

Case Title:

Juan Domino vs. Commission on Elections, et al.

Facts:

1. **Filing of Certificate of Candidacy:** On March 25, 1998, Juan Domino (hereafter DOMINO) filed his certificate of candidacy for the position of Representative of the Lone Legislative District of the Province of Sarangani. He claimed residency in the said province for one year and two months.
2. **Challenge to Candidacy:** On March 30, 1998, private respondents filed a petition with the Commission on Elections (COMELEC) to deny due course or cancel DOMINO's certificate. They alleged DOMINO was neither a resident nor a registered voter in Sarangani. Evidence presented contradicted DOMINO's stated residence period.
3. **COMELEC 2nd Division Decision:** On May 6, 1998, COMELEC's Second Division declared DOMINO disqualified for failing to meet the one-year residency requirement, thereby cancelling his certificate of candidacy.
4. **Supplemental Omnibus Resolution:** On May 11, 1998, COMELEC's Supplemental Omnibus Resolution allowed counts of votes cast for DOMINO but suspended his proclamation in case he won.
5. **Election Results:** DOMINO garnered the highest votes in the May 11, 1998 election for Representative of Sarangani.
6. **Motion for Reconsideration Denied:** On May 15, 1998, DOMINO's motion for reconsideration was denied by the COMELEC en banc.
7. **Petition for Certiorari:** DOMINO filed a Petition for Certiorari with a prayer for preliminary mandatory injunction alleging grave abuse of discretion by COMELEC in ruling on his disqualification.
8. **Intervenor's Participation:** Lucille Chiongian-Solon, the candidate with the second highest votes, intervened, requesting the Court to uphold DOMINO's disqualification and proclaim her the winner.
9. **Supreme Court Initial Actions:** On July 14, 1998, the Supreme Court directed the status quo to be maintained at the time of filing the petition.

Issues:

1. **Binding Effect of MTC Decision:** Whether the decision of the Metropolitan Trial Court (MTC) of Quezon City declaring DOMINO a resident of Sarangani is binding on the COMELEC.
2. **Residency Requirement Compliance:** Whether DOMINO met the one-year residency criterion in Sarangani before the May 11, 1998 election.
3. **COMELEC's Jurisdiction:** Whether COMELEC had jurisdiction over the petition to disqualify DOMINO.
4. **Proclamation of Intervenor:** Whether INTERVENOR, who received the second highest votes, should be proclaimed the winning candidate following DOMINO's disqualification.

Court's Decision:

1. **MTC Decision's Binding Effect:**
 - **Conclusion:** The decision of the MTC declaring DOMINO's residency in Sarangani for exclusion proceedings is not binding on COMELEC.
 - **Reasoning:** The proceedings for exclusion from the voter's list are summary in nature and do not acquire res judicata status for determining a candidate's qualification. COMELEC has the jurisdiction to examine falsehood in a certificate of candidacy under Sec. 78 of the Omnibus Election Code.
2. **Residency Requirement Compliance:**
 - **Conclusion:** DOMINO did not meet the one-year residency requirement.
 - **Reasoning:** The term "residence" requires actual removal, a bona fide intention to abandon the former residence, and definite acts consistent with such intention. The evidence of DOMINO's continuous registration and activities in Quezon City negates his claim of having established a new domicile in Sarangani since January 1997.
3. **COMELEC's Jurisdiction:**
 - **Conclusion:** COMELEC had jurisdiction over the matter.
 - **Reasoning:** Under Sec. 78, Art. IX of the Omnibus Election Code, disqualification petitions fall within COMELEC's jurisdiction. The jurisdiction remains until the candidate is proclaimed and takes the oath of office.
4. **Proclamation of Intervenor:**
 - **Conclusion:** INTERVENOR cannot be declared the winner.

- **Reasoning:** The established doctrine prevents the candidate with the second highest votes from being proclaimed if the winning candidate is disqualified, thereby reflecting the electorate's choice.

Doctrine:

- **Residency as Domicile:** For elective office qualification, "residence" is synonymous with "domicile," implying intent combined with physical presence.
- **Res Judicata Limitation:** Decisions in exclusion proceedings do not have res judicata effects in candidate qualification cases.
- **Non-Proclamation of Second Highest Votes:** The candidate with the second-highest votes cannot be deemed elected if the winning candidate is disqualified. Elections reflect the collective will of the people who did not choose the second-placer.

Class Notes:

1. **Residency Requirement:**

- **Sec. 6, Art. VI, Philippine Constitution:** One-year residency in the constituency is required.
- **Domicile Elements:** Physical presence + intention to reside.

2. **Jurisdiction of COMELEC:**

- **Sec. 78, Omnibus Election Code:** COMELEC determines false representations in certificates of candidacy.

3. **Exclusion Proceedings:**

- Summarized and determinations do not have res judicata effect for further qualifications.

4. **Second Highest Votes Doctrine:**

- **Established Doctrine:** Only the candidate with the highest legal votes is proclaimed; second highest votes do not guarantee election.

Historical Background:

- This case highlights the essential principle that electoral will must be observed, and residency requirements for candidates ensure local representation's efficacy and relevance. It reinforces the necessity of transparency and proper adherence to electoral laws to uphold democracy's integrity.