

# Makil U. Pundaodaya vs. Commission on Elections and Arsenio Densing Noble

## Title:

Makil U. Pundaodaya vs. Commission on Elections and Arsenio Densing Noble, 616 Phil. 167 (2009).

## Facts:

1. Petitioner Makil U. Pundaodaya's wife, Judith Pundaodaya, contested the municipal mayoral position against Arsenio Densing Noble in the 2007 elections for Kinoguitan, Misamis Oriental.
2. Noble filed his Certificate of Candidacy on March 27, 2007, claiming to be a 15-year resident of Purok 3, Barangay Esperanza, Kinoguitan.
3. On April 3, 2007, Pundaodaya filed a petition for Noble's disqualification (SPA No. 07-202), alleging Noble lacked the residency qualification and maintained residence and business in Lapasan, Cagayan de Oro City.
4. Noble countered that he was a registered voter in Kinoguitan, involved in local affairs since marrying Bernadith Go, daughter of Kinoguitan's then-mayor, Narciso Go, and had voted there in previous elections.
5. COMELEC Second Division disqualified Noble on May 13, 2007, ruling his residency in Kinoguitan wasn't sufficiently established.
6. Noble filed a motion for reconsideration and won the mayoral race on May 15, 2007. Pundaodaya sought to annul the proclamation.
7. COMELEC En Banc reversed the Second Division's decision on August 3, 2007, declaring Noble qualified based on his residency claims supported by voting records and property evidence.
8. Pundaodaya petitioned for certiorari, asserting COMELEC En Banc's grave abuse of discretion and improper declaration of Noble's qualification.

## Issues:

1. Did the COMELEC En Banc gravely abuse its discretion in declaring Noble qualified to run for the municipal mayoral position?
2. Was it erroneous for COMELEC to not annul Noble's proclamation and to refrain from declaring Judith Pundaodaya as the winning candidate?

## Court's Decision:

1. **\*\*Grave Abuse of Discretion in Noble's Qualification\*\***:
  - The Supreme Court held that Noble did not fulfill the residency requirement, necessary for

local elective officials under Section 39 of Republic Act No. 7160 (Local Government Code), which mandates a one-year residency immediately preceding the election.

- The Court cited the definition of “residence” as “domicile,” meaning the place a person intends to return permanently. Noble’s activities and documents failed to demonstrate this intent convincingly.
- Despite Noble’s supposed involvement and property claims in Kinoguitan, essential indicators of permanent residency were inconsistent or inadequate.
- Supreme Court emphasized that temporary or election-based residency fails to meet statutory representation intent.

## 2. **Whether Judith Pundaodaya Should Be Declared Winner**:

- The Court reasoned that invalidation or disqualification of Noble does not necessarily warrant Judith’s proclamation as the winner.
- According to Section 44 of the Local Government Code, the proper succession is through the vice-mayor, not the disqualified mayoral candidate’s immediate opponent.
- Thus, with Noble disqualified, the vice-mayor should succeed to the vacated mayoral office.

## **Final Ruling**:

- The petition was granted; the COMELEC En Banc’s resolution was reversed, Noble was disqualified, and the vice-mayor was ordered to take his place as mayor.

## **Doctrines**:

- **Residency Requirement for Elective Officials**: The court reinforced the strict adherence to residency prerequisites, defining residency as “domicile” denoting a permanent home, not manipulated temporal settlements.
- **Transition Rules Upon Disqualification**: Under Section 44 of the Local Government Code, succession to an elective vacancy should follow statutory rules, ensuring a proper transition via vice-mayors or similar designated officials.

## **Class Notes**:

- **Key Elements**:
- **Residency for Candidacy**: At least one-year permanent dwelling preceding election.
- **Domicile vs. Residence**: Legal residence (domicile) involves an intention to return and remain.
- **Succession of Elective Office**: Local Government Code’s provision on filling permanent vacancies.

- **Statutory Reference**:

- Section 39, Republic Act No. 7160: Qualification for Local Elective Officials.
- Section 44, Republic Act No. 7160: Succession rules upon elective office vacancy.

**Historical Background:**

- This case typifies the Philippine judiciary's handling of electoral disputes centered on residency qualifications, a frequent contentious issue, reflecting the integrity expected in electoral processes to prevent opportunistic candidacies. This judicial oversight aligns with efforts to ensure authentic representation sensitive to local community needs.