

EN BANC

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

PETRONILA S. RULLODA, PETITIONER, VS. COMMISSION ON ELECTIONS (COMELEC), ELECTION OFFICER LUDIVICO L. ASUNCION OF SAN JACINTO, PANGASINAN; BARANGAY BOARD OF CANVASSERS OF BRGY. STO. TOMAS, SAN JACINTO, PANGASINAN, BOARD OF ELECTION TELLERS OF PREC. NOS. 30A/30A1, 31A, 31A1, AND 32A1, AND REMEGIO PLACIDO, RESPONDENTS.

D E C I S I O N

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:

1. To deny due course the Certificates of Candidacy of **ANDRES PEREZ MANALAYSAY and PETRONILA S. RULLODA**; and
2. 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.