

****Title:**** Victorino Salcedo II vs. Commission on Elections and Ermelita Cacao Salcedo

****Facts:****

On February 18, 1968, Neptali P. Salcedo married Agnes Celiz. Despite this existing marriage, Neptali married Ermelita Cacao on September 21, 1986. Two days after, Ermelita married Jesus Aguirre. On May 11, 1998, Victorino Salcedo II and Ermelita Cacao Salcedo ran for mayor of Sara, Iloilo. Both filed their candidacy on March 27, 1998. Victorino filed a petition with the Comelec on April 17, 1998, seeking to cancel Ermelita's certificate of candidacy, claiming false representation due to the use of the surname "Salcedo."

On May 13, 1998, Ermelita was proclaimed the duly elected mayor. In her defense, Ermelita claimed ignorance of Neptali's first marriage at the time of their wedding and insisted Neptali took steps to annul his first marriage after declaring Agnes Celiz as presumptively dead on April 8, 1998. Ermelita also stated that Neptali and Jesus Aguirre were the same person.

The Comelec's Second Division ruled in Victorino's favor, declaring Ermelita's marriage to Neptali void and her use of "Salcedo" as a material misrepresentation. However, upon reconsideration by the Comelec en banc, this ruling was reversed on October 6, 1998, and Ermelita's proclamation as mayor stood. Victorino then petitioned the Supreme Court for certiorari under Rule 65.

****Issues:****

1. Whether the use of the surname "Salcedo" by Ermelita constitutes a material misrepresentation under Section 78 of the Omnibus Election Code.
2. Whether the Comelec en banc committed grave abuse of discretion in reversing the Second Division's ruling.
3. Whether other procedural irregularities cited by Victorino affect the validity of the Comelec en banc's resolution.

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

1. ****Material Misrepresentation:****

The Supreme Court ruled that the use of the surname "Salcedo" does not constitute a material misrepresentation. The Court stated that for a misrepresentation to be material under Section 78, it must relate to a candidate's qualifications for office, and the misrepresentation must be intended to deceive the electorate. The Court found no evidence indicating that Ermelita intended to mislead, nor that the electorate was deceived by her

use of the surname “Salcedo.”

2. **No Grave Abuse of Discretion:**

The Court found no grave abuse of discretion in the Comelec en banc’s resolution. It noted that the en banc’s adoption of reasoning from the dissenting opinion of Commissioner Desamito, and the changed positions of Commissioners Pardo and Guiani, were within legal bounds and did not constitute procedural irregularities or abuse.

3. **Procedural Concerns:**

The petitioner’s claims of procedural irregularities were dismissed. The Supreme Court highlighted that the timing of the decision’s promulgation and the change in the commissioners’ stance were regular and that the Chairman Pardo’s actions were presumed to be regular.

Doctrine:

The case established that for a petition to cancel a certificate of candidacy based on material misrepresentation under Section 78 of the Omnibus Election Code, the misrepresentation must be related to the candidate’s qualifications and must be intended to deceive the electorate. Additionally, procedural changes and reconsiderations within official bodies do not automatically imply abuse of discretion.

Class Notes:

- **Material Misrepresentation:** Must pertain to the candidate’s qualifications (e.g., age, citizenship, residence) and be intended to deceive.
- **Section 78, Omnibus Election Code:** Governs the process for filing to deny or cancel a certificate of candidacy due to false material representations.
- **Section 74, Omnibus Election Code:** Specifies what the certificate of candidacy must contain.
- **Relevant Statute:**
- **Batas Pambansa Blg. 881 (Omnibus Election Code), Sections 74 and 78**
- **Republic Act No. 7160 (Local Government Code), Section 39** (Qualifications for local elective office)

Historical Background:

The case was set against the backdrop of the local elections in the Philippines and highlighted election laws’ meticulous scrutiny and enforcement, reflecting broader concerns about integrity and fairness in the electoral process. This decision reinforced legal

standards and procedural fairness in contesting electoral results and the importance of the electorate's will in democratic societies.