

PETRONILA S. RULLODA, PETITIONER, VS. COMMISSION ON ELECTIONS (COMELEC), ELECTION OFFICER LUDIVICO L. ASUNCION OF SAN JACINTO, PANGASINAN; BARANGAY BOARD OF CANVASSERS OF BRGY. ...

G.R. No. 154198. January 20, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In the barangay elections of July 15, 2002, Romeo N. Rulloda and Remegio L. Placido were the contending candidates for Barangay Chairman of Sto. Tomas, San Jacinto, Pangasinan. On June 22, 2002, Romeo suffered a heart attack and passed away at the Mandaluyong City Medical Center.[1]

His widow, petitioner Petronila “Betty” Rulloda, wrote a letter to the Commission on Elections on June 25, 2002 seeking permission to run as candidate for Barangay Chairman of Sto. Tomas in lieu of her late husband.[2] Petitioner’s request was supported by the Appeal-Petition containing several signatures of people purporting to be members of the electorate of Barangay Sto. Tomas.[3]

On July 14, 2002, Election Officer Ludivico L. Asuncion issued a directive to the Chairman and Members of the Barangay Board of Canvassers of Sto. Tomas as follows:

Just in case the names “BETTY” or “PETRONILA” or the surname “RULLODA” is written on the ballot, read the same as it is written but add the words “NOT COUNTED” like “BETTY NOT COUNTED” or “RULLODA NOT COUNTED.”[4]

Based on the tally of petitioner’s watchers who were allowed to witness the canvass of votes during the July 15, 2002 elections, petitioner garnered 516 votes while respondent Remegio Placido received 290 votes.[5] Despite this, the Board of Canvassers proclaimed Placido as the Barangay Chairman of Sto. Tomas.[6]

After the elections, petitioner learned that the COMELEC, acting on the separate requests of Andres Perez Manalaysay and Petronila Rulloda to be substituted as candidates for Barangay Chairman of Barangay La Fuente, Sta. Rosa, Nueva Ecija and Barangay Sto. Tomas, San Jacinto, Pangasinan, respectively, issued Resolution No. 5217 dated July 13, 2002 which states:

PREMISES CONSIDERED, the Commission RESOLVED, as it hereby RESOLVES, to ADOPT the recommendation of the Law Department as follows:

- To deny due course the Certificates of Candidacy of ANDRES PEREZ MANALAYSAY and PETRONILA S. RULLODA; and
- To direct the Election Officer of Sta. Rosa, Nueva Ecija and San Jacinto, Pangasinan to delete the name of ANDRES PEREZ MANALAYSAY, candidate for Barangay Chairman in Barangay La Fuente, Sta. Rosa, Nueva Ecija; and the name of PETRONILA S. RULLODA, candidate for Barangay Captain in Barangay Sto. Tomas, San Jacinto, Pangasinan.

Let the Law Department implement this resolution.

SO ORDERED.[7]

The above-quoted Resolution cited as authority the COMELEC's Resolution No. 4801 dated May 23, 2002, setting forth the guidelines on the filing of certificates of candidacy in connection with the July 15, 2002 synchronized Barangay and Sangguniang Kabataan elections, more particularly Section 9 thereof which reads:

Sec. 9. Substitution of candidates. – There shall be no substitution of candidates for barangay and sangguniang kabataan officials.[8]

Hence, petitioner filed the instant petition for certiorari, seeking to annul Section 9 of Resolution No. 4801 and Resolution No. 5217, both of the COMELEC, insofar as they prohibited petitioner from running as substitute candidate in lieu of her deceased husband; to nullify the proclamation of respondent; and to proclaim her as the duly elected Barangay Chairman of Sto. Tomas, San Jacinto, Pangasinan.

Private respondent Remegio Placido filed his Comment, arguing that since the barangay election is non-partisan, substitution of candidates is not allowed. Moreover, petitioner did not file any certificate of candidacy; hence, there was only one candidate for Barangay Chairman of Sto. Tomas, namely, respondent Placido.[9]

Public respondent COMELEC also filed its Comment. It contends that its Resolution No. 4801 was issued not pursuant to its quasi-judicial functions but as an incident of its inherent administrative functions over the conduct of the barangay elections. Therefore, the same may not be the subject of review in a petition for certiorari. Further, the COMELEC alleges that it did not commit grave abuse of discretion in denying due course to petitioner's certificate of candidacy and in proclaiming respondent considering that he was the only candidate for Barangay Chairman of Sto. Tomas.[10]

We find merit in the petition.

At the outset, there is no dispute that petitioner garnered 516 votes while respondent got only 290 votes. Respondents did not deny this in their respective Comments.

In our jurisdiction, an election means the choice or selection of candidates to public office by popular vote through the use of the ballot, and the elected officials which are determined through the will of the electorate. An election is the embodiment of the popular will, the expression of the sovereign power of the people. The winner is the candidate who has obtained a majority or plurality of valid votes cast in the election. Sound policy dictates that public elective offices are filled by those who receive the highest number of votes cast in the election for that office. For, in all republican forms of government the basic idea is that no one can be declared elected and no measure can be declared carried unless he or it receives a majority or plurality of the legal votes cast in the election.[11]

Respondents base their argument that the substitution of candidates is not allowed in barangay elections on Section 77 of the Omnibus Elections Code, which states:

Section 77. Candidates in case of death, disqualification or withdrawal of another. – If after the last day of the filing of certificates of candidacy, an official candidate of a registered or accredited political party dies, withdraws or is disqualified for any cause, only a person belonging to, and certified by the same political party may file a certificate of candidacy to replace the candidate who died, withdrew or was disqualified. The substitute candidate nominated by the political party concerned may file his certificate of candidacy for the office affected in accordance with the preceding sections not later than mid-day of the election. If the death, withdrawal or disqualification should occur between the day before the election and mid-day of election day, said certificate may be filed with any board of election inspectors in the political subdivision where he is a

candidate or, in the case of candidates to be voted by the entire electorate of the country, with the Commission.

Private respondent argues that inasmuch as the barangay election is non-partisan, there can be no substitution because there is no political party from which to designate the substitute. Such an interpretation, aside from being non sequitur, ignores the purpose of election laws which is to give effect to, rather than frustrate, the will of the voters.[12] It is a solemn duty to uphold the clear and unmistakable mandate of the people. It is well-settled that in case of doubt, political laws must be so construed as to give life and spirit to the popular mandate freely expressed through the ballot.[13]

Contrary to respondent's claim, the absence of a specific provision governing substitution of candidates in barangay elections can not be inferred as a prohibition against said substitution. Such a restrictive construction cannot be read into the law where the same is not written. Indeed, there is more reason to allow the substitution of candidates where no political parties are involved than when political considerations or party affiliations reign, a fact that must have been subsumed by law.

Private respondent likewise contends that the votes in petitioner's favor can not be counted because she did not file any certificate of candidacy. In other words, he was the only candidate for Barangay Chairman. His claim is refuted by the Memorandum of the COMELEC Law Department as well as the assailed Resolution No. 5217, wherein it indubitably appears that petitioner's letter-request to be allowed to run as Barangay Chairman of Sto. Tomas in lieu of her late husband was treated as a certificate of candidacy.[14]

To reiterate, it was petitioner who obtained the plurality of votes in the contested election. Technicalities and procedural niceties in election cases should not be made to stand in the way of the true will of the electorate. Laws governing election contests must be liberally construed to the end that the will of the people in the choice of public officials may not be defeated by mere technical objections.[15]

Election contests involve public interest, and technicalities and procedural barriers must yield if they constitute an obstacle to the determination of the true will of the electorate in the choice of their elective officials. The Court frowns upon any interpretation of the law that would hinder in any way not only the free and intelligent casting of the votes in an election but also the correct ascertainment of the results.[16]

WHEREFORE, in view of the foregoing, the instant petition is GRANTED. The assailed Resolution No. 5217 of the Commission on Elections, insofar as it denied due course to petitioner's certificate of candidacy, is declared NULL and VOID. The proclamation of respondent Remegio L. Placido as Barangay Chairman of Sto. Tomas, San Jacinto, Pangasinan is SET ASIDE, and the Board of Canvassers of the said Barangay is ORDERED to proclaim petitioner as the duly elected Barangay Chairman thereof.

SO ORDERED.

Bellosillo, Puno, Vitug, Mendoza, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

Davide, Jr., and Quisumbing, JJ., in the result, pro hac vice only.

Panganiban, J., in the result.

[1] Rollo, p. 46.

[2] Ibid., p. 47.

[3] Ibid., pp. 49-64.

- [4] Ibid., p. 67.
- [5] Ibid., pp. 68-82.
- [6] Ibid., p. 83.
- [7] Ibid., pp. 42-43.
- [8] Ibid., pp. 33-39, at 38.
- [9] Ibid., pp. 122-125.
- [10] Ibid., pp. 133-137.
- [11] *Carlos v. Angeles*, 346 SCRA 571, 582 [2000].
- [12] *Papandayan, Jr. v. COMELEC, et al.*, G.R. No. 147909. April 16, 2002.
- [13] *Bengson III v. House of Representatives Electoral Tribunal, et al.*, Concurring Opinion of Justice Artemio V. Panganiban, 357 SCRA 545, 566 [2001]; citing *Frivaldo v. COMELEC*, 257 SCRA 727 [1996].
- [14] *Rollo*, pp. 40-43.
- [15] *Carlos v. Angeles*, *supra.*, citing *Benito v. COMELEC*, 235 SCRA 436, 442 [1994].
- [16] *O'Hara v. COMELEC, et al.*, G.R. Nos. 148941-42, March 12, 2002.

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