

Title: Frivaldo vs. Commission on Elections and Lee (G.R. No. 123755) & Lee vs. Commission on Elections and Frivaldo (G.R. No. 120295)

Facts:

Juan G. Frivaldo, a candidate for Governor of Sorsogon in the May 8, 1995 elections, faced legal challenges due to issues concerning his citizenship. Raul R. Lee, another candidate, filed a petition with the Commission on Elections (COMELEC) to disqualify Frivaldo for not being a Philippine citizen, leading to COMELEC's disqualification of Frivaldo. Despite the disqualification and his pending motion for reconsideration, Frivaldo's candidacy continued, and he won the election. However, Lee was proclaimed Governor on June 30, 1995, following a COMELEC directive.

Frivaldo filed a petition on July 6, 1995, seeking the annulment of Lee's proclamation, alleging that he had re-acquired Filipino citizenship through repatriation under P.D. 725 prior to the proclamation. The COMELEC's First Division later annulled Lee's proclamation, stating that Frivaldo fulfilled the citizenship requirement by his repatriation on June 30, 1995, thus was qualified to hold office. Lee's motion for reconsideration was denied by the COMELEC en banc, leading to the present petitions before the Supreme Court.

Issues:

1. Was Frivaldo's repatriation valid and did it cure his lack of citizenship in time to qualify him for the gubernatorial post?
2. Does Frivaldo's previously declared disqualification due to lack of citizenship constitute a continuing bar to his eligibility?
3. Did the COMELEC have jurisdiction over Frivaldo's petition despite not being a pre-proclamation case, election protest, or quo warranto case?
4. Was Lee's proclamation as governor valid in view of existing jurisprudence rejecting the proclamation of a second placer in elections?
5. Did the COMELEC exceed its jurisdiction in its resolutions preventing Frivaldo from assuming office, despite not rendering a decision within the period specified in Section 78 of the Omnibus Election Code?

Court's Decision:

The Supreme Court upheld Frivaldo's qualification to hold the position of Governor of Sorsogon, ruling based on several key points:

1. **\*\*Frivaldo's Repatriation:\*\*** The Court found Frivaldo's repatriation under P.D. 725 to be

valid, effectively curing the issue of his citizenship, and thereby, his eligibility to hold public office. The repatriation was not only valid but was also granted retroactive effect to the date of his application.

2. **Continuing Bar Due to Previous Disqualification:** The Court rejected the idea that a previous disqualification due to lack of Filipino citizenship constituted a perpetual bar to eligibility for public office, especially considering that citizenship could be re-acquired.

3. **COMELEC's Jurisdiction:** The Court affirmed COMELEC's jurisdiction over Frivaldo's petition, highlighting its broad authority in election-related contests, including the annulment of Lee's proclamation.

4. **Validity of Lee's Proclamation:** The Court deemed Lee's proclamation invalid, emphasizing that the electorate's will—as demonstrated by the electorate's overwhelming vote for Frivaldo—should prevail. It reiterated that a second placer cannot be proclaimed the winner if the first placer is disqualified or ineligible.

5. **Timeliness of COMELEC's Decision:** Though the challenge on procedural grounds based on Section 78 of the Omnibus Election Code was mooted by the outcome, the Court noted that the COMELEC had authority to decide on matters of qualifications beyond the specified period in Section 78, as per R.A. 6646.

#### Doctrine:

This case established the principle that repatriation under P.D. 725 can have retroactive effect from the date of the application, affording the applicant the opportunity to cure previous disqualifications due to loss of citizenship. It also reiterates the authority and broad jurisdiction of the COMELEC over election-related issues, including the qualifications and disqualifications of candidates, and underscores the judiciary's role in upholding the will of the electorate over technical legal objections.

#### Class Notes:

- **Citizenship for Candidates:** The eligibility to run for and hold public office is intimately linked to citizenship status. A candidate must be a Filipino citizen, and if this requirement is lost, it can be re-acquired through repatriation, even with retroactive effect.
- **COMELEC Jurisdiction:** The Commission on Elections has comprehensive jurisdiction over election contests, including questions on the qualifications of candidates. Its decisions are generally accorded finality unless there's a showing of grave abuse of discretion.
- **Role of the Judiciary in Election Disputes:** In resolving election disputes, courts strive

to align legal interpretations with the electorate's manifest will wherever possible, avoiding the disenfranchisement of voters based on technicalities.

**Historical Background:**

The case of *Frivaldo vs. COMELEC and Lee* reflects the political and legal tumult characteristic of the Philippine's post-Marcos era, highlighting the complexities of citizenship issues in the context of democratic elections. It underscores the interplay between legal technicalities and the core democratic principle of respecting the people's choice, emphasizing the judiciary's cautious approach in matters involving the electorate's will.