

EUGENIO JURILLA, MARCIANO MEDALLA, BERNARDO NAZAL, REY MEDINA, MELENCIO CASTELO AND GODOFREDO LIBAN, PETITIONERS, VS. COMMISSION ON ELECTIONS AND ANTONIO V. HERNANDEZ, RESPONDENTS.

G.R. No. 105436. June 02, 1994

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

EUGENIO JURILLA, MARCIANO MEDALLA, BERNARDO NAZAL, REY MEDINA, MELENCIO CASTELO, GODOFREDO LIBAN and ANTONIO V. HERNANDEZ were among the candidates in the 11 May 1992 synchronized elections for the six (6) positions of councilor for the Second District of Quezon City.

On 23 March 1992, respondent Antonio V. Hernandez filed with the Commission on Elections his certificate of candidacy for one of the contested seats. In Item No. 6 of his certificate he gave as his address "B 26, L 1 New Capitol Estates, Quezon City." However, he did not indicate on the space provided in Item No. 12 therein his Precinct Number and the particular Barangay where he was a registered voter.[1] His biodata submitted together with his certificate of candidacy gave his address as "Acacia Street, Mariana, Quezon City,"[2] which is part of the Fourth District of Quezon City.[3] In other words, his certificate of candidacy and his biodata filed with COMELEC did not expressly state that he was a registered voter of Quezon City or that he was a resident of the Second District thereof within the purview of Sec. 39, par. (a), of the Local Government Code of 1991, which provides:

Sec. 39. Qualifications - (a) An elective local official must be a citizen of the Philippines; a registered voter in the barangay, municipality, city, or province or, in the case of a member of the sangguniang panlalawigan, sangguniang panglunsod, or sangguniang bayan, the district where he intends to be elected; a resident therein for at least one (1) year immediately preceding the day of the election; and able to read and write Filipino or any other local language or dialect.

In view of the seeming deficiency in the certificate of candidacy of private respondent, petitioners herein challenged his qualification before public respondent COMELEC explaining however that since they became aware of the grounds for private respondent's qualification only after the elections, they chose to file their petition under Rule 25 of the COMELEC Rules of Procedure authorizing the filing of such petition at any day after the last day for filing certificates of candidacy but not later than the date of proclamation.[4]

On 2 June 1992, COMELEC promulgated its questioned resolution denying the petition for disqualification for being filed outside the reglementary period under Sec. 5 of RA 6646, which pertains to nuisance candidates.[5] Hence the instant petition for certiorari imputing grave abuse of discretion amounting to lack of jurisdiction on the part of COMELEC in issuing the assailed resolution of 2 June 1992.

It may be gleaned from the provisions of Sec. 39, par. (a), of the Local Government Code of 1991, earlier quoted, that the law does not specifically require that the candidate must state in his certificate of candidacy his Precinct

Number and the Barangay where he is registered. Apparently, it is enough that he is actually registered as a voter in the precinct where he intends to vote, which should be within the district where he is running for office.

In the case at bench, his failure to so state in his certificate of candidacy his Precinct Number is satisfactorily explained by him in that at the time he filed his certificate he was not yet assigned a particular Precinct Number in the Second District of Quezon City. He was formerly a registered voter of Manila, although for the past two (2) years prior to the elections he was already a resident of "B 26, L 1 New Capitol Estates," admittedly within the Second District of Quezon City.

In his Petition for Inclusion in the Registry of Registered Voters of Second District, Quezon City, private respondent explained that -

x x x since 1990, he is a resident of Block 26, Lot 1, New Capitol Estates (formerly Capitol Bliss), Barangay Batasan Hills, Quezon City; that he failed to register as a voter during the general registration held at Quezon City on March 14 and 15, 1992 because he was sick of Acute Gastroenteritis as evidenced by the Medical Certificate duly issued by Dr. Angelito S. Regala, M.D., of the Family Clinic, Inc.; that he was a previous registered voter of Manila x x x that he would like to transfer and to register as voter in Quezon City, particularly at Precinct 233-B, New Capitol Estates, Quezon City because he is now a resident of Quezon City.[6]

Confirming the explanation of private respondent, Barangay Captain Manuel Laxina testified that he was the Barangay Captain of New Capitol Estates (formerly Capitol Bliss), Barangay Batasan, Quezon City, since 8 October 1986; that petitioner (private respondent herein) was a resident of New Capitol Estates for two (2) years as of the time he testified.

After due notice and hearing, and without any written opposition, the petition was granted by the Metropolitan Trial Court of Quezon City the dispositive portion of the order stating that -

WHEREFORE x x x and it appearing that petitioner Antonio Viana Hernandez also known as Anthony Alonzo possesses all the qualifications and none of the disqualifications of a voter plus the fact that there was no opposition at all, the court resolves to grant his petition. Accordingly, the Chairman of the Board of Election Inspectors of Precinct No. 233-B, New Capitol Estates (formerly Capitol Bliss), Quezon City, is hereby ordered to include in the official list of voters the name of Antonio Viana Hernandez also known as Anthony Alonzo and to allow him to cast his vote in the coming May 1992 election. Let copy of the Order be furnished the Chairman of the Board of Election Inspectors of Precinct 233-B, New Capitol Estates formerly Capitol Bliss, Quezon City, Election Registrar, Commission on Elections, Quezon City, Chairman of the Commission on Elections, Intramuros, Manila, for their information and guidance.[7]

Consequently, as a registered voter of Precinct Number 233-B, New Capitol Estates, Quezon City, as judicially confirmed, the COMELEC had no other recourse but to declare that he was eligible, hence qualified, to run for the position in question.

COMELEC referred to the action taken by petitioners herein as one to declare private respondent a "nuisance candidate" and intimating that they should have instead petitioned COMELEC to refuse to give due course to or cancel the certificate of candidacy of private respondent, citing Sec. 69 of BP Blg. 881, which provides:

Sec. 69. Nuisance candidates. - The Commission may, motu proprio or upon a verified petition of an interested party, refuse to give due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

Certainly, the holding of COMELEC that private respondent Hernandez was a "nuisance candidate" is erroneous because, tested against the provisions of Sec. 69, there is no way by which we can categorize him as a "nuisance candidate," hence, the procedure therein provided could not have been properly invoked by petitioners herein. Neither could they apply Rule 25 of the COMELEC Rules of Procedure which would require such petition to be filed at any day after the last day for filing certificates of candidacy but not later than the date of proclamation.

While COMELEC therefore proceeded on the erroneous premise that private respondent Hernandez should be treated as a "nuisance candidate" as already shown, nevertheless its conclusion to dismiss the petition and give due course to the candidacy of private respondent he being a qualified voter of Precinct No. 233-B, New Capitol Estates, Barangay Batasan Hills, must be sustained.

WHEREFORE, there being no grave abuse of discretion committed by respondent Commission on Elections in issuing its questioned resolution of 2 June 1992, the instant petition is dismissed.

SO ORDERED.

Feliciano, Padilla, Bidin, Davide, Jr., Romero, Melo, Quiason, and Vitug, JJ., concur.
Narvasa, C.J., Cruz, Regalado, Puno, and Kapunan, JJ., on leave.

[1] Rollo, p. 11; see particularly Item No. 12 thereof.

[2] Id., p. 13.

[3] Ordinance Apportioning the Seats of the House of Representatives of the Congress of the Philippines to the Different Legislative Districts in Provinces and Cities and the Metropolitan Manila Area, appended to the 1987 Constitution.

[4] On 6 June 1992, private respondent was proclaimed as one of the elected councilors of the Second District of Quezon City.

[5] Rollo, p. 15.

[6] Order of the Metropolitan Trial Court of Quezon City, Br. 33, Annex "C," Petition; Rollo, p. 70.

[7] See Note 10; Rollo, p. 71.

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