

### ### Title

**\*\*Elenita I. Balajonda vs. Commission on Elections (First Division) and Maricel S. Francisco, G.R. No. 159798, November 24, 2004\*\***

### ### Facts

On July 16, 2002, Elenita I. Balajonda was proclaimed the duly elected Barangay Chairman of Barangay Sta. Monica, Quezon City, having won by 420 votes. Her opponent, Maricel Francisco, filed an election protest within ten days, alleging electoral fraud and irregularities, which Balajonda dismissed as baseless. The Metropolitan Trial Court (MeTC) of Quezon City, Branch 35, ordered the revision of votes in 69 ballot boxes, ultimately dismissing Francisco's protest and maintaining Balajonda's lead by 418 votes.

Francisco appealed to the Commission on Elections (COMELEC) First Division, which annulled Balajonda's proclamation on February 2, 2004, declaring Francisco the winner by 111 votes and ordering Balajonda to vacate the office. Balajonda filed a motion for reconsideration, while Francisco sought a writ of execution for immediate implementation of the First Division's decision, which the COMELEC granted on November 26, 2004. Balajonda argued that COMELEC could not execute its decision pending appeal and that the order lacked good reason.

### ### Issues

1. Whether the COMELEC has the authority to order execution of its own judgment pending appeal.
2. Whether the execution pending appeal was based on sound and adequate reasons.

### ### Court's Decision

**\*\*Issue 1:\*\*** The Supreme Court held that COMELEC has the authority to order execution pending appeal by analogy and in suppletory character, per Section 1, Rule 41 of the COMELEC Rules of Procedure. It emphasized the need to avoid hollow victories and support the immediate assumption of office by the duly elected candidate per the recount.

**\*\*Issue 2:\*\*** The Court found that COMELEC's order for execution pending appeal had good reasons, including public interest in installing the winner based on a full recount, the short remaining term of office, and preventing the protraction of the tenure of someone whose electoral victory was contested. The Court emphasized that public policy and immediate execution support the integrity of the electoral process.

### ### Doctrine

1. **Public Interest in Electoral Processes:** Executions pending appeal may be allowed to prevent hollow victories and ensure the installation of candidates who are the determined winners following recounts.
2. **COMELEC's Authority:** The COMELEC can order executions pending appeal of its decisions by employing supplementary application of the Rules of Court, even in the absence of explicit provisions in its own rules.

### ### Class Notes

- **Discretionary Execution Pending Appeal:** COMELEC decisions, like those of trial courts, can be executed pending appeal based on sound reasons.
- **Relevant Statute:** Section 2(a), Rule 39 of the Revised Rules of Court.
- **Key Case:** Ramas vs. COMELEC (286 SCRA 189).
- **Principles of Public Policy:** Immediate execution upholds public interest by ensuring the timely assumption of elected public officers.
- **Procedural Rules:** Liberal construction of procedural rules in election cases prevents technical objections from defeating public choice.

### ### Historical Background

The case highlights the electoral processes and judicial review mechanisms in the Philippines. Election protests are part of the checks and balances ensuring the integrity of the electoral system. The decision underscores COMELEC's robust role in adjudicating election disputes and the judiciary's approach towards finality and immediate execution in politically charged electoral contests.