

Effect of Disqualification

Alberto C. Agra

working draft as of January 10, 2016

Ateneo Law School

	<i>Succession/ Special Elections</i>			<i>2nd Placer Assumes</i>					
	<i>Panlaqui vs. Comelec</i>	<i>Benito vs. Comelec</i>	<i>Lanot vs. Comelec</i>	<i>Cayat vs. Comelec</i>	<i>Maquiling vs. Comelec</i>	<i>Jalosjos vs. Comelec</i>	<i>Federico vs. Comelec</i>	<i>Hayudini vs. Comelec</i>	<i>Aratea v. Comelec</i>
G.R. No.	188671	106053	164858	163776	195649	193237	199612	207900	195229
Elections	May 14, 2007	May 11, 1992	May 10, 2004	May 10, 2004	May 11, 2010	May 11, 2010	May 10, 2010	May 13, 2013	May 10, 2010
Decided	2010	2001	2006	2007	2013	2012	2013	2014	2012
Candidates	Velasco Panlaqui	Benito Ogca	Eusebio Lanot	Cayat Palileng	Arnado Maquiling	Jalosjos Cardino	Federico (substituting Edna Sanchez) Maligaya	Hayudini Omar	Lonzanida Antipolo
Position	Mayor								
Ground for DQ	Lack of Residency	Death	Premature campaigning	Conviction of a criminal offense involving moral turpitude	Citizenship	Conviction of a criminal offense involving moral turpitude	Invalid substitution (late filing)	Lack of Residency	Violation of 3-term Limit
When DQ case filed	2007	N/A	March 19, 2004	2004	April 28, 2010	December 6, 2009	May 7, 2010	October 15, 2012	December 8, 2009
When case resolved	2008 (after elections)	N/A (died after elections)	November 16, 2006 (after elections)	April 17, 2004 (before elections)	April 16, 2013 (after elections)	August 11, 2010 (after elections)	January 22, 2013 (after elections)	July 10, 2013 (after elections) March 8, 2013 - RTC decision deleting Hayudini from the voters' list.	August 11, 2010 (after elections)
Outcome of Elections	Velasco won	Ogca won, but died on May 22, 1992.	Eusebio won	Cayat won Palileng 2 nd place.	Arnado won Maquiling 2 nd place.	Jalosjos won Cardino 2 nd place	"Edna Sanchez" won	Hayudini won Omar 2 nd place	Lonzanida won Antipolo 2 nd (Aratea - Vice)
Summary of SC Ruling	Since Velasco's disqualification as a candidate did not become final <i>before</i> the elections,	When a candidate who obtained highest number of votes dies, or disqualified or	Eusebio is not disqualified. Votes in favor of candidate who obtained the highest number	Cayat's disqualification became final on 17 April 2004, prior to the elections. His	Arnado is not a Filipino citizen. Arnado's disqualification reaches back to filing of COC.	If COC is void ab initio, then person who filed such void COC was never a candidate. If COC	Votes garnered by Sanchez could not be credited to Federico as he was never a legitimate	Hayudini was never a valid candidate since his inclusion as voter was denied with finality.	Antipolo, the alleged "second placer," should be proclaimed Mayor because Lonzanida's

	Succession/ Special Elections			2nd Placer Assumes					
	COMELEC properly applied the rule on succession.	declared not eligible, succession applies.	of votes, against whom a petition for disqualification was filed before the election, presumed cast in the belief that he was qualified. 2 nd placer cannot be declared elected.	proclamation is void. The doctrine on the rejection of the 2 nd placer does not apply because Palileng is not a 2 nd placer but the only placer.	Votes cast in his favor should not have been counted. Maquiling is only qualified candidate who obtained the highest number of votes. No succession.	void ab initio is cancelled on the day, or before or after election, all votes for that candidate are stray. No succession.	candidate. Invalid substitution due to invalid proclamation. No succession.	Votes cast for him stray votes. COMELEC properly proclaimed Omar, who garnered the highest number of votes among the remaining qualified candidates.	certificate of candidacy was void <i>ab initio</i> . This was established on election day.

www.albertocagra.com