

### Title: Abes et al. vs. Commission on Elections et al.

### Facts:

In the 1967 elections dated November 14, in Quezon City, Philippines, a series of electoral irregularities were alleged by the petitioners, who were candidates of the Liberal Party, the Nacionalista Reform Party, and the Quezon City Citizens League for Good Government. The alleged irregularities included theft of blank official registration forms, active campaigning within polling places, voting on mere mimeographed notices, forced open voting, exclusive availability of inclusion petitions in Nacionalista Party offices, indiscriminate issuance of inclusion orders, voting beyond legal hours, mishandling of voters' IDs, unauthorized use of a corporate office for registration, improper sealing of precinct books, and an overall effect leading to the disenfranchisement of about 51% of registered voters.

Petitioners sought remedy from the Commission on Elections (Comelec) to declare a failure of election and to suspend canvass and proclamation of winning candidates, eventually seeking to nullify the elections in Quezon City and request new elections. The Comelec, in a minute resolution dated November 23, 1967, denied these petitions and advised petitioners to seek relief from the Supreme Court, leading to the petitioners filing a certiorari with a preliminary injunction in the Supreme Court.

### Issues:

1. Whether Comelec has the jurisdiction to order the suspension of canvassing and proclamation of winning candidates.
2. Whether Comelec can annul the elections in Quezon City.
3. Whether Comelec can direct the holding of a new election following such annulment.

### Court's Decision:

The Supreme Court dismissed the petition. It established that:

1. The board of canvassers is a ministerial body with the mechanical function of canvassing votes. The Comelec's role is to enforce election laws and oversee their administration, not to annul elections based on allegations of irregularities.
2. The Constitution and the Revised Election Code do not grant Comelec the authority to annul elections due to fraud, terrorism, or other illegal practices. Election contests based on these grounds are to be addressed in court through election protests.
3. The Court found no legal basis allowing Comelec to direct a new election, as existing laws only cover the postponement of elections before they are held, not their annulment or the ordering of new elections post factum.

4. Petitioners are directed to pursue their claims through an election protest in the proper forum, as indicated by existing legal precedents and the judicial system's structure.

**### Doctrine:**

The Commission on Elections (Comelec) does not possess the authority to annul elections or direct new elections based on allegations of fraud, terrorism, or other illegal activities. Its powers are preventive and administrative, not curative. Disputes over election outcomes due to irregularities should be resolved through election protests filed in the proper courts.

**### Class Notes:**

- The board of canvassers serves a ministerial and mechanical role of canvassing votes; its powers do not extend to assessing the validity of votes beyond verifying the authenticity of returns.
- The Commission on Elections' role is to enforce and administer election laws, supervise elections, and ensure their free, orderly, and honest conduct.
- The legal remedy for electoral fraud, terrorism, or irregularities lies in filing an election protest within the jurisdiction of the courts, not in petitions for annulment or requests for new elections addressed to the Comelec.
- Section 2, Article X of the Philippine Constitution, and provisions of the Revised Election Code delineate the powers of the Comelec, emphasizing its lack of authority to annul elections or decree new ones based on allegations of irregularities.

**### Historical Background:**

This case unfolded in the context of the 1967 Philippine elections, a period characterized by intense political competition and allegations of electoral malpractices. It underscores the limits of the Commission on Elections' authority in addressing complaints of electoral fraud and related issues, highlighting the procedural pathway for disputing election results through the judiciary rather than administrative bodies.