

Brillantes v. Commission on Elections

Citation: 476 Phil. 294

Facts:

On December 22, 1997, Republic Act No. 8436 was enacted allowing the Commission on Elections (COMELEC) to adopt an Automated Election System (AES) for national and local elections. This authorized COMELEC to acquire automated counting machines (ACMs) and associated equipment beginning with the May 11, 1998 elections. However, due to technical failures with Phase II machines, COMELEC reverted to manual counting and canvassing in subsequent elections.

For the May 10, 2004 elections, COMELEC intended to implement AES in three phases: computerized registration, computerized voting and counting, and electronic transmission of results. COMELEC executed contracts for Phases II and III, even after Phases I and II were scrapped due to judicial nullifications, leading to a reliance only on Phase III for a quick count scheme under the amended Resolution No. 6712.

Several politicians and citizen groups raised concerns about this phase, leading Atty. Sixto S. Brillantes, Jr. to file a petition for certiorari and prohibition against COMELEC's Resolution No. 6712. They argued it was unconstitutional and without statutory basis, questioned the lack of proper appropriation and encroachment on Congress' authority in canvassing presidential and vice-presidential votes.

Issues:

1. Do the petitioners and intervenors have legal standing to challenge the COMELEC Resolution?
2. Is the issue presented a political question not subject to judicial review?
3. Did COMELEC commit grave abuse of discretion in issuing Resolution No. 6712 for:
 - Usurping Congress's authority in the canvassing of presidential and vice presidential votes?
 - Violating the constitutional provision concerning appropriation and expenditure of public funds?
 - Overstepping statutory provisions regarding unofficial vote count by authorized citizen's arm?
 - Failing to comply with notice requirements under the Omnibus Election Code?
 - Lacking statutory or constitutional basis?
4. Would implementation of Resolution No. 6712 cause confusion or issues of vote

trendinging?

Court's Decision:

1. **Standing:** The Court held that the petitioners and intervenors, as taxpayers and representatives of political parties, have the standing to challenge the legality of the Resolution involving public expenditure.

2. **Justiciability:** The Supreme Court declared the issue justiciable as it involves legal, not political, questions, focusing on the alleged disregard of constitutional and statutory provisions by COMELEC.

3. **Grave Abuse of Discretion:** The Supreme Court found that COMELEC committed grave abuse of discretion:

- **Usurpation of Authority:** Resolution No. 6712 preempted Congress's exclusive authority to canvass presidential and vice-presidential votes under Article VII, Section 4 of the Constitution.

- **Unauthorized Allocation of Public Funds:** The disbursement for the Resolution's implementation without specific appropriation by law violated the Constitution's mandate that public funds be disbursed only in pursuance of an appropriation made by law.

- **Encroachment on Citizen's Arm:** The Resolution overstepped by authorizing COMELEC's use of election returns for an unofficial count, infringing the exclusive mandate given to accredited citizen's arms like NAMFREL under relevant election laws.

- **Lack of Due Process on Notification Requirements:** COMELEC failed to give the required thirty-day notice to all political parties and candidates before using the electronic transmission devices, violating Section 52(i) of the Omnibus Election Code.

- **Absence of Statutory Basis:** COMELEC had no statutory or constitutional foundation to conduct an unofficial tabulation when the official automated system (Phase II) was nullified.

4. **Impact:** The implementation of the Resolution would cause confusion and allegations of trending due to the discrepancies likely arising between unofficial electronic results and official manual counts.

Doctrine:

- The exclusive authority of Congress to canvass presidential and vice-presidential votes under Article VII, Section 4 of the Constitution.

- The prohibition of unauthorized use of public funds under Article VI, Section 29.

- Compliance with statutory provisions for unofficial vote counts and advance notice for

technological implementations under the Omnibus Election Code.

****Class Notes**:**

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

- Jurisdiction and standing in taxpayer suits.
- Distinction between political and justiciable questions.
- Authority and limitations of administrative bodies.
- Budget appropriations and constitutional restrictions on public funds.
- Electoral laws governing vote counting and citizen participation.

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

- Article VII, Section 4: Congress's exclusive canvassing authority.
- Article VI, Section 29: No disbursement of public funds without congressional appropriation.
- Section 52(i) of Omnibus Election Code: Notice requirements for adoption of new technological devices.
- Republic Act No. 8436 and 7166: Unauthorized use of election returns for unofficial counts by bodies other than the accredited citizen's arm.

****Historical Background**:**

- Republic Act No. 8436 initiated the AES in Philippine elections, spanning multiple electoral cycles and faced hurdles in technological implementation.
- The Supreme Court previously nullified stages of the COMELEC's automation contract, reflecting ongoing judicial checks on electoral modernization efforts.

****Conclusion**:**

The petition was granted, and COMELEC Resolution No. 6712 was declared null and void.