

****Title**:** ****Magno vs. Commission on Elections and Montes****

****Facts**:**

1. On March 21, 2001, Carlos C. Montes filed a petition with the Commission on Elections (COMELEC) seeking the disqualification of Nestor B. Magno as a mayoralty candidate for San Isidro, Nueva Ecija in the May 14, 2001 elections.
2. The ground for disqualification was Magno's prior conviction by the Sandiganbayan for four counts of direct bribery penalized under Article 210 of the Revised Penal Code.
3. On July 25, 1995, Magno was sentenced to the indeterminate penalty of three months and eleven days of arresto mayor as minimum to one year, eight months, and twenty-one days of prision correccional as maximum for each bribery count.
4. Magno applied for probation and was discharged upon completion on March 5, 1998.
5. On May 7, 2001, COMELEC rendered a decision granting Montes' petition and declared Magno disqualified from running in the upcoming elections, citing Section 12 of the Omnibus Election Code (BP 881) which outlaws candidacy for those sentenced for crimes involving moral turpitude or offenses with penalties over eighteen months for five years post-sentence.
6. Magno's motion for reconsideration was denied on May 12, 2001.
7. Magno contended that direct bribery was not a crime involving moral turpitude and that Section 40 of RA 7160 (Local Government Code of 1991) was the applicable law, which imposes a two-year disqualification after serving the sentence for crimes involving moral turpitude.
8. In a supplemental petition, Magno requested the proclamation of himself as the duly elected mayor, which the Supreme Court noted without ruling on the merits.
9. The Solicitor General agreed with Magno, asserting that Section 40 of the Local Government Code should apply.

****Issues**:**

1. Whether the crime of direct bribery involves moral turpitude.
2. Whether the Omnibus Election Code (Section 12 of BP 881) or the Local Government Code (Section 40 of RA 7160) should apply to Magno's disqualification.
3. Whether the Supreme Court could rule on the proper proclamation of the winning candidate, given that Sonia Lorenzo had already been proclaimed the duly elected mayor.

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

1. ****On Moral Turpitude**:** The Court ruled that direct bribery involves moral turpitude. The elements of direct bribery include a public officer accepting gifts or promises to commit an

unjust act or refrain from an official duty for personal gain, which denotes malicious intent and betrayal of public trust.

2. **On Applicable Law**: The Court held that Section 40 of RA 7160 (Local Government Code of 1991) superseded Section 12 of BP 881 due to the more recent enactment, therefore, Magno's disqualification period was two years post-probation discharge. Since he was discharged from probation on March 5, 1998, his disqualification ceased on March 5, 2000, rendering him qualified for the 2001 elections.

3. **On Proclamation Validity**: The Court found it lacked jurisdiction to rule on the validity of Sonia Lorenzo's proclamation and the declaration of Magno as the rightful winner, which required a timely election protest within the appropriate legal frameworks.

Doctrine:

1. **Moral Turpitude**: A crime involving moral turpitude is characterized by baseness, vileness, or depravity, contrary to justice, honesty, modesty, or good morals.

2. **Conflict of Laws**: When two laws conflict, the newer statute prevails as the latest legislative intent. Specific provisions in a subsequent law repealing general provisions in an earlier law must be followed.

Class Notes:

1. **Moral Turpitude**: Essential qualities include baseness, vileness, or depravity contrary to accepted norms of justice and honesty.

2. **Legis Posteriores Prioris Contrarias Abrogant**: Newer laws prevail over older conflicting laws.

3. **Direct Bribery**: Under Article 210 of the Revised Penal Code involves a public officer accepting inducements for committing or refraining from official acts.

Historical Background:

After the 1986 EDSA Revolution, the Philippine legal framework underwent significant changes, which included the enactment of the Omnibus Election Code in 1985 to address democratic deficiencies. In 1991, the Local Government Code was introduced to further decentralize power and democratize local governance. This case reflects the transitional confusion between these evolving regulatory environments as the judiciary sought to balance newer democratic principles with longstanding statutory obligations.