

****Title:**** Muñoz vs. Commission on Elections and Baldo

****Facts:****

1. ****Pre-Election and Election Day Events:****

- Rommel G. Muñoz and Carlos Irwin G. Baldo, Jr. were candidates for mayor of Camalig, Albay, in the May 10, 2004 election.
- On the same evening, the Municipal Board of Canvassers (MBC) began canvassing the election returns (ERs).

2. ****Objections and Initial MBC Rulings:****

- On May 11, 2004, Baldo's lawyers objected to the inclusion of 26 ERs due to various alleged defects and issues such as lack of inner seals, missing signatures, and claims of intimidation.
- On May 13, 2004, the MBC overruled these objections and included the 26 ERs in the canvass.

3. ****Appeal and Proclamation:****

- Baldo appealed the MBC's inclusion of the ERs to the Commission on Elections (COMELEC) on May 18, 2004.
- Despite the pending appeal, Muñoz was proclaimed the winning candidate on May 19, 2004.

4. ****Proceedings Before COMELEC:****

- On May 21, 2004, Baldo filed a petition with the COMELEC to annul Muñoz's proclamation, alleging it was premature and illegal.
- The case was docketed as SPC No. 04-124 and raffled to the COMELEC First Division.

5. ****COMELEC First Division Ruling:****

- On October 25, 2004, the COMELEC First Division granted Baldo's petition and annulled Muñoz's proclamation, declaring it precipitate and premature.

6. ****Motion for Reconsideration:****

- Muñoz's motion for reconsideration was denied by the COMELEC En Banc on December 15, 2005. The En Banc affirmed the annulment and ordered the constitution of a new MBC to re-canvass all election returns, prepare a new Certificate of Canvass, and proclaim the winning candidate.

7. **Supreme Court Proceedings:**

- Muñoz filed a petition for certiorari and prohibition with the Supreme Court, seeking a preliminary injunction or temporary restraining order to halt the implementation of the COMELEC's En Banc resolution.
- On January 17, 2006, the Supreme Court issued a temporary restraining order against the COMELEC's resolution.

Issues:

1. **Grave Abuse of Discretion by the COMELEC:**

- Whether the COMELEC committed grave abuse of discretion in denying Muñoz's motion for reconsideration of the First Division's October 25, 2004 Resolution.

2. **Premature Annulment without Resolving Appeal:**

- Whether the COMELEC erred in annulling Muñoz's proclamation without resolving the pending appeal regarding the inclusion of the 26 ERs.

3. **Order to Re-canvass All Election Returns:**

- Whether the COMELEC En Banc correctly ordered a new MBC to re-canvass all election returns and proclaim the winner, despite the pending appeal regarding the ERs.

Court's Decision:

1. **Consolidation of Cases:**

- The Supreme Court found no merit in Muñoz's contention that the cases should have been consolidated. The respective cases did not involve similar questions of law and fact. SPC No. 04-087 dealt with pre-proclamation issues about election returns' defects, while SPC No. 04-124 concerned the conduct of the MBC in prematurely proclaiming Muñoz.

2. **Annulment of Proclamation:**

- The Court upheld the COMELEC First Division's decision to annul the proclamation of Muñoz. The proclamation violated Section 20(i) of R.A. No. 7166, which mandates COMELEC authorization before proclamation where objections have been raised about election returns.

3. **Effect of Uncanvassed Returns:**

- Given that the contested ERs (5,178 votes) could potentially affect the results, the proclamation was indeed premature as Muñoz's lead was less than the total votes in the

contested returns.

4. **Grave Abuse of Discretion in Re-canvassing Order:**

- The Supreme Court found that the COMELEC En Banc exceeded its authority by ordering the re-canvassing of all ERs even before its First Division could decide on SPC No. 04-087. The COMELEC En Banc does not have jurisdiction to decide election cases at the first instance.

Doctrine:

- **Proclamation Nullity Clause:**

- Any premature proclamation without COMELEC authorization when objections on election returns are pending is void ab initio unless the contested returns will not affect the election result.

- **Proper Jurisdiction Adherence:**

- The COMELEC En Banc can only decide cases on motion for reconsideration and not at the first instance.

Class Notes:

1. **Pre-Proclamation Issues:**

- Pre-proclamation issues must be resolved by canvassing authorities before any candidate can be legally proclaimed.
- Pertinent Law: Section 20(i) of R.A. No. 7166.

2. **Authority of COMELEC Divisions and En Banc:**

- Initial election disputes must be decided by COMELEC divisions, with En Banc decisions reserved for reconsideration requests.
- Pertinent Cases: Sarmiento v. COMELEC; Acosta v. COMELEC.

3. **Proclamation and Incomplete Canvass:**

- Any proclamation based on an incomplete canvass is illegal and void.
- Pertinent Case: Lucero v. COMELEC.

Historical Background:

- **Republic Act No. 7166:**

- Enacted to synchronize national and local elections, ensuring electoral reforms. It

introduced procedures for the disposition of contested election returns and outlined the limitations and powers of the canvassing boards and COMELEC.

- ****Election Disputes Jurisprudence in the Philippines:****
- The legal framework for handling election disputes has been designed to ensure fair and expeditious resolution of controversies to determine the true will of the electorate.