

**\*\*Title:\*\*** Kabataan Party-List Representative Palatino et al. v. Commission on Elections

**\*\*Facts:\*\***

On November 12, 2008, the Commission on Elections (COMELEC) issued Resolution No. 8514, setting voter registration using biometrics from December 2, 2008, to December 15, 2009. On February 12, 2009, COMELEC issued Resolution No. 8585, changing the deadline for voter registration for the May 10, 2010 elections to October 31, 2009, instead of December 15, 2009, citing the need for ample preparation time for the automated elections. The public, including various youth organizations, clamored for an extension beyond October 31, 2009, but the COMELEC denied these requests.

On October 30, 2009, a Petition for Certiorari and Mandamus was filed by Kabataan Party-List Representative Raymond V. Palatino and company, challenging the validity of COMELEC Resolution No. 8585 and seeking its nullification. They requested the extension of voter registration until January 9, 2010, the day before the 120-day prohibitive period for voter registration per Republic Act No. 8189 (RA 8189) would commence.

**\*\*Issues:\*\***

1. Whether COMELEC Resolution No. 8585, which adjusted the voter registration deadline to October 31, 2009, instead of December 15, 2009, is an unconstitutional encroachment on the legislative power of Congress.
2. Whether the COMELEC has the authority to fix deadlines different from what is stipulated under RA 8189.

**\*\*Court's Decision:\*\***

1. **\*\*Unconstitutional Encroachment:\*\***

- The court held that COMELEC Resolution No. 8585 was null and void. The court emphasized that Section 8 of RA 8189 mandates a system of continuing voter registration barring registration only from 120 days before a regular election to allow sufficient time for COMELEC's preparations. The early termination of registration by COMELEC disrupted this legislative mandate.

2. **\*\*Authority to Fix Deadlines:\*\***

- While acknowledging the authority granted to the COMELEC under RA 6646 and RA 8436 to fix other dates for pre-election activities if they cannot be reasonably conducted within the prescribed period, the court found no compelling reason in this case. The court ruled that the COMELEC's decision to close registration on October 31, 2009, lacked a justifiable

basis that it was “reasonably impossible” to complete registration within the stipulated time frames.

No conflicting statutes necessitated an interpretation allowing an earlier closing date; thus, voter registration must be extended to comply with RA 8189, ensuring the suffrage rights of the Filipino people are protected.

**\*\*Doctrine:\*\***

The primary doctrine reaffirmed by this case is the principle of legislative supremacy in the system of continuing voter registration. COMELEC’s rule-making powers must align with the existing laws set forth by Congress, particularly the statutory provisions protecting voter registration, such as RA 8189 which allows registration until 120 days prior to regular elections.

**\*\*Class Notes:\*\***

- **\*\*Continuing Voter Registration (RA 8189, Sec. 8):\*\*** Registration continues daily during regular office hours, pausing 120 days before a regular election. This statute ensures maximum participation.
- **\*\*COMELEC’s Authority (RA 6646, Sec. 29; RA 8436, Sec. 28):\*\*** Allows COMELEC to set alternative dates for pre-election acts if the usual schedule is impracticable, ensuring the suffrage right’s no deprivation.
- **\*\*120-Day Prohibitive Period:\*\*** Vital for election preparations, highlighted by court approval if voter registration persists up to the statutory limit.

**\*\*Historical Background:\*\***

The case arose during the shift towards automated elections in the Philippines, emphasizing transparency and efficiency in the electoral process. This period highlighted heightened engagement from youth and governmental bodies advocating for electoral reforms and voter rights protection. The court’s decision underscored the importance of legislative directives in ensuring a robust democratic process and the non-encroachment of administrative bodies upon clear statutory mandates.