

**\*\*Title: Monsale v. Nico, 83 Phil. 758 (1949)\*\***

**\*\*Facts:\*\***

On November 11, 1947, a general election was held in Miagao, Iloilo for the position of municipal mayor. Leading up to the election, Jose P. Monsale withdrew his certificate of candidacy on October 10, 1947, and requested that it be considered as though it was never filed. This withdrawal was communicated to the Commission on Elections and the local boards of election inspectors were notified. On November 1, 1947, Monsale attempted to revive his candidacy by withdrawing his withdrawal. The Commission on Elections ruled on November 8, 1947, that Monsale could no longer be a candidate.

During the election, the results showed that Paulino M. Nico received 2,291 votes, Gregorio Fagutao received 126 votes, and Monsale received 2,877 votes even though his withdrawal had been considered effective by the Commission on Elections. Consequently, Nico was proclaimed elected. Monsale contested the election results in the Court of First Instance of Iloilo, which ruled in Monsale's favor, declaring him the elected municipal mayor.

Nico appealed the decision to the Supreme Court of the Philippines, challenging the legality of Monsale's revived candidacy after the statutory deadline for filing certificates of candidacy.

**\*\*Issues:\*\***

1. Whether a candidate who has withdrawn his certificate of candidacy may revive it after the statutory deadline by either withdrawing his withdrawal or filing a new certificate of candidacy.
2. Whether the votes cast for Monsale can be considered valid despite his technical disqualification.

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

1. **\*\*Revival of Candidacy:\*\***

The Supreme Court ruled that Monsale could not revive his candidacy after the statutory deadline for filing certificates of candidacy. Under Section 31 of the Revised Election Code (Republic Act No. 180), a person must file a duly signed and sworn certificate of candidacy within the prescribed time limit to be eligible. Monsale's withdrawal on October 10, 1947, effectively nullified his certificate of candidacy. His attempt to withdraw the withdrawal on

November 1, 1947, was treated as a new certificate of candidacy filed after the deadline (which was sixty days before the election).

As such, his late attempt to revive his candidacy was invalid under election law, which aims to inform voters of the candidates and avoid confusion during elections.

## 2. **Validity of Votes:**

Consequently, the votes cast for Monsale were not counted since he was not a registered candidate. As per the ruling, no consideration can be given to votes cast for someone who has not filed a valid certificate of candidacy within the required timeframe. Therefore, Monsale was ineligible, and the votes for him could not rectify his technical disqualification.

### **Doctrine:**

The doctrine established in this case is that the withdrawal of a certificate of candidacy nullifies the candidate's eligibility, and an attempt to revive the candidacy after the statutory deadline will not be recognized. Legal considerations are paramount over the electorate's choice when procedural requirements are violated.

### **Class Notes:**

#### - **Key Elements:**

- **Certificate of Candidacy:** Essential for eligibility, must be filed within the statutory period.
- **Withdrawal of Certificate:** Once withdrawn, cannot be re-filed or revived after the deadline.
- **Electoral Rules:** Established by the Revised Election Code, particularly Sections 31 and 36.

#### - **Statutory Provisions:**

- **Section 31, Revised Election Code:** "No person shall be eligible unless, within the time fixed by law, he files a duly signed and sworn certificate of candidacy."
- **Section 36, Revised Election Code:** Requires certificates of candidacy for municipal offices to be filed at least sixty days before a regular election.
- **Section 174, Revised Election Code:** Contesting election results requires a valid certificate of candidacy.

**\*\*Historical Background:\*\***

The case occurred just after World War II, during a time when the Philippine political landscape was re-establishing its democratic processes. This context underscores the strict adherence to legal procedures to ensure orderly democratic elections, reflecting the transitional phase in Philippine history towards political stability and adherence to the rule of law.

—

The analysis above is structured to provide a detailed understanding of the case, focusing on the procedural aspects and legal principles, tailored to assist students in grasping the judicial reasoning and doctrines applied.