

Title: ****Malinias vs. Commission on Elections (COMELEC), et al.****

Facts:

Sario Malinias, a candidate for governor, and Roy S. Pilando, a candidate for congressional representative in Mountain Province during the May 11, 1998 elections, filed a complaint against Victor Dominguez, Teofilo Corpuz, Anacleto Tangilag, and others. They alleged that on May 15, 1998, their supporters were prevented by police from attending the provincial canvassing of election returns at the Provincial Capitol Building in Bontoc, Mountain Province. Corpuz and Tangilag, as police authorities in Mountain Province, admitted to establishing a checkpoint and securing the Provincial Capitol's vicinity but justified these as measures to enforce COMELEC's gun ban and maintain peace during the election period. COMELEC's Law Department recommended the dismissal of the complaint for lack of probable cause, which the COMELEC en banc upheld on June 10, 1999. Malinias' subsequent Motion for Reconsideration was dismissed on October 26, 2000, prompting this petition for review on certiorari.

Issues:

1. Whether COMELEC gravely abused its discretion in dismissing the complaint for insufficiency of evidence to establish probable cause for alleged violations of Section 25 of R.A. No. 6646 and Sections 232 and 261 (i) of B.P. Blg. 881.

Court's Decision:

The Supreme Court ruled that the COMELEC did not commit grave abuse of discretion in dismissing the complaint. The Court found that Malinias did not substantiate his claim that private respondents prevented him and his supporters from attending the canvassing. Furthermore, the Court clarified that the acts involved in Sections 232 and 261 (i) of B.P. Blg. 881, as cited by the complainants, were not among the punishable election offenses under said law. Therefore, there was no ground to compel COMELEC to prosecute based on these sections.

Doctrine:

The decision reiterates the legal principle that for the issuance of a writ of certiorari, the respondent tribunal must have acted in a capricious, whimsical, arbitrary, or despotic manner, which constitutes grave abuse of discretion. It also highlights the statutory construction principle of *expressio unius est exclusio alterius*, where the express mention of one thing excludes all others, applied in the context of election offenses.

Class Notes:

1. **Grave Abuse of Discretion**: Defined as a capricious, whimsical, arbitrary, or despotic exercise of judgment, equivalent to lack of jurisdiction.
2. **Rule of Statutory Construction (expressio unius est exclusio alterius)**: The inclusion of one is the exclusion of others. This was applied to interpret that acts not listed as punishable offences under specific sections of election laws cannot be prosecuted as such.
3. **Election Offenses under Philippine Law**: Not all wrongful acts during elections are considered criminal offenses. Specific acts to be prosecutable must be explicitly outlined in the statutes (Sections 261 and 262 of B.P. Blg. 881).

Historical Background:

This case touches upon the intricate balance between ensuring lawful conduct during elections and safeguarding the political rights of candidates and their supporters. It underscores the importance of clear legislative definitions of election offenses and reinforces COMELEC's discretionary power in preliminary investigations of election-related complaints.