

Title:

****Roque Flores vs. Commission on Elections and Nobelito Rapisora****

Facts:

In the barangay elections held on March 28, 1989, in Barangay Poblacion, Tayum, Abra, Roque Flores was proclaimed the punong barangay after receiving the highest number of votes for kagawad, in accordance with Section 5 of Rep. Act No. 6679. However, his election was contested by Nobelito Rapisora who was in second place by a one-vote margin. The Municipal Circuit Trial Court of Tayum, Abra, sided with Rapisora, deducting two votes from Flores's total for being stray, thus installing Rapisora as punong barangay.

Flores appealed to the Regional Trial Court of Abra, which affirmed the lower court's decision. Failing to obtain relief, Flores then appealed to the Commission on Elections (COMELEC), which dismissed the appeal, citing lack of jurisdiction as per Section 9 of Rep. Act No. 6679, positing that the decisions of the regional trial courts in barangay election protests were final and non-appealable.

Subsequently, Flores filed a petition for certiorari with the Supreme Court, challenging the COMELEC's dismissal and invoking the "equity-of-the-incumbent rule" under Section 211(2) of the Omnibus Election Code, which he argued entitled him to four contested votes.

Issues:

1. Whether the COMELEC erred in dismissing Flores's appeal for lack of jurisdiction.
2. Whether Rep. Act No. 6679, Section 9, is constitutional in restricting appeals from the regional trial court to the COMELEC in barangay election contests.
3. Whether the equity-of-the-incumbent rule should apply to Flores, thus allowing him the contested votes.

Court's Decision:

1. The Supreme Court held that the COMELEC does possess appellate jurisdiction over decisions from trial courts of limited jurisdiction (e.g., municipal or metropolitan trial courts) in barangay election contests, as mandated by Article IX-C, Section 2(2) of the Constitution. Consequently, the dismissal of Flores's appeal by the COMELEC was erroneous.
2. The Court declared Section 9 of Rep. Act No. 6679 unconstitutional as it conflicted with the Constitution's provision granting the COMELEC appellate jurisdiction over barangay election contests.

3. The Court found that the four contested votes rightfully could not be credited to Flores, thus affirming his non-incumbency at the time of election based on the provision of Section 16(3) of COMELEC Resolution No. 2022-A. The contention that Flores should benefit from the equity-of-the-incumbent rule was rejected. The Supreme Court ruled in favor of Rapisora as the duly elected punong barangay.

Doctrine:

The Supreme Court reiterated the doctrine that legislative statutes and election procedures must adhere to constitutional mandates, specifically highlighting the appellate jurisdiction of the COMELEC over barangay election contests decided by trial courts of limited jurisdiction. This decision underscores the distinction between the roles of punong barangay and kagawad within the legal framework governing barangay elections.

Class Notes:

- The constitutionality of legislative acts is subject to direct review by the Supreme Court when it conflicts with constitutional provisions.
- Appeals in barangay election contests should be directed to the COMELEC, not to the regional trial courts, as per Article IX-C, Section 2(2) of the Constitution.
- The “equity-of-the-incumbent rule” does not apply when a candidate voluntarily resigns from their current position to run for a different one under the electoral law governing barangay elections.

Historical Background:

This case illustrates the legal intricacies and electoral disputes at the barangay level, the smallest administrative division in the Philippines. It underscores the significant role of the judiciary, including the highest court, in ensuring that election laws comply with constitutional prescriptions, highlighting the intricacy of checks and balances in the Philippine legal system and the importance of local governance structures in the broader democratic fabric.