

Case Brief: ****Teodora Sobejana-Condon vs. Commission on Elections**** (G.R. No. 198742)

Title:

Teodora Sobejana-Condon vs. Commission on Elections, et al.

Facts:

Teodora Sobejana-Condon, a natural-born Filipino, became a naturalized Australian citizen in 1984. On December 5, 2005, she re-acquired her Filipino citizenship under Republic Act No. 9225 by taking an oath of allegiance in the Philippine Embassy in Canberra, Australia. Subsequently, on September 18, 2006, she filed an unsworn Declaration of Renunciation of Australian Citizenship, formally ceasing to be an Australian citizen by September 27, 2006.

Sobejana-Condon ran for Mayor in Caba, La Union during the 2007 elections, losing in her bid. She again sought elective office in the May 10, 2010 elections as Vice-Mayor and won. Soon after, Robelito V. Picar, Wilma P. Pagaduan, and Luis M. Bautista filed separate petitions for quo warranto, claiming she failed to execute a personal and sworn renunciation of foreign citizenship as required by Section 5(2) of R.A. No. 9225.

The Regional Trial Court (RTC) ruled against Sobejana-Condon, declaring her disqualified from holding the office of Vice-Mayor and nullifying her proclamation. Her appeal to the COMELEC's Second Division was dismissed due to failure to pay the docket fees, but the COMELEC en banc reinstated it upon her motion for reconsideration. The COMELEC en banc upheld the RTC's decision and allowed the immediate execution of the RTC's judgment.

Issues:

1. Whether the COMELEC en banc exceeded its jurisdiction by resolving the substantive merits of the petitioner's appeal after reinstating it.
2. Whether the COMELEC en banc had the authority to order the execution of the RTC's judgment pending appeal.
3. Whether the private respondents were barred by estoppel from questioning the petitioner's qualifications.
4. Whether the "sworn renunciation of foreign citizenship" in Section 5(2) of R.A. No. 9225 is a mere pro-forma requirement.

Court's Decision:

1. ****Reinstatement and Resolution of Appeal by COMELEC en banc****:
- The Supreme Court held that the COMELEC en banc can resolve the substantive merits of

an appeal upon ruling on its reinstatement. Section 3, Article IX-C of the Constitution and Section 5(c), Rule 3 of the COMELEC Rules of Procedure do not restrict the en banc's prerogative. The petitioner herself invoked arguments about her eligibility in her motion for reconsideration. Hence, no abuse of discretion was found in the COMELEC en banc's actions.

2. **Authority for Execution Pending Appeal**:

- The Supreme Court recognized the COMELEC en banc's authority to order discretionary execution of judgment under Section 2, Rule 39 of the Rules of Court, which it can apply. The Court observed that the execution of judgments in election cases (both trial court and COMELEC decisions) pending appeal is allowed, solidifying the COMELEC's standing.

3. **Estoppel in Questioning Qualifications**:

- The Supreme Court ruled that the failure to question Sobejana-Condon's qualifications prior to previous elections does not estop private respondents from filing a quo warranto petition. Sections 78 and 253 of the Omnibus Election Code provide mechanisms for challenging a candidate's qualifications both before and after an election, granting a ten-day period post-proclamation for such contests.

4. **Nature of the "Sworn Renunciation"**:

- The Supreme Court emphasized that the requirement for a personal and sworn renunciation of foreign citizenship under Section 5(2) of R.A. No. 9225 is mandatory, not merely pro forma. The law's plain language necessitates it to ensure undivided allegiance to the Philippines. Sobejana-Condon's filing of an unsworn declaration of renunciation in Australia did not meet this requirement, thereby rendering her ineligible to run for or hold elective public office in the Philippines.

Doctrine:

The case sets a clear precedent that:

- A valid "sworn renunciation of foreign citizenship" under Section 5(2) of R.A. No. 9225 requires the document to be sworn before an authorized public officer.
- COMELEC en banc has authority to order the execution pending appeal of judgments in election cases.
- The law mandates strict compliance with the formal requirements for renouncing foreign citizenship as a precondition for holding elective office when dealing with dual citizenship.

Class Notes:

1. **Section 5(2) of R.A. No. 9225**:

- Requires dual citizens seeking public office to execute a sworn renunciation of foreign citizenship.
- Needs to be made before an authorized public officer.

2. **Quo Warranto Proceedings**:

- Available both before and after elections to challenge a candidate's eligibility.
- Filed within ten days post-proclamation per Section 253, Omnibus Election Code.

3. **Execution Pending Appeal**:

- COMELEC en banc holds authority under Rule 39, Rules of Court.
- Applies to both trial court and COMELEC decisions in election cases.

4. **Estoppel in Election Cases**:

- Failure to challenge eligibility in prior elections does not prevent subsequent qualification challenges.

Historical Background:

The context of this case revolves around the legislative intent and judicial interpretation of R.A. No. 9225, the "Citizenship Retention and Re-Acquisition Act of 2003". This law was enacted to simplify the process for former natural-born Filipinos to re-acquire their citizenship, balancing national allegiance by imposing the mandatory renunciation of any foreign citizenship to avoid potential conflicts of interest for individuals seeking public office in the Philippines. This case interprets this balancing act while ensuring strict compliance for maintaining public trust in elected officials' unequivocal allegiance to the Republic.