

Title:

Atty. Lucky M. Damasen vs. Oscar G. Tumamao, 626 Phil. 719 (2006)

Facts:

1. **Initial Vacancy:**

- On December 2, 2004, Vice-Mayor Nelia Tumamao of San Isidro, Isabela, died, creating a permanent vacancy in that office.
- Pursuant to Section 44 of Republic Act No. 7160, Ligaya C. Alonzo, the highest-ranking member of the Sangguniang Bayan, was elevated to Vice-Mayor.

2. **Subsequent Vacancies:**

- Alonzo's promotion created a vacancy in the Sangguniang Bayan.
- Mayor Abraham T. Lim recommended Oscar G. Tumamao for the vacancy.
- Tumamao, a member of the LDP, took his oath as a member of the Sangguniang Bayan on April 15, 2005, and attended sessions on April 26 and May 3, 2005.

3. **Petitioner's Entry:**

- On May 5, 2005, Atty. Lucky M. Damasen joined the LDP and was nominated by LDP Provincial Chairman Ana Benita Balauag.
- On May 12, 2005, Governor Padaca appointed Damasen as a member of the Sangguniang Bayan.
- Damasen took his oath on May 16, 2005, and attended the session on May 17 but was not recognized.

4. **Legal Proceedings:**

- Damasen filed a Petition for Quo Warranto on May 17, 2005, at RTC Santiago City, Special Civil Action Case No. 0234, claiming the right to the vacancy, resulting in a TRO.
- RTC ruled in favor of Damasen on August 4, 2005, citing his valid nomination and appointment precedents.
- Tumamao appealed to the CA, which reversed the RTC decision on June 14, 2006, and dismissed the Quo Warranto case.
- Damasen directly filed a Petition for Review on Certiorari to the Supreme Court under Rule 45 of the 1997 Rules of Civil Procedure.

Issues:

1. **Validity of Damasen's Nomination and Appointment:**

- Whether Damasen’s nomination and subsequent appointment complied with the requirements of Section 45(b) of R.A. No. 7160, specifically the nomination by the “highest official of the political party concerned.”

2. **Revocation of Nomination:**

- Whether the revocation of Damasen’s nomination by Provincial Chairman Balauag after the appointment by Governor Padaca affected the validity of his appointment.

3. **Procedural Appropriateness:**

- Whether Tumamao should have filed a separate case for Quo Warranto instead of appealing the RTC decision directly to the CA.

Court’s Decision:

1. **Compliance with Section 45(b) of R.A. No. 7160:**

- The Supreme Court held that Damasen failed to comply with the requirements. The nomination by Provincial Chairman Balauag did not suffice as she was not the “highest official of the political party concerned.”

2. **Revocation of Nomination:**

- The Court found the revocation of the nomination by Balauag valid. Evidence, including Balauag’s testimony and the letter from LDP Deputy Secretary Counsel Demaree Raval, indicated Damasen was not a bona fide member of the LDP.

- The Court stated that appointment processes must respect the internal procedures of political parties.

3. **Procedural Appropriateness:**

- The Court dismissed Damasen’s contention that Tumamao should have filed a separate Quo Warranto case. The crux of the controversy was the rightful occupant of the position, not a procedural multiplicity of suits.

Doctrine:

- **Party Representation Doctrine:** The right to fill a permanent vacancy in the Sanggunian must maintain the political party representation as willed by the electorate in the most recent election (Navarro v. Court of Appeals).

- **Compliance with Nomination Requirements:** The appointee must have certificates from the highest official of the party to fulfill the sine qua non requirements of appointment

under Section 45(b) of RA 7160. Any deviation from such statutory requirements renders the appointment null and void.

Class Notes:

- Key Elements:

- Political Party Nomination: A permanent vacancy should be filled by a member of the same political party with a nomination from the highest party official.

- Bona Fide Membership: Being a member of the nominating party is foundational, and membership procedures must be verified and cleared by the party's national council, if stipulated by party rules.

- Statutory Provision: R.A. No. 7160, Section 45(b):

- Conditions Sine Qua Non: Nomination and certificate of membership must come from the highest official of the political party for the appointment to be valid.

- Rule on Succession: Aims to preserve political party representation as elected by the public.

Historical Background:

- The policy in the Local Government Code of 1991 (R.A. No. 7160) aims to stabilize and maintain political party loyalties within local administrative structures. This case reiterates the importance of political legitimacy and proper nomination processes in maintaining democratically elected representations during periods of administrative changes.