



Republic of the Philippines
Supreme Court
 Manila

EN BANC

JOEL T. MATURAN,
 Petitioner,

G.R. No. 227155

Present:

SERENO, C.J.,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 MENDOZA,
 REYES,
 *PERLAS-BERNABE,
 LEONEN,
 JARDELEZA,
 CAGUIOA,
 MARTIRES, and
 TIJAM, JJ.

-versus -

**COMMISSION ON ELECTIONS
 AND ALLAN PATIÑO,**
 Respondents.

Promulgated:

March 28, 2017

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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. 7166.¹ The penalty does not amount to the cruel, degrading and inhuman punishment proscribed by the Bill of Rights.

* On official leave.

¹ *An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes.*

The Case

Assailed by petition for *certiorari* are the resolutions dated June 6, 2016² and September 8, 2016³ 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.⁴

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 ₱15,000.00.⁵

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

² *Rollo*, pp. 44-50.

³ *Id.* at 51-56.

⁴ *Id.* at 24-30.

⁵ *Id.* at 46.



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**.

x x x x

SO ORDERED.⁶

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 DISPROPORTIONATE⁷

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.⁸ 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,

⁶ Id. at 48-50.

⁷ Id. at 7-8.

⁸ *Basmala v. Commission on Elections*, G.R. No. 176724, October 6, 2008, 567 SCRA 664.

whimsically, or without basis under the law or the Constitution. Should the Court find the COMELEC to have deviated from its mandate, it shall also be our duty to redirect the COMELEC's course along constitutional channels.⁹

The petitioner's allegation of grave abuse of discretion on the part of the COMELEC for imposing upon him the penalty of perpetual disqualification to hold public office is hollow. In imposing the penalty, the COMELEC clearly acted within the bounds of its jurisdiction in view of the clear language of Section 14 of R.A. No. 7166, *viz.*:

Section 14. *Statement of Contributions and Expenditures: Effect of Failure to File Statement.* — Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election, file in duplicate with the offices of the Commission the full, true and itemized statement of all contributions and expenditures in connection with the election.

x x x x

Except candidates for elective barangay office, failure to file the statements or reports in connection with electoral contributions and expenditures are required herein shall constitute an administrative offense for which the offenders shall be liable to pay an administrative fine ranging from One thousand pesos (₱1,000.00) to Thirty thousand pesos (₱30,000.00), in the discretion of the Commission.

The fine shall be paid within thirty (30) days from receipt of notice of such failure; otherwise, it shall be enforceable by a writ of execution issued by the Commission against the properties of the offender.

x x x x

For the commission of a second or subsequent offense under this section, the administrative fine shall be from Two thousand pesos (₱2,000.00) to Sixty thousand pesos (₱60,000.00), in the discretion of the Commission. In addition, the offender shall be subject to perpetual disqualification to hold public office. (Bold underscoring is supplied for emphasis)

Nonetheless, the petitioner submits that he only failed to submit his SOCE once, in 2010. He pleads good faith because he thought that he was no longer required to submit his SOCE for the 2013 elections because of his having withdrawn from the mayoral race in that year.

His plea of good faith is undeserving of consideration.

⁹ *Ejercito v. Commission on Elections*, G.R. No. 223300, May 31, 2016 (Resolution).

A

The petitioner should have paid heed to the 1995 ruling in *Pilar v. Commission of Elections*,¹⁰ which the COMELEC properly cited in its assailed resolution. Based on *Pilar*, every candidate, including one who meanwhile withdraws his candidacy, is required to file his SOCE by Section 14 of R.A. No. 7166. Accordingly, the petitioner could not invoke good faith on the basis of his having withdrawn his candidacy a day before the 2013 elections.

Still, in a final attempt to evade liability, the petitioner describes the penalty of perpetual disqualification as excessive, harsh and cruel, and, consequently, unconstitutional pursuant to Section 19(1), Article III of the 1987 Constitution, which pertinently provides:

Section 19. (1) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. x x x .

He contends that the failure to file the SOCE is an offense far less grave than the serious crimes under the *Revised Penal Code* and the grave offenses under the civil service laws. Accordingly, equating the non-filing of the SOCE with the latter offenses is irrational and unwarranted.

The petitioner's contention does not impress.

We have always deferred to the wisdom of Congress in enacting a law. We can only enforce a statute like R.A. No. 7166 unless there is a clear showing that it contravenes the Constitution. The petitioner has not demonstrated herein how R.A. No. 7166 could have transgressed the Constitution. On the contrary, a review of R.A. No. 7166 convincingly indicates that perpetual disqualification from public office has been prescribed as a penalty for the repeated failure to file the SOCE and does not constitute cruel, degrading and inhuman punishment.

We have already settled that the constitutional proscription under the Bill of Rights extends only to situations of extreme corporeal or psychological punishment that strips the individual of his humanity. The proscription is aimed more at the form or character of the punishment rather than at its severity, as the Court has elucidated in *Lim v. People*,¹¹ to wit:

Settled is the rule that a punishment authorized by statute is not cruel, degrading or disproportionate to the nature of the offense unless it is flagrantly and plainly oppressive and wholly disproportionate to the

¹⁰ G.R. No. 115245, July 11, 1995, 245 SCRA 759.

¹¹ G.R. No. 149276, September 27, 2002, 390 SCRA 194, 198-199.

nature of the offense as to shock the moral sense of the community. **It takes more than merely being harsh, excessive, out of proportion or severe for a penalty to be obnoxious to the Constitution.** Based on this principle, the Court has consistently overruled contentions of the defense that the penalty of fine or imprisonment authorized by the statute involved is cruel and degrading.

In *People vs. Tongko*, this Court held that **the prohibition against cruel and unusual punishment is generally aimed at the form or character of the punishment rather than its severity in respect of its duration or amount, and applies to punishments which never existed in America or which public sentiment regards as cruel or obsolete. This refers, for instance, to those inflicted at the whipping post or in the pillory, to burning at the stake, breaking on the wheel, disemboweling and the like. The fact that the penalty is severe provides insufficient basis to declare a law unconstitutional and does not, by that circumstance alone, make it cruel and inhuman.** (Bold underscoring is supplied for emphasis)

Moreover, that Congress has deemed fit to impose the penalty of perpetual disqualification on candidates who repeatedly failed to file their SOCEs cannot be the subject of judicial inquiry. Congress has the absolute discretion to penalize by law with perpetual disqualification from holding public office in addition to administrative fines the seekers of public office who fail more than once to file their SOCEs. Such penalty is intended to underscore the need to file the SOCE as another means of ensuring the sanctity of the electoral process.

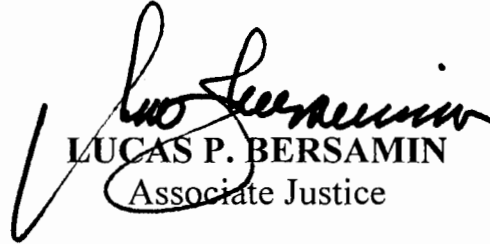
In *certiorari*, the petitioner carries the burden of proving not merely reversible error, but grave abuse of discretion amounting to lack or excess of jurisdiction, on the part of the public respondent for its issuance of the impugned resolutions.¹² *Grave abuse of discretion* is committed “when there is a capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, such as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.”¹³ Alas, not only did the petitioner fail to discharge his burden, he also succeeded in making it evident that the COMELEC did not gravely abuse its discretion in imposing on the petitioner the penalty of perpetual disqualification from holding public office due to his repeated violation of Section 14 of R.A. No. 7166.

¹² *Suliguin v. Commission on Elections*, G. R. No. 166046, March 23, 2006, 485 SCRA 219, 233.

¹³ *Reyes-Tabujara v. Court of Appeals*, G. R. No. 172813, July 20, 2006, 495 SCRA 844, 857-858.

ACCORDINGLY, the Court **DISMISSES** the petition for *certiorari* for lack of merit; and **DIRECTS** the petitioner to pay the costs of suit.

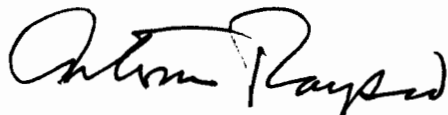
SO ORDERED.

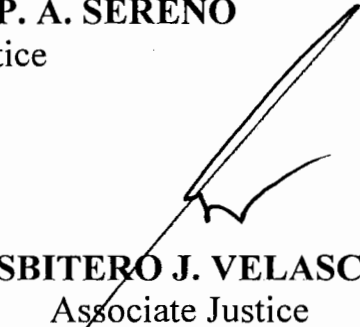

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

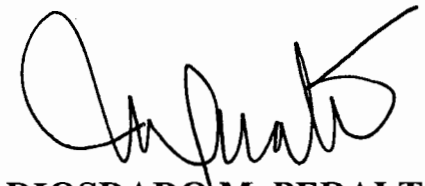


MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

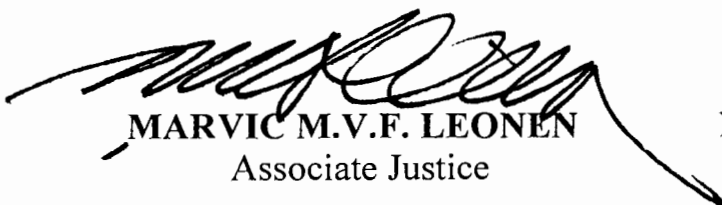

DIOSDADO M. PERALTA
Associate Justice

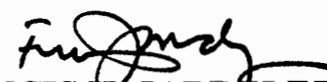

MARIANO C. DEL CASTILLO
Associate Justice

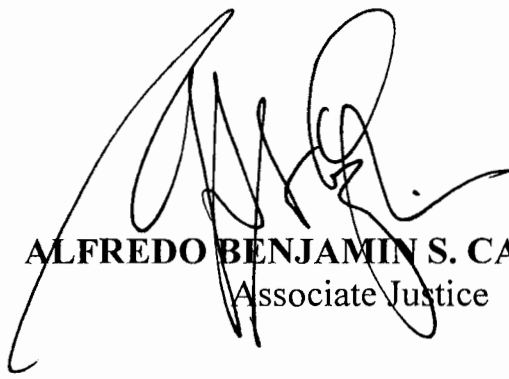

JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice

(On Official Leave)
ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice




SAMUEL R. MARTIRES
Associate Justice



NOEL G. TIAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



MARIA LOURDES P. A. SERENO
Chief Justice