

JOVENCIO A. REYES, PETITIONER, VS. COMMISSION ON ELECTIONS AND GODOFREDO S. REYES, RESPONDENTS.

G.R. No. 13069. May 28, 1958

Ponente: LABRADOR, J.

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LABRADOR, J.:

Jovencio A. Reyes, petitioner, is a registered candidate in the 1957 general elections, for the position of Congressman, Second District of Ilocos Sur, his certificate of candidacy having been filed on August 20, 1957. Upon the filing of said certificate of candidacy, the Commission informed him that it would be given due course. But on September 22, 1957, Godofredo S. Reyes, another candidate for the position of Congressman of said district, filed a petition with the Commission praying that the certificate of candidacy of petitioner herein be declared cancelled for the reason that it was presented in bad faith. Thereupon the Commission on Elections, in accordance with the established practice in such cases, ordered an investigation, after which it decided that petitioner's certificate of candidacy was filed in bad faith, in view of the following findings that it made after the investigation:

"Respondent Jovencio A. Reyes has not been campaigning for his candidacy; that he has no posters and streamers announcing his candidacy except one 6" x 10" poster, on an acacia tree along the road leading to the Poblacion of Santiago, Ilocos Sur, hometown of the respondent; that there is absolutely no political activity of Atty. Jovencio A. Reyes in any of the towns and municipal districts comprising the second congressional district of Ilocos Sur, except in the form of letters mailed from Manila, applying for permits to hold political meetings in the towns of Santa, Narvaean, Candon, and Sta. Lucia that from the date of the filing of his certificate of candidacy up to October 27, 1957, he has not held even one political meeting or rally in any of the twenty-three towns and municipal districts of the second congressional district of Ilocos Sur, not even in his hometown, Santiago, Ilocos Sur, or that his wife's town, Sta. Maria, Ilocos Sur; that he has not been conducting house to house campaign; that many people interviewed declared that they have not seen Atty. Jovencio A. Reyes for quite a long time, for he is actually residing in Quezon City." (Exhibit "2," for Respondent Commission.)

When the petition was presented we granted a preliminary injunction, requiring respondent Commission to give due course to the certificate of candidacy.

The case was called for hearing on November 9 at which all the parties appeared. Petitioner appeared in person, and as a lawyer argued his case, and the Court had opportunity to see his person and inquire into his qualifications. We are satisfied that he is fully qualified for the position.

Petitioner claims that the action of the Commission in refusing to give due course to his candidacy is both in excess of the Commission's jurisdiction and an abuse of discretion on its part. We find that the respondent Commission's refusal is not due to any disqualification or lack of competence, or absence of the requisite qualifications of petitioner, but because the commission believes that petitioner has not shown interest in campaigning for his candidacy, not having held meetings or having distributed sufficient posters within the

district to appraise the electorate of his candidacy. We do not agree with the Commission in its conclusion that petitioner's candidacy has been inspired by bad faith. Good faith is always to be presumed. A candidate, may believe that mere announcement of his candidacy, by the filing of his certificate, is sufficient. Failure to hold campaign meetings or to distribute posters may be caused by a desire not to stoop to the usual forms of winning votes, and this may have been impelled by the highest principles of ethics and the desire to give the electorate freedom of choice without resort to the common system of campaigning. A candidate may feel it below his dignity to engage in the common forms of campaigning; this feeling is not inconsistent with good faith. It is, therefore, an abuse of discretion on the part of the Commission on Elections to conclude that because petitioner has refused to follow the common and ordinary form of campaigning his candidacy has been attended by bad faith.

Furthermore, the Commission has gone beyond its powers and arrogated unto itself the dangerous prerogative of determining whether to give course to a candidacy or not, on its own belief or impressions, even when a candidate has all the qualifications and none of the disqualifications prescribed by law. This Court has made itself clear that such an arrogation of powers is beyond the jurisdiction of the Commission, when through Mr. Justice Concepcion, we said:

"Sections 36 and 37 of the Revised Election Code give the Commission no discretion to give or not to give due course to petitioner's certificate of candidacy. On the contrary, the Commission has, admittedly, the ministerial duty to receive said certificate of candidacy. Of what use would it be to receive it, if the certificate were not to be given due course? Moreover, the Constitution fixes the qualification for the office of the President. All possessors of such qualifications are, therefore, deemed legally fit, at least, to aspire to such office and to run therefor provided that they comply with the requirements of the law. Lastly, the power of decision of the Commission is limited to purely 'administrative questions.' (Art. X, section 2, Constitution of the Philippines.) It has no authority to decide matters 'involving the right to vote'. It may not even pass upon the legality of a given vote (Nationalista Party vs. Commission on Elections, 47 Off. Gaz., 2851). How could it, therefore, assert the greater and more far-reaching authority to determine who-among those possessing the qualifications prescribed by the Constitution, who have complied with the procedural requirements relative to the filing of certificates of candidacy-should be allowed to enjoy the full benefits intended by law therefor?" (Abcede vs. Hon. Domingo Imperial, et al., Supra, p. 136.)

As in the above case, this case should be distinguished from the case of Ciriaco S. Garcia vs. Imperial, G.R. No. L-12930, October 22, 1957, wherein we sustained the power of the Commission to refuse to give course to petitioner's certificate of candidacy because it would tend to prevent a faithful determination of the true will of the electorate because of the confusion between the name of the petitioner and the candidate of the Nacionalista Party. In the case at bar, no such confusion would arise because of the great difference between the name of the petitioner herein and that of the other respondent.

Wherefore, the petition is hereby granted, and the preliminary injunction made absolute. With costs against respondent Godofredo S. Reyes.

Paras, C.J., Bengzon, Bautista Angelo, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ., concur.

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