the Supreme Court.

### Issues:

1. Whether COMELEC acted with grave abuse of discretion in dismissing the disqualification petition based on the absence of a prior judgment.
2. Whether substantial evidence existed to prove Nieto violated the OEC.

### Court's Decision:

The Supreme Court dismissed Francisco's petition, clarifying that a prior judgment is not requisite for a disqualification petition under Section 68 of the OEC. However, the court agreed with COMELEC that Francisco did not provide substantial evidence to prove Nieto's alleged election offense. The petition's dismissal was based not on procedural grounds but on the lack of supportive evidence for the allegations.

### Doctrine:

The Supreme Court clarified that for a Petition for Disqualification under Section 68 of the OEC, a prior judicial finding of guilt is not required. The COMELEC possesses the adjudicatory power to decide on disqualification cases based on substantial evidence.

### Class Notes:

- Election law focuses on the integrity of the electoral process; allegations of misconduct must be supported by substantial evidence.
- Section 68 of the OEC permits disqualification for specific election offenses, emphasizing the COMELEC's role in ensuring fair elections without necessarily requiring prior legal judgments for action.
- Key concepts include the distinction between administrative (electoral) and criminal

aspects of election law violations, with respective differing standards of evidence and procedural requirements.

**### Historical Background:**

Originally, election oversight was managed by the Department of Interior and judicial entities, leading to concerns over impartiality. The creation of the COMELEC through constitutional amendments was a response to these concerns, granting it broad powers to ensure free and fair elections. Over time, the Constitution and legislative actions have increasingly tasked the COMELEC with both administrative duties and quasi-judicial powers to address election-related disputes directly, underscoring the evolution of election law in ensuring democratic processes.