

FRANCIS KING L. MARQUEZ, PETITIONER, VS. HON. COMMISSION ON ELECTIONS, HON. NOLI C. DIAZ, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 80, MUNTINLUPA CITY, AND LIBERTY SANT...*G.R. No. 127318. August 25, 1999*

Ponente: PURISIMA, J.

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Before the Court is a Petition for Certiorari and Prohibition filed by Francis King L. Marquez, assailing the 19 November 1996 Resolution[1] of the COMELEC En Banc[2] in SPR No. 15-96, entitled "Francis King L. Marquez vs. Noli C. Diaz, Presiding Judge of the Metropolitan Trial Court, Branch 80, Muntinlupa City, and Liberty Santos", which Resolution upheld the jurisdiction of respondent Metropolitan Trial Court (MeTC) to hear and decide the case of disqualification by reason of age against the herein petitioner.

The COMELEC Resolution sets forth the relevant facts as follows:

"During the May 6, 1996 SK elections, Francis King L. Marquez and Liberty Santos ran as candidates for the position of SK Chairman of Barangay Putatan, Muntinlupa City. Marquez garnered the highest number of votes and was proclaimed SK Chairman on election day, May 6, 1996.

On May 16, 1996, private respondent filed an election protest before the Metropolitan Trial Court, Br. 80, Muntinlupa City, which protest was docketed as Civil Case No. SP 3255. Private respondent (then protestant) impugned the election of petitioner (then protestee) on the ground that the latter is disqualified by age to the office of SK Chairman.

In its order of May 24, 1996, the trial court found the protest sufficient in form and substance. It issued a Temporary Restraining Order commanding petitioner to refrain from taking his oath of office as SK Chairman of Barangay Putatan, Muntinlupa City. However, on May 27, 1996, petitioner filed a Motion to Dismiss the election protest with prayer for the cancellation of hearing. He stated that the averments in the election protest are limited only on the issue of whether or not Marquez is eligible or qualified to assume the office of SK Chairman such that private respondent's right of action is a quo warranto proceeding although captioned as election protest. He sought the dismissal of the election protest on the ground that the trial court has no jurisdiction over the subject of the action and that protestant failed to comply with SC Administrative Circular No. 04-94.

As to his first assignment of error, he contended that the May 6, 1996 SK elections are primarily governed by COMELEC Resolution No. 2824 to the effect that the trial court's jurisdiction is confined only to frauds, irregularities and anomalies in the conduct of the SK elections and that the determination of eligibility or qualification of a candidate for SK elections is vested with the election officer concerned under Section 6 of COMELEC Resolution No. 2824. And as to the second assignment of error, petitioner alleged that private respondent did not mention that she had previously filed a petition involving the same issue and parties with the Election Officer of Muntinlupa whose office according to petitioner, is considered a quasi-judicial agency of the government.

In his (sic) opposition, private respondent argued that the term "election protest" should not be taken in such restrictive sense as to limit its definition to only such acts pertaining to the manner or conduct of the election and the attending circumstances surrounding the casting and counting of ballots. Such term, according to her, should be given the widest possible scope as to include all such questions arising from or relative to the election held. On the question of non-compliance with the Supreme Court Administrative Circular No. 04-94, she stated that the failure of the election officer of Muntinlupa to resolve the question of qualification of Marquez prompted her to file an election protest such that upon the filing of the same, there is no pending action over the same issue lodged with any tribunal or agency to speak of.

On June 4, 1996, respondent judge issued an order dismissing the Motion to Dismiss and set the hearing of the case accordingly. The trial court interpreted the provision of Sec. 6 of Comelec Resolution No. 2824 as referring to those cases filed before the SK elections and do not cover those cases filed after the election of candidates. It ruled that quo warranto proceedings fall under its jurisdiction within the purview of Sec. 253, par. 2 of the Omnibus Election Code, and that the failure of the Election Officer of Muntinlupa to act on the complaint warranted the filing by the protestant (Liberty Santos) of a petition for quo warranto with the Metropolitan Trial Court of Muntinlupa under the principle of exhaustion of administrative remedies."^[3]

Dissatisfied with the aforesaid Resolution, petitioner filed the present Petition for Certiorari and Prohibition alleging that:

THE PUBLIC RESPONDENT COMELEC GRAVELY ERRED IN HOLDING THAT THE METROPOLITAN TRIAL COURT, BRANCH 80, MUNTINLUPA CITY, PRESIDED BY PUBLIC RESPONDENT JUDGE, HAS JURISDICTION TO HEAR AND DECIDE A DISQUALIFICATION CASE, BY REASON OF AGE IN RELATION TO THE MAY 6, 1996 SANGGUNIANG KABATAAN (SK) ELECTIONS.

Petitioner contends that Section 6 of COMELEC Resolution No. 2824 is controlling.

Section 6 of COMELEC Resolution No. 2824^[4] provides:

"Qualifications of Elective Members - An elective official of the SK must be:

- (a) a registered voter;
- (b) a resident in the barangay for at least one (1) year immediately prior to the elections; and
- (c) able to read and write Filipino, any Philippine language or dialect or English.

Cases involving the eligibility or qualification of candidates shall be decided by the city/municipal Election Officer (EO), whose decision shall be final."

On the other hand, Section 253 of the Omnibus Election Code reads:

"Petition for Quo Warranto - Any voter contesting the election of any municipal or barangay officer on the ground of ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition for quo warranto with the Regional Trial Court or Metropolitan or Municipal Trial Court, respectively, within ten days after the proclamation of the results of the election."

We hold that Section 253 of the Omnibus Election Code applies. R. A. 7808, which took effect on September 2, 1994 provides that "the Omnibus Election Code shall govern the elections of the Sangguniang Kabataan." This means that the election of Sangguniang Kabataan shall be governed by the following provisions of the OEC:

Sec. 252. Election contest for barangay offices. - A sworn petition contesting the election of a barangay officer shall be filed with the proper municipal or metropolitan trial court by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within ten days after the proclamation of the

results of the election. The trial court shall decide the election protest within fifteen days after the filing thereof. The decision of the municipal or metropolitan trial court may be appealed within ten days from receipt of a copy thereof by the aggrieved party to the regional trial court which shall decide the case within thirty days from its submission, and whose decisions shall be final.

Sec. 253. Petition for quo warranto. - Any voter contesting the election of any Member of the Batasang Pambansa, regional, provincial, or city officer on the ground of ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition for quo warranto with the Commission within ten days after the proclamation of the results of the election.

It was pursuant to this provision of R.A. 7808 in relation to Arts. 252-253 of the OEC that in its Resolution No. 2824, promulgated on February 6, 1996, the COMELEC provided in Section 49 as follows:

"Finality of Proclamation - The proclamation of the winning candidates shall be final. However, the Metropolitan Trial Courts/Municipal Trial Courts/Municipal Circuit Trial Courts (MeTC/MTC/MCTC) shall have original jurisdiction over all election protest cases, whose decision shall be final. The Commission en banc in meritorious cases may entertain a petition for review of the decision of the MeTC/MTC/MCTC in accordance with the Comelec Rules of Procedure. An appeal bond of P2,000.00 shall be required, which shall be refundable if the appeal is found meritorious." [underscoring supplied].

Thus, any contest relating to the election of members of the Sangguniang Kabataan (including the chairman) - whether pertaining to their eligibility or the manner of their election - is cognizable by MTCs, MCTCs, and MeTCs. Section 6 of COMELEC Resolution No. 2824, which provides that:

"cases involving the eligibility or qualification of candidates [of SK] shall be decided by the city/municipal Election officer (EO) whose decision shall be final."

applies only to proceedings before the election. This is evident from the use of the word "candidates" in Section 6 and the phrase "winning candidates" in Section 49. The distinction is based on the principle that it is the proclamation which marks off the jurisdiction of the courts from the jurisdiction of election officials. Before proclamation, cases concerning eligibility of SK officers and members are cognizable by the Election Officer or EO as he is called in Section 6. But after the election and proclamation, the same cases become quo warranto cases cognizable by MTCs, MCTCs, and MeTCs.

The case of Jose M. Mercado vs. Board of Election Supervisors,[5] in which this Court ruled that election protests involving SK elections are to be determined by the Board of Election Supervisors was decided under the aegis of COMELEC Resolution No. 2499, which took effect on August 27, 1992, Article V, Section 24 of which provides:

"The said board [of election supervisors] shall have direct general supervision in the conduct of elections of sangguniang kabataan in the barangay and shall act as final arbiter in the resolution of all election protests."

However, COMELEC Resolution No. 2824, which took effect on February 6, 1996 and was passed pursuant to R.A. 7808, in relation to Arts. 252-253 of the OEC, has since transferred the cognizance of such cases from the BES to the MTCs, MCTCs and MeTCs. So that Section 49 of COMELEC Resolution No. 2824, now provides that:

"the Metropolitan Trial Courts/Municipal Trial Courts/Municipal Circuit Trial Courts (MeTC/MTC/MCTC) shall have original jurisdiction over all election protest cases, whose decision shall be final..."

Thus, the doctrine of Mercado is no longer controlling.

It is also argued that Section 49 of COMELEC Resolution applies only to election protests, and does not include quo warranto suits. As already stated, quo warranto suits are now cognizable by the MTCs, MCTCs, and MeTCs

pursuant to Art. 253 of the OEC and RA 7808. Section 49 of Resolution 2824 must be understood to cover both election protests and quo warranto cases, otherwise, to limit it only to election protests would leave parties in an SK election to file their quo warranto cases in the Regional Trial Court because of the absence of a specific provision.

First, quo warranto proceedings involving elective barangay officials,[6] such as the Barangay Chairman and seven [7] members, are cognizable by the MTC, MCTC or MeTC. To contend that quo warranto proceedings involving an SK Chairman should be brought in the Regional Trial Court would, in effect, make the SK Chairman, who is just an ex-officio member of the Sangguniang Barangay, more important than the Chairman and elective members of the same Sangguniang Barangay.

Second, if election protests involving SK officers are cognizable by the MTCs, there is no reason why quo warranto proceedings involving the same officers should not be cognizable by the same courts. If the objection to the election of an SK Chairman involves a question both as to his eligibility for the office and of fraud in his election, two petitions would have to be filed in different fora - one in the RTC (for the quo warranto suit) and another one in the MTC (for the election protest). The same objection to the splitting of jurisdiction which has led to a reform in our law of procedure can thus be made to this interpretation.

Mindful of the jurisprudence aforecited, and after a careful study and examination of the records on hand, we are therefore led to the conclusion that the Commission on Elections correctly upheld the jurisdiction of the Metropolitan Trial Court of Muntinlupa City over private respondent's petition for quo warranto in Civil Case No. SP 3255. The following disquisition of respondent Commission on Elections is noteworthy:

"We are in accord with the trial court's interpretation that cases involving the eligibility or qualification of candidates refer to those cases filed before the SK elections and do not cover those that are filed after the election of SK candidates. The disqualification case having been filed after the election and proclamation of the winning candidate, the governing law therefore is second paragraph of Sec. 253 of the Omnibus Election Code which confers upon the respondent court the jurisdiction to take cognizance of the disqualification case filed against Marquez. Corollarily, while Sec. 49 of Comelec Resolution No. 2824 speaks of finality of the proclamation of the winning SK candidates, it does not prevent the herein respondent court from exercising original jurisdiction in the event an election protest is filed which in our opinion includes matters which could be raised in a quo warranto proceedings against a proclaimed SK candidate.

Emphatically, the contention of herein petitioner that public respondent acted with grave abuse of discretion when he assumed jurisdiction over the disqualification proceedings has no legal and factual basis considering that the election protest which, admittedly, is in the nature of a disqualification proceeding sought to be dismissed, was filed after the SK election, within the reglementary period of ten (10) days after proclamation of the results of the election, and duly filed by virtue of the inaction of the election officer of Muntinlupa.

On the assertion that Sec. 253 of the Omnibus Election Code is not applicable on the ground that the same applies only to barangay elective officials, we hold that such contention is off-tangent considering that an SK Chairman is considered a barangay official under Sec. 387 (a) of the Omnibus Election Code (sic) which provides:

"Sec. 387. Chief Officials and Offices. - (a) There shall be in each barangay a punong barangay, seven (7) sangguniang barangay members, the sangguniang kabataan chairman, a barangay secretary, and a barangay treasurer."

WHEREFORE, the Petition is hereby DISMISSED and the assailed Resolution of the COMELEC in SPR No. 15-96 is AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

Pardo, J., no part, being a former Comelec Chairman.

[1] Annex "A," Petition; Rollo, pp. 231-37.

[2] Composed of Commissioners Bernardo P. Pardo (Chairman), Regalado E. Maambong, Remedios S. Salazar-Fernando, Manolo B. Gorospe, Julio F. Desamito, Teresita D. L. Flores, and Japal M. Guiani, (Members).

[3] COMELEC's Resolution, pp. 1-3; Annex "A", Petition, Rollo, pp. 231-33.

[4] Officially entitled as "In Re: Rules and Regulations Governing the May 06, 1996 Elections of the Officials of the Sangguniang Kabataan (SK), Per R.A. 7808;" Published in Manila Standard on February 28, 1996.

[5] 243 SCRA 423 [G.R. No. 109713, April 6, 1995]; Penned by J. Hilario G. Davide, Jr.

[6] Section 387, RA 7160; otherwise known as "Local Government Code of 1991."

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