

Title:

Philip G. Romualdez vs. Regional Trial Court, Branch 7, Tacloban City, et al.

Facts:

In the early 1980s, petitioner Philip Romualdez, decided to establish his legal residence in Barangay Malbog, Tolosa, Leyte. He served as Barangay Captain and was involved in the political scene. Following the 1986 EDSA Revolution, fearing for their safety, the Romualdez family fled to the United States. In 1991, facing a directive to leave the US, Romualdez returned to the Philippines and registered as a voter in Leyte.

Donato Advincula filed a petition to exclude Romualdez from the voter's list, arguing that Romualdez had not met the residence requirements, being a resident of the US. The Municipal Trial Court (MTC) dismissed the petition, asserting Romualdez's residency in Leyte. However, upon Advincula's appeal, the Regional Trial Court (RTC) reversed the MTC's decision, disqualifying Romualdez from the voter's list. Romualdez then petitioned the Supreme Court through a special civil action for certiorari.

Issues:

1. Whether the MTC and RTC had jurisdiction over the case, given that Advincula, who filed the petition, did not allege being a registered voter in the concerned precinct.
2. Whether the RTC erred in finding Romualdez to have voluntarily left the country and abandoned his residence in Leyte.

Court's Decision:

The Supreme Court granted Romualdez's petition, reinstating the MTC's decision that affirmed his residency in Leyte and qualification to register as a voter. The Court clarified that Romualdez's participation in the court proceedings and seeking affirmative relief contradicted the argument on jurisdiction. It further ruled that Romualdez did not abandon his domicile in Leyte with the intent never to return, rendering his disqualification baseless.

Doctrine:

The case reiterates the doctrine that domicile and residence in election law are treated as synonymous, requiring physical presence, intention to remain, and conduct indicative of such intention. Change of residence or domicile must be voluntary and indicate a clear intent to abandon the original domicile.

Class Notes:

- ****Domicile vs. Residence****: In the context of electoral law, domicile is synonymous with

residence, indicating intent to return.

- **Jurisdiction and Active Participation**: A petitioner's active participation in judicial proceedings and invocation of the court's affirmative relief can estop them from questioning the court's jurisdiction later.
- **Changing Domicile**: Establishing a new domicile requires physical presence in the new locality, the intent to remain there indefinitely, and the intent to abandon the old domicile.
- **Right to Vote**: The right to vote is considered vital, ensuring government derives power from the governed's consent.

Historical Background:

The case contextually situates in the aftermath of the 1986 EDSA People Power Revolution, highlighting the personal and political turmoil experienced by those closely associated with the deposed regime. It underscores the significance of the revolution in altering the destinies of political figures and the foundational importance of the right to vote in a democratic society.