

**\*\*Title: Lozano v. Yorac & COMELEC and Lozano v. COMELEC & Binay\*\***

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

1. January 11, 1988 - Prior to the January 18, 1988 local elections, Oliver O. Lozano and Bernadette Agcorpa filed a disqualification petition with COMELEC against candidate Jejomar C. Binay, alleging misuse of P9.9 million in municipal funds to boost his candidacy.
2. The case was assigned to COMELEC's Second Division, including Commissioner Haydee B. Yorac.
3. The Second Division referred the criminal aspect to the Law Department for preliminary investigation. Binay responded with his counter-affidavit on February 4, 1988.
4. June 21, 1988 - Lozano filed an Omnibus Motion for the inhibition/disqualification of Commissioners Yorac and Africa and requested the disqualification case be considered en banc. Commissioner Yorac denied this request, with the COMELEC en banc ruling against hearing the case en banc.
5. October 26, 1988 - Lozano filed another motion to disqualify Commissioner Yorac due to her postponement of a hearing. This motion was also denied.
6. November 3, 1988 - COMELEC en banc promulgated Resolution No. 2050, directing unresolved pre-election disqualification complaints to the Law Department for preliminary investigation, which then allowed Second Division to refer the Binay case back to the Law Department.
7. May 23, 1990 - The Law Department's investigation recommended filing criminal charges against Binay under Section 261(a) of the Omnibus Election Code, while dismissing other charges.
8. Lozano requested joint resolution of the disqualification case and Law Department report on July 2, 1990.
9. July 9, 1990 - Lozano filed a motion again for the voluntary inhibition of Commissioner Yorac due to her memorandum on procedural issues, which was denied.
10. August 3, 1990 - Lozano objected to en banc promulgation of judgment set for August 6, 1990.
11. August 7, 1990 - COMELEC en banc dismissed the disqualification petition and vote-buying complaint against Binay. Lozano's subsequent motion for reconsideration was denied on August 15, 1990 as a prohibited pleading.

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

1. Was the referral of SPC No. 88-040 to the COMELEC en banc without a unanimous vote of the Second Division valid?
2. Was the dismissal of the vote-buying complaint against Binay proper given the evidence

presented?

3. Should Commissioner Yorac have voluntarily inhibited herself from deliberating the case due to alleged bias?

**Court's Decision:**

1. **Referral to En Banc:**

- The Court held that COMELEC Resolution No. 2050, which allows the referral of unresolved pre-election complaints to the Law Department and then en banc handling, overrides the petitioner's claim requiring unanimous vote from the Second Division. Additionally, the petitioner was estopped from questioning this procedure after having initially invoked Resolution No. 2050.

2. **Evidentiary Support for Dismissal of Vote-Buying Complaint:**

- The Court found no grave abuse of discretion in COMELEC's ruling. COMELEC concluded that the evidence provided did not convincingly establish vote-buying by Binay, noting that the gift-giving was part of an annual municipal tradition. The affiant's testimonies were insufficient and inconsistent.

3. **Non-Inhibition of Commissioner Yorac:**

- The Court found no compelling reason for Commissioner Yorac's inhibition. The Court upheld that Commissioner Yorac's actions did not display any clear prejudgment and her opinions were internal and based on established facts and precedent cases.

**Doctrine:**

1. **COMMISSION ON ELECTIONS (COMELEC) Resolution No. 2050:**

- This resolution governs the process for handling pre-election disqualification cases under Section 68 of the Omnibus Election Code, indicating that unresolved cases pre-election must be referred to the Law Department for preliminary investigation and then considered by the Commission en banc.

2. **Prohibition Against Motions for Reconsideration for En Banc Rulings:**

- Motions for reconsideration against en banc rulings are prohibited under COMELEC rules except under specific circumstances.

**Class Notes:**

1. **Preliminary Investigation Process (Election Law):**

- Disqualification petitions unresolved before elections are referred to the Law Department (COMELEC) for preliminary investigation and subsequent referral en banc.

- Procedures established under specific resolutions (like Resolution No. 2050) take precedence over general rules unless specifically repealed or amended.

2. **\*\*Vote Buying Standard of Proof:\*\***

- Accusations of vote buying require clear, concrete, and direct evidence or robust circumstantial evidence.
- Historical and contextual factors of alleged vote-buying activities (e.g., annual traditions) must be considered in evaluating legality.

3. **\*\*Inhibition of Judges/Commissioners:\*\***

- Inhibition requires convincing proof of prejudgment. Public expression of bias or a substantial evidentiary showing is necessary to force recusal.
- Procedural motions regarding inhibition must respect internal deliberation confidentiality unless widely disseminated.

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

- Contextually, this case emerged out of the intricate political and electoral landscapes of the post-EDSA Philippines, encompassing challenges faced during the restoration of democratic institutions and practices. Allegations of electoral fraud, notably vote-buying, were common and often deeply contested in courts. This ruling reflects the on-going calibration of electoral regulation processes amidst substantial political pressures.