

Title: ****Sevilla vs. Commission on Elections and Renato R. So****

****Facts:****

Mamerto T. Sevilla, Jr. and Renato R. So contended for the Punong Barangay position in Barangay Sucat, Muntinlupa City, during the October 25, 2010 Barangay and Sangguniang Kabataan Elections. Sevilla was proclaimed the winner, leading by 628 votes. However, So filed an election protest against Sevilla, citing electoral fraud and anomalies, and sought a manual recount in the MeTC. Following the recount in the pilot protested precincts, the MeTC dismissed So's protest. So's subsequent motion for reconsideration was denied by the MeTC for being a prohibited pleading. So then escalated the matter to the Comelec via a petition for certiorari, accusing the MeTC Judge of grave abuse of discretion.

The Comelec Second Division ruled in So's favor, categorizing the MeTC Order as an oppressive exercise of judicial authority and faulty in ballot assessment. The Comelec en banc later upheld this view with a 3-3 vote, directing a revision of the contested ballots. Commissioner Lim, however, dissented, pointing out procedural errors and arguing for dismissal of So's petition. Sevilla argued against the Comelec's decisions, highlighting procedural missteps by So and asserting the appropriateness of the MeTC's dismissal.

****Issues:****

1. Whether the petition for certiorari filed by So was the correct remedy despite procedural errors.
2. Whether the Comelec en banc's 3-3 decision has legal effect under the Constitution and the Comelec Rules of Procedure.
3. The appropriate action following a non-majority decision from the Comelec en banc.

****Court's Decision:****

The Court dismissed the petition for being prematurely filed and remanded the case to the Comelec for appropriate action. It found that the Comelec en banc's 3-3 resolution lacked legal effect as it did not meet the majority vote requirement stipulated by the Constitution and the Comelec Rules of Procedure. Accordingly, the case required a rehearing by the Comelec en banc, as provided by its own rules, to resolve the stalemate and proceed with a legally effective decision.

****Doctrine:****

The resolution highlights the doctrine that a majority vote of the Comelec en banc, defined as at least four affirmative votes, is necessary for the pronouncement of a decision,

resolution, order, or ruling. This is grounded in both the Constitution and the Comelec Rules of Procedure. Furthermore, the case reiterates the procedure for cases resulting in an equal division of opinions among the Comelec en banc members, mandating a rehearing as per Section 6, Rule 18 of the Comelec Rules of Procedure.

****Class Notes:****

1. ****Election Protest****: The initial step for contesting election results, highlighting the importance of choosing the correct subsequent legal remedy (appeal vs. petition for certiorari).
2. ****Majority Vote Requirement****: A legal necessity for Comelec en banc decisions, emphasizing the constitutionally mandated majority of all its members for actionable decisions.
3. ****Procedural Errors****: Understanding the impact of procedural missteps (e.g., incorrect filing of motion for reconsideration) and their potential to render legal actions moot.
4. ****Rehearing Mandate****: The procedure employed when the Comelec en banc is equally divided, ensuring due process and an opportunity for all arguments to be adequately heard and reconsidered.
5. ****Legal Effectiveness of Non-Majority Decisions****: A non-majority decision (e.g., a 3-3 vote) lacks legal effect, necessitating further action such as a rehearing.

****Historical Background:****

The case underlines the procedural complexities and judicial scrutiny involved in Philippine electoral protests, particularly at the barangay level, reflecting the broader challenges in ensuring the integrity and accuracy of election outcomes. It illustrates how electoral disputes ascend through the judicial system, from local courts to national bodies like the Comelec, and the rigorous standards applied to protect the will of the electorate.