

**KABATAAN PARTY-LIST REPRESENTATIVE RAYMOND V. PALATINO,
ALVIN A. PETERS, PRESIDENT OF THE NATIONAL UNION OF
STUDENTS OF THE PHILIPPINES (NUSP), MA. CRISTINA ANGELA
GUEVARRA, CHA...**

G.R. No. 189868. December 15, 2009

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-189868/>

CARPIO MORALES, J.:

At the threshold once again is the right of suffrage of the sovereign Filipino people - the foundation of Philippine democracy. As the country prepares to elect its next set of leaders on May 10, 2010, the Court upholds this primordial right.

On November 12, 2008, respondent Commission on Elections (COMELEC) issued Resolution No. 8514[1] which, among other things, set December 2, 2008 to December 15, 2009 as the period of continuing voter registration using the biometrics process in all areas nationwide, except in the Autonomous Region of Muslim Mindanao. Subsequently, the COMELEC issued Resolution No. 8585[2] on February 12, 2009 adjusting the deadline of voter registration for the May 10, 2010 national and local elections to October 31, 2009, instead of December 15, 2009 as previously fixed by Resolution No. 8514.

The intense public clamor for an extension of the October 31, 2009 deadline notwithstanding, the COMELEC stood firm in its decision not to extend it, arguing mainly that it needs ample time to prepare for the automated elections. Via the present Petition for Certiorari and Mandamus filed on October 30, 2009,[3] petitioners challenge the validity of COMELEC Resolution No. 8585 and seek a declaration of its nullity.

Petitioner Raymond V. Palatino, a youth sectoral representative under the Kabataan Party-list, sues as a member of the House of Representatives and a concerned citizen, while the rest of petitioners sue as concerned citizens.

Petitioners contend that the serious questions involved in this case and potential disenfranchisement of millions of Filipino voters justify resort to this Court in the first instance, claiming that based on National Statistics Office (NSO) data, the projected voting population for the May 10, 2010 elections is 3,758,964 for the age group 18-19 and 8,756,981 for the age group 20-24, or a total of 12,515,945.

Petitioners further contend that COMELEC Resolution No. 8585 is an unconstitutional encroachment on the legislative power of Congress as it amends the system of continuing voter registration under Section 8 of Republic Act No. 8189 (RA 8189), otherwise known as The Voter's Registration Act of 1996, reading:

Section 8. System of Continuing Registration of Voters. The personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. No registration shall, however, be conducted during the period starting one hundred twenty (120) days before a regular election and ninety (90) days before a special election.

They thus pray that COMELEC Resolution No. 8585 be declared null and void, and that the COMELEC be

accordingly required to extend the voter registration until January 9, 2010 which is the day before the 120-day prohibitive period starting on January 10, 2010.

The COMELEC maintains in its Comment filed on December 7, 2009 that, among other things, the Constitution and the Omnibus Election Code confer upon it the power to promulgate rules and regulations in order to ensure free, orderly and honest elections; that Section 29 of Republic Act No. 6646 (RA 6646)[4] and Section 28 of Republic Act No. 8436 (RA 8436)[5] authorize it to fix other dates for pre-election acts which include voter registration; and that its schedule of pre-election acts shows that the October 31, 2009 deadline of voter registration was impelled by operational and pragmatic considerations, citing *Akbayan-Youth v. COMELEC*[6] wherein the Court denied a similar prayer for an extension of the December 27, 2000 deadline of voter registration for the May 14, 2001 elections.

The petition is impressed with merit.

The right of suffrage lies at the heart of our constitutional democracy. The right of every Filipino to choose the leaders who will lead the country and participate, to the fullest extent possible, in every national and local election is so zealously guarded by the fundamental law that it devoted an entire article solely therefor:

ARTICLE V SUFFRAGE

SECTION 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property or other substantive requirement shall be imposed on the exercise of suffrage.

SECTION 2. The Congress shall provide a system of securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

Preserving the sanctity of the right of suffrage ensures that the State derives its power from the consent of the governed. The paramount importance of this right is also a function of the State policy of people empowerment articulated in the constitutional declaration that sovereignty resides in the people and all government authority emanates from them,[7] bolstered by the recognition of the vital role of the youth in nation-building and directive to the State to encourage their involvement in public and civic affairs.[8]

It is against this backdrop that Congress mandated a system of continuing voter registration in Section 8 of RA 8189 which provides:

Section 8. System of Continuing Registration of Voters. The personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. No registration shall, however, be conducted during the period starting one hundred twenty (120) days before a regular election and ninety (90) days before a special election. (emphasis and underscoring supplied)

The clear text of the law thus decrees that voters be allowed to register daily during regular offices hours, except during the period starting 120 days before a regular election and 90 days before a special election.

By the above provision, Congress itself has determined that the period of 120 days before a regular election and 90 days before a special election is enough time for the COMELEC to make ALL the necessary preparations with respect to the coming elections including: (1) completion of project precincts, which is necessary for the proper

allocation of official ballots, election returns and other election forms and paraphernalia; (2) constitution of the Board of Election Inspectors, including the determination of the precincts to which they shall be assigned; (3) finalizing the Computerized Voters List; (4) supervision of the campaign period; and (5) preparation, bidding, printing and distribution of Voter's Information Sheet. Such determination of Congress is well within the ambit of its legislative power, which this Court is bound to respect. And the COMELEC's rule-making power should be exercised in accordance with the prevailing law.[9]

Respecting the authority of the COMELEC under RA 6646 and RA 8436 to fix other dates for pre-election acts, the same is not in conflict with the mandate of continuing voter registration under RA 8189. This Court's primary duty is to harmonize laws rather than consider one as repealed by the other. The presumption is against inconsistency or repugnance and, accordingly, against implied repeal. For Congress is presumed to know the existing laws on the subject and not to enact inconsistent or conflicting statutes.[10]

Both R.A. No. 6646, Section 29 and R.A. No. 8436, Section 28 grant the COMELEC the power to fix other periods and dates for pre-election activities only if the same cannot be reasonably held within the period provided by law. This grant of power, however, is for the purpose of enabling the people to exercise the right of suffrage - the common underlying policy of RA 8189, RA 6646 and RA 8436.

In the present case, the Court finds no ground to hold that the mandate of continuing voter registration cannot be reasonably held within the period provided by RA 8189, Sec. 8 - daily during office hours, except during the period starting 120 days before the May 10, 2010 regular elections. There is thus no occasion for the COMELEC to exercise its power to fix other dates or deadlines therefor.

The present case differs significantly from *Akbayan-Youth v. COMELEC*.^[11] In said case, the Court held that the COMELEC did not commit abuse of discretion in denying the request of the therein petitioners for an extension of the December 27, 2000 deadline of voter registration for the May 14, 2001 elections. For the therein petitioners filed their petition with the Court within the 120-day prohibitive period for the conduct of voter registration under Section 8 of RA 8189, and sought the conduct of a two-day registration on February 17 and 18, 2001, clearly within the 120-day prohibitive period.

The Court in fact suggested in *Akbayan-Youth* that the therein petitioners could have, but had not, registered during the period between the December 27, 2000 deadline set by the COMELEC and before the start of the 120-day prohibitive period prior to the election date or January 13, 2001, thus:

[T]here is no allegation in the two consolidated petitions and the records are bereft of any showing that anyone of herein petitioners has filed an application to be registered as a voter which was denied by the COMELEC nor filed a complaint before the respondent COMELEC alleging that he or she proceeded to the Office of the Election Officer to register between the period starting from December 28, 2000 to January 13, 2001, and that he or she was disallowed or barred by respondent COMELEC from filing his application for registration. While it may be true that respondent COMELEC set the registration deadline on December 27, 2000, this Court is of the firm view that petitioners were not totally denied the opportunity to avail of the continuing registration under R.A. 8189.^[12] (emphasis and underscoring supplied)

The clear import of the Court's pronouncement in *Akbayan-Youth* is that had the therein petitioners filed their petition - and sought an extension date that was - before the 120-day prohibitive period, their prayer would have been granted pursuant to the mandate of RA 8189. In the present case, as reflected earlier, both the dates of filing of the petition (October 30, 2009) and the extension sought (until January 9, 2010) are prior to the 120-day prohibitive period. The Court, therefore, finds no legal impediment to the extension prayed for.

WHEREFORE, the petition is GRANTED. COMELEC Resolution No. 8585 is declared null and void insofar as

it set the deadline of voter registration for the May 10, 2010 elections on October 31, 2009. The COMELEC is directed to proceed with dispatch in reopening the registration of voters and holding the same until January 9, 2010. This Decision is IMMEDIATELY EXECUTORY.

SO ORDERED.

Puno, C.J., Carpio, Corona, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, and Villarama, JJ., concur.

[1] Rules and Regulations on the Resumption of the System of Continuing Registration of Voters in the Non-ARMM Areas.

[2] Amendments to Resolution No. 8514 Promulgated on November 12, 2008, rollo, pp. 39-42.

[3] Id. at 3-25.

[4] The Electoral Reforms Law of 1987; Section 29 provides:

Section 29. Designation of Other Dates for certain Pre-election Acts. - If it should no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure accomplishment of the activities so voters shall not be deprived of their right of suffrage.

[5] An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National or Local Elections and in Subsequent National and Local Electoral Exercises, Providing Funds Therefor and for Other Purposes; Section 28 provides:

Section 28. Designation of other dates for certain pre-election acts. - If it shall no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure accomplishment of the activities so voters shall not be deprived of their suffrage.

[6] G.R. Nos. 147066 & 147179, March 26, 2001, 355 SCRA 318.

[7] Constitution, Article II, Section 1.

[8] Id. at Section 13.

[9] Vide Lanot v. Commission on Elections, G.R. No.164858, 507 SCRA 114, 138.

[10] Agujetas v. Court of Appeals, G.R. No. 106560, August 23, 1996, 261 SCRA 17, 35.

[11] Supra note 6.

[12] Id. at 340.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.