

Title

****Svetlana P. Jalosjos vs. Commission on Elections (COMELEC), Edwin Elim Tumpag, and Rodolfo Y. Estrellada****

Facts

Svetlana P. Jalosjos filed her certificate of candidacy (COC) for mayor of the Municipality of Baliangao, Misamis Occidental for the May 10, 2010 elections. Jalosjos claimed sufficient residency in Barangay Tugas, Baliangao. Subsequently, Edwin Elim Tumpag and Rodolfo Y. Estrellada filed a petition questioning her eligibility, asserting that she did not meet the one-year residency requirement.

In support of her residency claim, Jalosjos presented a joint affidavit from witnesses who affirmed her residence since 2008. However, inconsistencies arose from the testimony, notably the claim that she was living in a different house during the construction of her residence. This led to the COMELEC initially favoring the petitioners and canceling Jalosjos's COC.

Jalosjos contested this decision, arguing her temporary stay in another barangay within the same municipality counted towards her residency. The COMELEC's ruling was appealed to the Supreme Court.

Issues

1. Are the inconsistencies present in the affidavit of Jalosjos's witnesses sufficient grounds for disqualifying her COC?
2. Can a temporary stay in another barangay be counted towards the residency requirement?
3. Does registration as a voter presume fulfillment of the six-month residency requirement?
4. Does a misrepresentation in the COC constitute a deliberate attempt to deceive the electorate?
5. Does the COMELEC retain jurisdiction to disqualify a candidate even after election and proclamation of the winner?
6. Who should assume office upon the disqualification of a winning candidate for ineligibility?

Court's Decision

****Issue 1: Inconsistencies in Witnesses' Affidavits****

The Court confirmed the inconsistencies in the affidavits of Jalosjos's witnesses. As they

claimed she had been a resident since 2008 but also stated the house was still under construction into late 2009. This raised doubts about the veracity of her stated residency timeline.

****Issue 2: Temporary Stay and Residency Requirement****

The Court ruled that Jalosjos's temporary stay in another barangay within the same municipality cannot be counted towards the residency requirement. Residency necessitates a permanent dwelling; Jalosjos's stay in an unrelated house showed no intention to establish permanent residence.

****Issue 3: Registration as a Voter****

The Court held that voter registration does not automatically assert fulfillment of the residency requirement. The assertion of six-month residency before voter registration by Jalosjos was unsupported by credible evidence.

****Issue 4: Material Misrepresentation in the COC****

The Court found that Jalosjos's misrepresentation of her residency in her COC constituted a deliberate attempt to deceive the electorate. Her failure to meet the residency requirements invalidated her COC.

****Issue 5: Jurisdiction of COMELEC Post-Election****

The Court clarified that the COMELEC retains jurisdiction to adjudicate disqualification cases against candidates even after elections, as dictated by Section 6 of R.A. 6646. COMELEC's actions were upheld under this provision.

****Issue 6: Succession of Office****

Upon disqualification of the ineligible candidate, the Court affirmed that all votes for the ineligible candidate are considered stray. Therefore, the court declared Agne V. Yap, Sr., who garnered the next highest number of votes, as the duly elected mayor.

Doctrine

1. ****Consistent Residency Requirement:**** Consistent and uninterrupted residency in the elective locality is required to meet the one-year residency condition.
2. ****Material Misrepresentation:**** Filing a COC with false claims of eligibility operates as a deliberate attempt to deceive voters, justifying the certificate's cancellation.
3. ****COMELEC's Authority:**** COMELEC maintains jurisdiction to continue hearing disqualification cases against candidates post-election.
4. ****Stray Votes Principle:**** Votes for an ineligible candidate are considered stray, and the

eligible candidate with the next highest votes assumes office.

Class Notes

- **Residency Requirement for Candidacy:** Candidate must prove consistent, actual, and physical residence in the locality for at least one year prior to elections.
- **Material Misrepresentation:** False statements in a COC regarding qualifications render the candidacy void ab initio (from the beginning).
- **COMELEC Authority:** Under Section 6 of R.A. 6646 and Section 78 of B.P. 881, any candidate disqualification case continues even after the elections.
- **Succession:** The candidate with the next highest votes becomes the rightful officeholder if the winner is disqualified due to ineligibility.

Historical Background

This case arises in the context of the Philippine local electoral system, aimed at ensuring adherence to eligibility criteria for residents seeking public office. It underscores the procedural robustness ensured by COMELEC and the Supreme Court in upholding electoral laws and principles to foster transparency and accountability in governance.