

Title: Rommel Apolinario Jalosjos vs. Commission on Elections and Dan Erasmo, Sr.
(G.R. No. 192474, February 26, 2010)

Facts:

1. **Early Life and Allegiance:**

- **October 26, 1973:** Rommel Jalosjos born in Quezon City.
- **1981:** Migrated to Australia at age eight, acquiring Australian citizenship.
- **November 22, 2008:** Returned to Philippines, lived with brother in Barangay Veteran's Village, Ipil, Zamboanga Sibugay.
- **November 26, 2008:** Took oath of allegiance to the Republic of the Philippines, reacquired Philippine citizenship.
- **September 1, 2009:** Renounced Australian citizenship.

2. **Property Acquisition and Voter Registration:**

- Acquired residential property and a fishpond in Zamboanga Sibugay.
- Applied for voter registration in Municipality of Ipil, opposed by Barangay Captain Dan Erasmo, Sr.
- **Election Registration Board:** Approved application, including Jalosjos in the voters list.
- **First MCTC:** Denied Erasmo's petition for exclusion.
- **RTC:** Affirmed MCTC decision; decision became final.

3. **Candidacy and Disqualification Proceedings:**

- **November 28, 2009:** Filed Certificate of Candidacy (COC) for Governor of Zamboanga Sibugay for 2010 elections.
- **Erasmo's Petition:** Deny due course or cancel COC citing non-compliance with R.A. 9225 and one-year residency requirement.
- **COMELEC Second Division:** Ruled Jalosjos failed to prove residency.
- **COMELEC En Banc:** Affirmed Second Division, labeling Jalosjos as a transient visitor in his brother's house.
- **Supreme Court:** Issued a status quo ante order on May 7, 2010.

4. **Election Outcome:**

- Jalosjos won the 2010 gubernatorial election for Zamboanga Sibugay.

Issues:

1. Whether the COMELEC acted with grave abuse of discretion in ruling that Jalosjos failed to present ample proof of a bona fide intention to establish his domicile in Ipil, Zamboanga

Sibugay.

Court's Decision:

1. **Domicile Requirement Evaluation:**

- **Local Government Code:** Requires a provincial governor candidate to be a resident of the province for at least one year before the election.
- **Jurisprudence on Residence:** "Residence" under election laws equate to "domicile" which includes both intent to reside and physical presence.

2. **Assessing Jalosjos' Domicile:**

- **Quezon City Domicile of Origin:** Changed when Jalosjos migrated to Australia.
- **Australian Domicile:** Legally and intentionally terminated by returning to Philippines, renouncing Australian citizenship, and reacquiring Philippine citizenship (Certificate by Bureau of Immigration).

3. **COMELEC's Conclusion:**

- **Erroneous and Hasty:** In concluding the lack of a bona fide intention to establish his domicile.
- **Physical Presence:** Jalosjos' sustained presence in his brother's house in Zamboanga Sibugay meets jurisprudential standards.
- **Property and Activities:** Acquisition of property, voter registration, and political correspondence evidence intention and establishment of domicile.

4. **Significance of Winning Election:**

- **People's Will:** Court respects the outcome favoring Jalosjos' election, reflecting local electorate decision.
- **Resolution of Doubts:** Decided in favor of Jalosjos to honor the electoral mandate.

Doctrine:

- **Residence as Domicile:** Under Philippine election law, "residence" is synonymous with "domicile." A holistic assessment involves more than mere physical presence; it requires intention to reside and personal presence validated through sociopolitical integration.
- **Ownership of Property:** Not a mandatory criterion for domicile; residence can be in a rented or a relative's house.
- **Grave Abuse of Discretion:** Open for judicial review when administrative bodies like COMELEC misapprehend evidence or consider irrelevant factors detrimental to lawful verdicts.

****Class Notes:****

- ****Key Legal Elements:****

1. ****Domicile Concepts:****

- Domicile of Origin
- Domicile of Choice
- Domicile by Operation of Law

2. ****Statutory Provision:**** Republic Act 9225 - Citizenship Retention and Re-acquisition Act, Local Government Code - Section 39 on residency requirement.

3. ****Jurisprudence References:****

- ****Grave Abuse of Discretion:**** Grounds for intervention by the Supreme Court.
- ****Residence vs. Domicile:**** Case distinctions and applications.
- ****Simplified Essentials:****
- ****Domicile Change:**** Demonstrated by physical presence + intention.
- ****Review Powers:**** Supreme Court corrects erroneous administrative rulings.
- ****Property Irrelevant:**** For domicile establishment in election eligibility.

****Historical Background:****

- ****Reacquisition of Citizenship Post-2003:**** Precedents set post-R.A. 9225 enabling reacquisition of citizenship for Filipinos who acquired foreign citizenship. This legal context influences how domiciliary changes post-citizenship reacquisition are handled.
- ****Electoral Patterns Post-EDSA:**** Enhanced judicial focus on protecting electoral integrity and upholding voters' will amidst evolving residency and citizenship laws reflecting Philippine diaspora dynamics.