

SUSAN ARENO YAP-SULIT, PETITIONER, VS. COMMISSION ON ELECTIONS, AMADO S. DE LEON, AND JAY-AR CAPULONG NAVARRO, RESPONDENTS.

G.R. No. E-03037, June 03, 2026

Ponente: KHO, JR., J.

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KHO, JR., J.:

Before the Court is a Petition for Certiorari with Extremely Urgent Prayer for Temporary Restraining Order and/or Status Quo Ante Order and Urgent Motion for Special Raffle[1] filed by petitioner Susan Areno Yap-Sulit (Yap-Sulit), assailing the Resolution[2] dated October 22, 2025 of the Commission on Elections (COMELEC) En Banc in SPA No. 25-026 (DC). The COMELEC En Banc reversed and set aside the Resolution[3] dated April 14, 2025 of the COMELEC Second Division and upheld the Petition for Disqualification[4] filed by private respondents Amado S. De Leon (De Leon) and Jay-Ar Capulong Navarro (Navarro; collectively, De Leon et al.). The COMELEC En Banc held that Yap-Sulit is not a resident of Tarlac City for at least a year before the May 12, 2025 National and Local Elections (2025 NLE), and thus, not qualified to run for election as the city's Mayor.

The Facts

Yap-Sulit ran for and was proclaimed mayor of Tarlac City in the 2025 NLE. At the time she filed her Certificate of Candidacy (COC) on October 5, 2024, she was on her third term as a governor of the Province of Tarlac. She stated in her COC that she is a resident of Immaculate Concepcion Subdivision, Barangay Tibag, Tarlac City.[5]

De Leon et al., who are registered voters of Tarlac City, filed a Petition for Disqualification against Yap-Sulit, which was docketed as SPA No. 25-026 (DC). Navarro is also the incumbent punong barangay of Tibag. They alleged that Yap-Sulit failed to prove that she is a resident of Tarlac City at least one year before the 2025 NLE. To support their claim, they submitted several Sinumpaang Salaysay[6] executed by barangay officials, who testified that Yap-Sulit is not a resident of Barangay Tibag, Tarlac City.[7]

Specifically, Navarro stated that a representative of Yap-Sulit requested a certification from the barangay that Yap-Sulit is a Barangay Tibag resident. To Navarro's knowledge, however, Yap-Sulit is not a resident of the barangay. He then consulted several barangay officials on Yap-Sulit's residency, who also confirmed that the latter is not a resident.[8] In a letter addressed to Yap-Sulit, Navarro denied the request.[9] He instructed the barangay secretary and a barangay tanod to serve the letter at Yap-Sulit's claimed residence at Immaculate Concepcion Subdivision. There, the two were met by a security guard who received the letter. They claimed that the address pertained not to a house, but to a warehouse where rice and other items were being repacked.[10]

Then, Yap-Sulit's counsel wrote a letter[11] to Navarro, asking for reconsideration of the denial of the request. This prompted Navarro to instruct the barangay officials to further investigate Yap-Sulit's claim of residency. The barangay officials returned to Yap-Sulit's address and requested entry from the stationed security personnel to conduct an ocular inspection; however, the security personnel refused. Thus, Navarro once again denied[12] the request for issuance of a residency certificate.[13]

The Petition also attached the statements of two barangay health workers, who stated that as part of their duties, they conducted an annual survey of the barangay's residents in January 2024. When they got to Yap-Sulit's address, they were told by the guard on duty that Yap-Sulit's family owned the warehouse but that they do not live there. Even the guards on duty allegedly do not live in the house.[14]

In her Verified Answer with Special and Affirmative Defenses/Memorandum,[15] Yap-Sulit claimed that she is a resident of Tarlac City, having transferred to Barangay Tibag in 2013 from Barangay Mababanaba, Municipality of San Jose, Province of Tarlac. Her application to transfer her voting registration was approved on October 23, 2014.[16] Since then, she has been residing in Barangay Tibag and presented several identification cards and police clearances indicating her address. She also presented a joint affidavit from Tibag residents attesting to her residence in the barangay.[17] Moreover, she submitted sworn statements from two former punong barangay of Tibag, who claimed that Yap-Sulit is a resident of the barangay, and they have seen her in the area. As well, several former employees at the Barangay Office of Tibag also attested to her residency in their barangay.[18] Finally, Yap-Sulit disputed the claim that her residence is merely a warehouse by submitting photographs showing that the structure in the address contained normal household fixtures, such as bed and living rooms, as well as her personal belongings.[19]

The COMELEC Rulings

In a Resolution dated April 14, 2025, the COMELEC Second Division dismissed the Petition for Disqualification.[20]

In so ruling, the COMELEC Second Division treated the Petition as unsigned because its verification and certification against forum shopping was signed on February 25, 2025, but the Petition states that it was signed the next day, February 26, 2025.[21]

Despite the procedural error, the COMELEC Second Division ruled on the Petition's substantive merits. It held that the failure to meet the residency requirement is not among the proper grounds for a Petition for Disqualification. Instead, a petition to cancel the COC under Section 78[22] of Batas Pambansa Blg. 881[23] is the proper remedy. The COMELEC Second Division further ruled that even if the Petition for Disqualification were treated as one to cancel the COC, the same must still be dismissed for being filed out of time.[24]

Finally, even if the timeliness issue is brushed aside, the COMELEC Second Division still found basis to dismiss the Petition for Disqualification for De Leon et al.'s failure to present substantial evidence. On this score, the COMELEC Second Division ruled the evidence to be unsubstantiated and self-serving, whereas Yap-Sulit's evidence substantially proved that she abandoned her former domicile in San Jose and transferred to Tarlac City in 2013.[25]

Upon De Leon et al.'s Motion for Reconsideration[26] filed on April 21, 2025,[27] the COMELEC En Banc rendered a Resolution dated October 22 2025 ruling in De Leon et al.'s favor, and consequently, ruling that Yap-Sulit is not qualified to run for the 2025 NLE as mayor of Tarlac City.

In granting the Motion for Reconsideration, the COMELEC En Banc disregarded the procedural issues pertaining to the different signing dates of the Petition's verification and certification against forum shopping. The difference of one day between the two dates was held to be inconsequential. The COMELEC En Banc also allowed the Petition to be considered as one for cancellation of COC instead of disqualification, holding that it may suspend its own rules in the interest of substantial justice. It also held that the Petition may be allowed despite its belated filing in view of the public interest in determining Yap-Sulit's eligibility to hold the position of mayor of Tarlac City.[28]

On the merits, the COMELEC En Banc noted that Yap-Sulit admitted that she abandoned an earlier domicile in the Municipality of San Jose, Tarlac and sought to establish a new one in Tarlac City. In this regard, the COMELEC En Banc noted that to properly acquire a new domicile of choice, Yap-Sulit must prove: (1) actual residence or bodily presence in the new locality; (2) intent to remain in the new locality; and (3) intent to abandon the old domicile. The COMELEC En Banc, however, opined that Yap-Sulit failed to prove the first requisite. Giving weight to the sworn statements in the Petition, the COMELEC En Banc concluded that Yap-Sulit has not established a residence in Barangay Tibag. It gave credence to the barangay officials' statements that the structure on the address was merely a warehouse; on the other hand, it gave no weight to the photographs that Yap-Sulit presented because they were not authenticated by the person who took them.[29]

Hence this Petition, where Yap-Sulit claims that COMELEC gravely abused its discretion in improperly exercising liberality in favor of De Leon et al. while disregarding the weight of her evidence. Yap-Sulit claims that the COMELEC En Banc used a lower standard of evidence in evaluating De Leon et al.'s evidence while holding hers to a higher, stricter standard.[30]

The Proceedings Before the Court

On November 4, 2025, the Court issued a Status Quo Ante Order,[31] directing all parties to maintain the situation between them prior to the issuance of the COMELEC En Banc Resolution, and all respondent, to comment on the Petition.

On November 17, 2025, COMELEC, through the Solicitor General, and private respondents, separately filed their comments.[32] COMELEC argued that it did not gravely abuse its discretion and that nothing in its disposition of the case shows arbitrariness or whimsicality. Rather, it correctly suspended its own rules when it treated the Petition for Disqualification as one for cancellation of petitioner's COC. It did so, it argued, considering that there is substantial evidence showing that petitioner misrepresented her residence in Tarlac City.[33]

Private respondents, meanwhile, echoed COMELEC in arguing that the assailed ruling is based on substantial evidence. They pointed out that it was petitioner who failed to prove that she successfully changed her domicile to Tarlac City.[34]

The Issues Before the Court

The core issues here involve the determination of whether the COMELEC En Banc gravely abused its discretion when it first, entertained the Petition for Disqualification and treating it as one for cancellation of COC; and second, cancelled petitioner's COC on the ground that she misrepresented her residency in Tarlac City.

The Court's Ruling

The Petition is meritorious.

I

It must be stressed that the COMELEC's rulings and actions are only reviewable by this Court when they are issued with grave abuse of discretion to such an extent that the electoral body is ousted of its jurisdiction. This occurs when COMELEC acts not based on law, but on personal hostility, passion, or prejudice.[35] In practical terms, the Court is constitutionally mandated to strike down the COMELEC's rulings when their legal conclusions are not based on substantial evidence,[36] or when they violate the Constitution.[37]

Preliminarily, the COMELEC defends its decision treat private respondents' Petition for Disqualification as one to cancel a candidate's COC under Section 78 of Batas Pambansa Blg. 881. Under COMELEC's own rules of procedure, a petition to disqualify a candidate that alleges a ground for cancellation of COC merits dismissal. Citing case law on the matter, COMELEC asserts its authority to suspend its own rules in the interest of

substantial justice.[38]

The Court agrees.

The powers granted to the COMELEC by the Constitution includes the discretion to suspend the application of its own rules considering that election rules must be liberally construed to uphold the will of the electorate.[39] At any rate, this Petition does not contest COMELEC's power to suspend the application of its own rules and its decision to treat the Petition for Disqualification as a petition for cancellation of COC. For that matter, the Court holds that the COMELEC correctly resolved the case on its merits.

This issue having been settled, the Court now proceeds to resolve the substantive issue raised, i.e., whether the COMELEC En Banc gravely abused its discretion in ruling that petitioner's COC must be cancelled because it contained a misrepresentation—that petitioner is a resident of Tarlac City for at least one year before the 2025 NLE.

II

In determining qualification for elective office, it is settled that residence is considered as synonymous with domicile.[40] Verily, a candidate who seeks to be elected as a public official of a certain locality must not only intend to reside in that locality, but must also have personal presence in such place coupled with conduct indicative of that intention.[41] To aid fact-finding tribunals in ruling on residence, case law instructs: (1) every person has a domicile somewhere; (2) once established, that domicile remains until that person acquires a new one; and (3) they can only have one domicile at any given time.[42]

Relatedly, jurisprudence further provides for the following guidelines in discerning whether a candidate has abandoned their domicile in favor of a new one: first, there must be an actual removal or change of domicile; second, the intention to abandon the old domicile and to establish a new one must be genuine; and third, this intention must be shown by corresponding definite acts.[43]

Thus, to elect a new domicile, a person must: (1) actually reside or be bodily present in the new domicile; (2) intend to remain in the new domicile; and (3) intend to abandon the old domicile.[44]

At this point, it is important to emphasize that the evidentiary standard in cases before COMELEC is substantial evidence. Here, the party seeking to prove a fact must present the kind of evidence that a reasonable person might accept to support a conclusion.[45] For the adverse party seeking to dispute the fact or present another fact, the standard is the same. Between two parties presenting evidence to support their respective claims, the tribunal is tasked with determining which party presented the more substantial evidence.

III

Applying the foregoing parameters to this case, the Court is convinced that the COMELEC En Banc gravely abused its discretion in cancelling petitioner's COC on the purported ground that she failed to establish her residence in Tarlac City.

Returning to the undisputed facts of this case, petitioner seeks to be elected as mayor of Tarlac City, which locality is not her domicile of origin. Petitioner admitted that her domicile of origin is that of her parents', which is Victoria, Tarlac.[46] She also admitted that by the passage of Republic Act No. 6842[47] in 1990, the Municipality of San Jose, Tarlac was created, where members of her family served as public officials. She then followed her family's new domicile of choice and resided with them in Barangay Mababanaba, San Jose, Tarlac. Upon reaching voting age, she registered in Barangay Mababanaba.[48]

Also undisputed is the fact that petitioner applied to transfer her voter registration records from Barangay

Mababanaba, San Jose to Barangay Tibag, Tarlac City in 2013, or 12 years before the 2025 NLE. This was granted by COMELEC.[49] Still undisputed, petitioner served as Governor of Tarlac province from 2016 to 2025, holding office at the Provincial Capitol in Tarlac City.[50]

What is disputed, then, is petitioner's current domicile. Private respondents argue that she did not validly abandon her domicile in San Jose in favor of Tarlac City. They consider the transfer of her registration in 2013 "suspicious." [51] She was allegedly never seen in Barangay Tibag and only attempted to validate her residency claim in 2024 by requesting from the barangay secretary of Tibag for a certificate of residency. What followed, as stated earlier, is an investigation conducted by Navarro as punong barangay, ending in his determination that petitioner is not a resident of the barangay and that her supposed dwelling is not suitable as such since it is a warehouse. Thus, in the submission to COMELEC, they argue that she is not qualified to run for mayor of Tarlac City.[52]

Thus, private respondents' evidentiary burden is to prove an invalid abandonment of domicile. They only need to prove by substantial evidence that any of the requisites for valid abandonment of domicile is missing. Here, private respondents opted to prove that petitioner was not actually residing in nor bodily present in Tarlac City.

Considering the undisputed facts, as well as petitioner's countervailing evidence, the Court finds that private respondents failed to meet the evidentiary threshold.

Notably, the Court was presented a similar question in *Mitra v. COMELEC*, [53] particularly: how is lack of residency in a locality proven? There, the party opposing the candidacy submitted sworn statements from residents of the locality, saying that they have never seen Abraham Kahlil B. Mitra (Mitra), petitioner in that case, in the locality. His claimed dwelling place, which was then an unfinished feed mill, could not be considered a proper residence, especially not for a three-term congressional representative such as him.

The Court ruled that this evidence is not substantial. The sworn statements from residents were contradicted by sworn statements from other residents, presented by Mitra, attesting that he is a resident of the locality. The suitability of the dwelling place as a residence, based as it was on COMELEC's personal and subjective assessments of the furnishing and interior design of the place, was also rejected by the Court.[54]

The evidence in this case is similar, the one difference being that the statements here were given by current barangay officials. The punong barangay, barangay secretary, tanod, kagawad, and health workers stated that they were not aware that petitioner is a resident and that the structure they found in the address she provided in her COC is a mere warehouse. One health worker, Glaiza E. Garcia, stated that when she conducted her annual survey of barangay residents in 2021, 2022, and 2023, she did not see petitioner in the residence.[55] In *Mitra*, the punong barangay attested that Mitra is a resident of the barangay, which the Court accorded with significant weight, because it is the business of a punong barangay to know the residents in their own barangay.[56]

Contrast this with petitioner's evidence. Two former punong barangay, collectively serving from 1989-2023, whose business equally was to know who the barangay's residents are, testified to petitioner's bodily presence and residence as early as 2013.[57] Both of them saw her in the barangay, witnessed her voting in the barangay for the 2016, 2019, and 2022 elections, and worked with her as then-Governor in organizing development projects and initiatives in the barangay, one of them had even visited petitioner in the contested dwelling place that serves as her residence.[58] Additionally, former barangay employees and residents of the barangay recalled visiting petitioner in that residence, where they sought her assistance.[59] An incumbent kagawad, who also served in that position for several terms, appeared to disagree with the findings of his colleagues in the barangay by attesting that he had visited petitioner at her home and has personally witnessed her in the barangay and even assisted her with voting in 2022.[60]

In judging conflicting sworn statements regarding bodily presence for residency purposes, Mitra cautions against comparing the parties' evidence based on numbers alone. That one party presented more sworn statements than the other does not make the evidence substantial. Rather, "focus ... on what these differing statements say." [61] Navarro, as punong barangay, stated that to his knowledge, petitioner is not a resident of the barangay. [62] The barangay tanod and kagawad who were tasked to investigate petitioner's residence attested that they were not allowed to go inside the premises. [63] One barangay tanod, a certain Romel T. Galicia, attested that when he served a letter to petitioner at her residence, he was led inside and saw that the structure was a warehouse, where packs of rice were being repacked. It also had a "roll-up" door instead of a "normal" door. [64] One barangay health worker attested that she was told by a security guard in the premises, when she was doing the 2024 health survey, that no one is residing in the place. [65] Another health worker testified that she distributed food packs for petitioner at her residence in 2022 and saw that it was only a large warehouse and did not contain a habitable dwelling. [66]

However, the Court is of the considered view that these only prove that petitioner is not always present in her house, however, these fall short in proving that petitioner is a non-resident of Tarlac City. There is no requirement that petitioner be in that house for 24 hours each day, seven days a week to be considered a resident. [67] More to the point, that petitioner was absent during the rounds made by barangay health workers, can hardly be considered substantial proof that she is not a resident of the barangay considering there could be other reasons for her absence, such as her employment. [68]

Significantly, these statements are rebutted by petitioner's own evidence, in the form of positive, firsthand accounts of her residence and activities in the barangay, stretching as far back as 2013. These statements were also accompanied by other pieces of documentary evidence proving that not only did petitioner transfer her residence and voting registration in 2013, but that she also intended to stay in and be identified with Tarlac City as her residence. As stated earlier, she was registered as a Tarlac City resident for police clearance, transportation, and taxation purposes. [69]

Lamentably, rather than closely read the conflicting sworn statements coming from the parties, the COMELEC placed greater emphasis on the state of petitioner's dwelling. Instead of taking note of the undisputed facts regarding petitioner's transfer to Tarlac City, specifically, that she started her transfer 12 years before this controversy, it trained its eye on and relied fully on private respondents' evidence, which show, at best, petitioner's sporadic absence from the locality. Worse, it swept petitioner's own evidence aside, only explaining that she "failed to adduce sufficient evidence to prove actual residence." [70] For this reason, COMELEC exceeded the bounds of its jurisdiction and issued its ruling without substantial evidence.

Thus, the Court holds that petitioner was able to prove, through substantial evidence, that she validly abandoned San Jose, Tarlac, in favor of Tarlac City. First, her actual physical presence since she moved to Tarlac City in 2013 is witnessed and attested to by her neighbors. Second, her intention to remain in the new domicile is clearly shown not only by her continued presence in that domicile, but also by her registration as a resident for taxation, elections, and police clearance purposes. Finally, her intention to abandon San Jose, Tarlac is also proven by the foregoing evidence, coupled with the fact that the evidence on record from either party is bereft of any proof that petitioner actually resided in or maintained ties with San Jose Tarlac. [71]

IV

Another undisputed fact: petitioner served as Governor of Tarlac, holding office specifically in Tarlac City for three consecutive terms. She is hardly a stranger to the locality. Even if the period of her residency in Tarlac City is disputed here, her political exposure to and experience in the city shows that she is neither a stranger nor a newcomer who is "unacquainted with the conditions and needs of a community." [72] At the very least, her

election as the city mayor does not defeat the very purpose for the residency requirement.[73]

Relatedly, a final undisputed fact: petitioner was proclaimed mayor of Tarlac City. Case law recognizes that giving effect to the will of the electorate ensures the survival of our democracy, and that it is only when a winning candidate's ineligibility is so "patently antagonistic to constitutional and legal principles" that the will of the electorate must give way and the candidate must be prevented from taking office.[74] To do the opposite, i.e., to uphold the will of the electorate despite the ineligibility, "would ultimately create greater prejudice to the very democratic institutions and juristic traditions that our Constitution and laws so zealously protect and promote." [75]

Here, the Court respects and indeed upholds the will of the electorate, not despite a candidate's ineligibility, but because, from the evidence presented, there is no such ineligibility.

ACCORDINGLY, the Petition is GRANTED. The Resolution dated October 22, 2025 of the Commission on Elections En Bancin SPA No. 25-026 (DC) is ANNULLED and SET ASIDE.

Petitioner Susan Areno Yap-Sulit is declared ELIGIBLE to be elected Mayor of Tarlac City. Her proclamation as such is hereby UPHeld. The Status Quo Ante Order dated November 4, 2025, is hereby MADE PERMANENT.

SO ORDERED.

Gesmundo, C.J., Leonen, S.A.J., Caguioa, Inting, Zalameda, Rosario, Dimaampao, Marquez, Singh, and Villanueva, JJ., concur.

Hernando,[*] J., on official business.

Lazaro-Javier, J., with concurrence.

Gaerlan,**] J., on leave.

Lopez,[***] J., on leave but left a concurring vote.

[*] On official business.

[**] On leave.

[***] On leave but left a concurring vote.

[1] Rollo, pp. 3-41.

[2] Id. at 42-53. Signed by Chairperson George Erwin M. Garcia and Commissioners Aimee P. Ferolino, Rey E. Bulay (who maintained his earlier vote to dismiss the Petition for Disqualification), Nelson J. Celis, Maria Norina S. Tangaro-Casingal, and Noli R. Pipo. Commissioner Ernesto Ferdinand P. Maceda, Jr. was on leave.

[3] Id. at 186-202. Signed by Presiding Commissioner Rey E. Bulay, Commissioner Nelson J. Celis, and Commissioner Noli R. Pipo. Annex "E" of Petition.

[4] Id. at 54-83.

[5] Id. at 7, 186-187.

[6] Id. at 88-93, 95, 98-99.

[7] Id. at 186-188.

[8] Id. at 60-62.

[9] Id. at 94.

[10] Id. at 63-65.

[11] Id. at 96.

[12] Id. at 97.

[13] Id. at 65-66.

[14] Id. at 67- 70.

[15] Id. at 100-125.

[16] Id. at 117.

[17] Id. at 117-118.

[18] Id. at 118-119, 152-158.

[19] Id. at 130 -140.

[20] Id. at 202.

[21] Id. at 193-194.

[22] Sec. 78. Petition to deny due course to or cancel a certificate of candidacy. — A verified petition seeking to deny due course to or cancel a certificate of candidacy may be filed by the person exclusively on the ground that any material representation contained therein as required under Section 74 hereof is false. The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing, not later than fifteen days before the election.

[23] OMNIBUS ELECTION CODE (1985).

[24] Rollo, pp. 194-200.

[25] Id. at 200-201.

[26] Id. at 203-234.

[27] Id. at 203.

[28] Id. at 44-48.

[29] Id. at 48-52.

[30] Id. at 9-10.

[31] Not attached to the rollo.

[32] eCourt PH, Comment of COMELEC dated November 14, 2025, pp. 1-36; Comment of private respondents dated November 17, 2025, pp. 1-57.

[33] eCourt PH, Comment of COMELEC, pp. 7-32.

[34] eCourt PH, Comment of private respondents, pp. 5-52.

[35] *Beluso v. COMELEC*, 635 Phil. 436, 443 (2010) [Per J. Peralta, En Banc].

- [36] De Alban v. COMELEC, 921 Phil. 524, 544 (2022) [Per J. Lopez, M., En Banc].
- [37] Macalintal v. COMELEC, 943 Phil. 212, 260 (2023) [Per J. Kho, Jr., En Banc].
- [38] eCourt PH, Comment of COMELEC, pp. 9-20.
- [39] See Caballero v. COMELEC, 770 Phil. 94, 110-111 (2015) [Per J. Peralta, En Banc], citing Hayudini v. COMELEC, 733 Phil. 822, 840-841 (2014) [Per J. Peralta, En Banc].
- [40] Jalosjos v. COMELEC, 686 Phil. 563, 567 (2012) [Per J. Abad, En Banc].
- [41] Japzon v. COMELEC, 596 Phil. 354, 371 (2009) [Per J. Chico-Nazario, En Banc].
- [42] Pundaodaya v. COMELEC, 616 Phil. 167, 173 (2009) [Per J. Ynares-Santiago, En Banc].
- [43] Id.
- [44] Limbona v. COMELEC, 578 Phil. 364, 374 (2008) [Per J. Ynares-Santiago, En Banc].
- [45] Mitra v. COMELEC, 636 Phil. 753, 778 (2010) [Per J. Brion, En Banc].
- [46] Rollo, p. 101.
- [47] Republic Act No. 6842 (1990), An Act to Create the Municipality of Sun Jose in the Province of Tarlac.
- [48] Rollo, p. 102.
- [49] Id.
- [50] Id. at 110, 191.
- [51] Id. at 59-60.
- [52] Id. at 70.
- [53] 636 Phil. 753 (2010) [Per J. Brion, En Banc].
- [54] Id. at 782-783.
- [55] Rollo, p. 98.
- [56] Mitra v. COMELEC, 636 Phil. 753, 783 (2010) [Per J. Brion, En Banc].
- [57] Rollo, pp. 153-154.
- [58] Id.
- [59] Id. at 155-158.
- [60] Id. at 157.
- [61] Mitra v. COMELEC, 636 Phil. 753, 782 (2010) [Per J. Brion, En Banc].
- [62] Rollo, p. 90.
- [63] Id. at 92.
- [64] Id. at 95.
- [65] Id. at 98.

[66] Id. at 99.

[67] *Jalover v. Osmeña*, 743 Phil. 825, 840 (2014) [Per J. Brion, En Banc].

[68] See *Fernandez v. House of Representatives Electoral Tribunal*, 623 Phil. 628, 651 (2009) [Per J. Leonardo-De Castro, En Banc].

[69] Rollo, pp. 142-151.

[70] Id. at 50.

[71] See *Pundaodaya v. COMELEC*, 616 Phil. 167, 174-175 (2009) [Per J. Ynares-Santiago, En Banc], where the Court considered the alleged abandonment of domicile to be invalid because the candidate was certified by barangay authorities to be bona fide resident of the old domicile.

[72] *Torayno, Sr. v. COMELEC*, 392 Phil. 342, 352-353 (2000) [Per J. Panganiban, En Banc].

[73] See *Mitra v. COMELEC*, 636 Phil. 753, 764-765 (2010) [Per J. Brion, En Banc].

[74] *Frivaldo v. COMELEC*, 327 Phil. 521, 575 (1996) [Per J. Panganiban, En Banc], as cited in *Mitra v. COMELEC*, 636 Phil. 753, 793-794 [Per J. Brion, En Banc].

[75] *Frivaldo v. COMELEC*, 327 Phil. 521, 575 (1996) [Per J. Panganiban, En Banc], as cited in *Mitra v. COMELEC*, 636 Phil. 753, 793-794 [Per J. Brion, En Banc].

CONCURRENCE

LAZARO-JAVIER, J.:

To recall, petitioner Susan Areno Yap-Sulit (Yap-Sulit) ran for and was proclaimed Mayor of Tarlac City in the 2025 national and local elections. Private respondents Amado S. De Leon and Jay-ar Capulong Navarro, registered voters of Tarlac City, filed a Petition for Disqualification against Yap-Sulit, alleging that she failed to prove that she had been a resident of Tarlac City for at least one year before the elections.

The COMELEC En Banc concluded that Yap-Sulit has not established residence in Barangay Tibag, Tarlac City. It opined that Yap-Sulit failed to prove actual or bodily presence in Barangay Tibag and gave credence to the barangay officials' statements that the structure at the address of Yap-Sulit claimed to be her residence was merely a warehouse.[1]

The ponencia, on the other hand, annulled the COMELEC En Banc's decision and declared Yap-Sulit eligible to be elected Mayor of Tarlac City.

I concur.

If a candidate has received a popular mandate, overwhelmingly and clearly expressed, all possible doubts should be resolved in favor of the candidate's eligibility. To rule otherwise is to defeat the will of the people. Above and beyond all, the determination of the true will of the electorate should be paramount. It is their voice, not ours or anyone else, that must prevail. This, in essence, is the democracy we continue to hold sacred.[2]

As such, when the evidence on the alleged lack of residence qualification is weak or inconclusive and it clearly appears, as in the instant case, that the purpose of the law would not be thwarted by upholding the right to the office, the will of the electorate should be respected.[3]

As it is, the residency requirement is rooted in the recognition that officials of districts or localities should not

only be acquainted with the metes and bounds of their constituencies; more importantly, they should know its unique circumstances – its needs, difficulties, aspirations, potentials for growth and development, and all matters vital to the people's common welfare. Familiarity, or the opportunity to be familiar with these circumstances, can only come with residency in the constituency to be represented.[4]

Such purpose is duly addressed here. Having served Tarlac City as Governor for three consecutive terms, Yap-Sulit cannot be considered a stranger in the community. Undoubtedly, her repeated election by the people further evinces her continuous and effective representation of the constituency.

To successfully challenge a winning candidate's qualifications, it is the challenger's burden to clearly demonstrate that the ineligibility is so patently antagonistic to constitutional and legal principles that overriding such ineligibility and giving effect to the apparent will of the people would ultimately create greater prejudice to the very democratic institutions and juristic traditions that our Constitution and laws so zealously protect and promote.[5] Private respondents failed to discharge this burden of proof.

Indeed, the Court has repeatedly mandated that utmost efforts be exerted in resolving election cases in a manner that would give effect to the will of the electorate.[6] It is merely sound public policy to cause elective offices to be filled by those who are the choice of the majority.[7]

Thus, Yap-Sulit is entitled to every possible protection, defense, and refuge, in deference to the popular will. All doubts are in favor of Yap-Sulit's residence qualification in heeding with the majority's verdict.[8]

In fine, I join the ponente in ruling Yap-Sulit a resident of Barangay Tibag, Tarlac City and eligible for the position of Mayor of Tarlac City.

[1] Draft ponencia, p. 5.

[2] *Sinaca v. Mula*, 373 Phil. 896, 914 (1999) [Per C.J. Davide, Jr., En Banc].

[3] *Fernandez v. House Electoral Tribunal*, 623 Phil. 628, 653 (2009) [Per J. Leonardo-De Castro, En Banc] citing *Japzon v. Commission on Elections, et al.*, 596 Phil. 354, 375 (2009) [Per J. Chico-Nazario, En Banc].

[4] *Mitra v. Commission on Elections, et al.*, 636 Phil. 753, 764 (2010) [Per J. Brion, En Banc].

[5] *Fernandez v. House Electoral Tribunal*, 623 Phil. 628, 657-658 (2009) [Per J. Leonardo-De Castro, En Banc].

[6] *Sibuma v. Commission on Elections, et al.*, 934 Phil. 463, 488 (2023) [Per J. Inting, En Banc].

[7] *Frivaldo v. Commission on Elections, et al.*, 327 Phil. 521, 574 (1996) [Per J. Panganiban, En Banc].

[8] *Sibuma v. Commission on Elections, et al.*, 934 Phil. 463, 488 (2023) [Per J. Inting, En Banc].

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