

## EN BANC

[ G.R. No. 227155, March 28, 2017 ]

### JOEL T. MATURAN, PETITIONER, VS. COMMISSION ON ELECTIONS AND ALLAN PATIÑO, RESPONDENTS.

#### DECISION

##### **BERSAMIN, J.:**

The penalty of perpetual disqualification to hold public office may be properly imposed on a candidate for public office who repeatedly fails to submit his Statement of Contributions and Expenditures (SOCE) pursuant to Section 14 of Republic Act No. 7166.<sup>[1]</sup> The penalty does not amount to the cruel, degrading and inhuman punishment proscribed by the Bill of Rights.

##### **The Case**

Assailed by petition for *certiorari* are the resolutions dated June 6, 2016<sup>[2]</sup> and September 8, 2016<sup>[3]</sup> promulgated by the Commission on Elections (COMELEC) respectively imposing upon the petitioner the penalty of perpetual disqualification from holding public office due to his repeated failure to submit his SOCE pursuant to Section 14 of R.A. No. 7166, and denying his motion for reconsideration.

##### **Antecedents**

On October 16, 2015, the petitioner filed his certificate of candidacy for the position of Provincial Governor of Basilan to be contested in the 2016 National and Local Elections. Allan Patiño, claiming to be a registered voter of Basilan, filed a petition for the disqualification of the petitioner on the ground that based on the list issued by the COMELEC Campaign Finance Officer the latter had failed to file his SOCE corresponding to the 2010 and 2013 elections.<sup>[4]</sup>

The petitioner opposed the petition for his disqualification by arguing that the petition had been rendered moot on account of his withdrawal from the mayoralty race during the 2013 elections; and that, consequently, he could only be held accountable for the failure to file his SOCE corresponding to the 2010 elections when he ran for Provincial Governor of Basilan, and for which he had already paid a fine of P15,000.00.<sup>[5]</sup>

On June 6, 2016, the COMELEC First Division issued the first assailed resolution finding merit in the petition for his disqualification, and declaring the petitioner disqualified to hold public office, to wit:

In this case, Patiño alleged in his petition that Maturan violated Section 14 of R.A. No. 7166 because he failed to file his SOCE for the 2010 and 2013 elections based on the List of Candidates Subject to Perpetual

Disqualification posted by the Commission's Campaign Finance Officer ("CFO"). Upon verification from the CFO, Maturan in fact does not have a SOCE on record for the 2010 elections. Accordingly, per COMELEC Resolution No. 15-0495, an administrative fine in the amount of Php 15,000.00 was imposed upon him. Maturan admitted that he paid said fine on 23 November 2015.

Likewise, for his 2013 candidacy, Maturan does not have a SOCE on record with the CFO. Maturan argued that by virtue of the withdrawal of his candidacy on 12 May 2013, just a day before the elections, he is not required to file his SOCE.

Again, in the case of *Pilar vs. COMELEC*, the Supreme Court elucidated that:

Petitioner argues that he cannot be held liable for failure to file a statement of contributions and expenditures because he was a 'non-candidate,' having withdrawn his certificate of candidacy three days after its filing. Petitioner posits that "it is ... clear from the law that the candidate must have entered the political contest, and should have either won or lost." (citation omitted)

Petitioner's argument is without merit.

Section 14 of R.A. No. 7166 states that "every candidate" has the obligation to file his statement of contributions and expenditures.

x x x x

In the case at bench, as the law does not make any distinction or qualification as to whether the candidate pursued his candidacy or withdrew the same, the term "every candidate" must be deemed to refer not only to a candidate who pursued his campaign, but also to one who withdrew his candidacy.

The COMELEC, the body tasked with the enforcement and administration of all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall (citation omitted), issued Resolution No. 2348 in implementation or interpretation of the provisions of Republic Act No. 7166 on election contributions and expenditures. Section 13 of Resolution No. 23488 categorically refers to "all candidates who filed their certificates of candidacy."

Furthermore, Section 14 of the law uses the word "shall." As a general rule, the use of the word "shall" in a statute implies that the statute is mandatory, and imposes a duty which may be enforced, particularly if public policy is in favor of this meaning or where public interest is involved. We apply the general rule. (citations omitted)

Accordingly, the Commission (*First Division*) finds that Maturan likewise failed to file his SOCE within thirty (30) days after the 13 May 2013 elections for which he filed his candidacy for Mayor of Ungkaya Pukan, Basilan. Clearly, Maturan did not file his SOCE twice - in 2010 and 2013 elections - in violation of Section 14 of R.A. No. 7166.

**WHEREFORE**, premises considered, the Commission (*First Division*) **RESOLVED**, as it hereby **RESOLVES**, to **GRANT** the instant petition, **JOEL T. MATURAN** is hereby declared **PERPETUALLY DISQUALIFIED TO HOLD PUBLIC OFFICE**.

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**SO ORDERED.**<sup>[6]</sup>

Aggrieved, the petitioner appealed to the COMELEC *En Banc*, which denied his appeal on September 8, 2016.

### **Issues**

The petitioner submits the following issues for our consideration:

#### I

WHETHER OR NOT THE PUBLIC RESPONDENT HONORABLE COMMISSION COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DECLARED THAT PETITIONER MATURAN IS PERPETUALLY DISQUALIFIED TO HOLD PUBLIC OFFICE

#### II

WHETHER OR NOT THE PUBLIC RESPONDENT HONORABLE COMMISSION COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT FAILED TO DISMISS THE PETITION FOR DISQUALIFICATION FOR BEING MOOT AND ACADEMIC

#### III

WHETHER OR NOT THE IMPOSITION OF PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE FOR THOSE WHO FAILED TO FILE THEIR SOCE MORE THAN ONCE IS GRAVELY EXCESSIVE AND DISPROPORTIONATE<sup>[7]</sup>

### **Ruling of the Court**

We dismiss the petition for *certiorari* for its lack of merit.

The Court, not being a trier of facts, only steps in when there is a showing that the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction.<sup>[8]</sup> As long as there is a case or controversy involving demandable rights and an exercise of power allegedly committed in grave abuse of discretion, the Court is duty-bound to determine whether that power was exercised capriciously, arbitrarily, whimsically, or without basis under the Jaw or the Constitution. Should