

➤ **JUST COMPENSATION IN LOCAL EXPROPRIATION**

CITY GOVERNMENT OF PASAY vs. ARELLANO UNIVERSITY*

G.R. No. 260038, 7 May 2025

The Supreme Court affirmed the decision of the Court of Appeals to remand the case back to the trial court, as the determination of just compensation made by the trial court was based on incomplete or inaccurate data. Here, the trial court solely relied on the Pasay City Assessor's 1978 assessment values, without considering other factors such as the zonal valuation of the Bureau of Internal Revenue (BIR), the acquisition cost, tax declarations, size, shape, and location of the property, as well as the value of similar properties.

N.B. "Totality of circumstances" approach to determining just compensation - every fact relating to the property's condition, surroundings, improvements, and potential capabilities should be taken into consideration by the courts.

➤ **SECOND-PLACER RULE ABANDONED**

MANGUDADATU vs. COMMISSION ON ELECTIONS*

G.R. Nos. 260219 & 260231, 22 April 2025

The Supreme Court abandoned the so-called "*Second Placer Rule*" – where the second-highest vote-getter is to be proclaimed winner in the event that the first placer is disqualified or found ineligible.

It was ruled that the proper course of action is to declare the position vacant. For local elective positions, this vacancy is then filled by succession in accordance with Sections 44 or 45 of the Local Government Code. This rule of succession applies regardless of the mode used to disqualify the candidate *i.e.* disqualification under Sections 12 and 68, cancellation of certificate of candidacy under Section 78, or even through a quo warranto petition, all of the Omnibus Election Code (OEC).

➤ **GOCC HIRING PRIVATE LAWYERS**

**THE LAW FIRM OF LAGUESMA MAGSALIN CONSULTA AND GASTARDO, vs.
COMMISSION ON AUDIT,**

G.R. No. 185544, 13 January 2015

The GOCC may hire the services of a private counsel *in exceptional cases* with the written conformity and acquiescence of the Government Corporate Counsel, AND with the concurrence of the Commission on Audit (COA). ***Land Bank of the Philippines v. AMS Farming Corporation, 590 Phil. 170, 198–199 (2008)***

When a government entity engages the legal services of private counsel, it must do so with the necessary authorization required by law; otherwise, its officials bind themselves to be personally liable for compensating private counsel's services.

CORPUZ, BORJA, JAVIER, TADO, AND REYES, vs. COA*

G.R. No. 253777, November 23, 2021 **EN BANC**

PhilRice hired a private lawyer without getting the needed written consent and acquiescence from the Office of the Government Corporate Counsel (OGCC), as well as COA concurrence.

The fees paid to an unauthorized private lawyers become the personal liability of the specific public officials who hired them without proper written conformity. Thus, Corpuz, Borja, Javier, Tado, and Reyes, all of whom had no involvement in the hiring of Atty. Mendoza, the legal retainer, are absolved of liability from *Notice of Disallowance No. 14-001-101-(09)*.

➤ **DISMISSAL OF ADMINISTRATIVE CASE = DISMISSAL OF CRIMINAL CASE?**

SPOUSES MIRAFLORES vs. OFFICE OF THE OMBUDSMAN and FIELD INVESTIGATION OFFICE

G.R. Nos. 238103 and 238223, 06 January 2020, *FIRST DIVISION*

Although the criminal cases involve the same acts or omissions complained of in the administrative cases, their absolution in the latter does not bar their prosecution in the former, and vice versa. **The quantum of evidence required in one is different from the quantum of evidence required in the other.**

OFFICE OF THE OMBUDSMAN, vs. TEODORA T. HERMOSURA*

G.R. No. 207606, 16 February 2022

In the present case, it is undisputed that the respondent availed of optional retirement after Ortiz's counsel sent her letters, which informed her of the possibility of the institution of legal action against her should she fail to settle

her obligation. Verily, a complaint was filed against her four months after her optional retirement.

The respondent's **voluntary** separation from the government service, in addition to her knowledge that a complaint would most likely be filed against her at anytime, bolsters the Ombudsman's position that the respondent attempted to forestall the filing of an administrative case against her by availing of optional retirement.

➤ **STATEMENT OF ASSETS LIABILITIES and NETWORTH**

OFFICE OF THE OMBUDSMAN, vs. LILAH Y. RODAS*

G.R. No. 225669, 23 March 2022

In *Navarro v. Office of the Ombudsman*, this Court declared:

A mere misdeclaration in the SALN does not automatically amount to dishonesty. Only when the accumulated wealth becomes MANIFESTLY DISPROPORTIONATE to the income or other sources of income of the public officer/employee and HE FAILS TO PROPERLY ACCOUNT OR EXPLAIN his other sources of income, does he become susceptible to dishonesty. x x x Where the source of the undisclosed wealth can be properly accounted for, then it is "explained wealth" which the law does not penalize.

➤ **CONDONATION DOCTRINE**

CARPIO-MORALES vs. Court of Appeals

G.R. No. 217126-27, 10 November 2015

→ Achieved **FINALITY** on **12 April 2016**

RADAMES F. HERRERA v. NOEL P. MAGO et al.

G.R. No. 231120, 15 January 2020, 1ST DIVISION

This Court simply finds no legal authority to sustain the condonation doctrine in this jurisdiction. xxx **Verily, the Court holds that Herrera can no longer avail of the condonation doctrine because although the complaint below was instituted on January 9, 2015, he got reelected only on May 9, 2016, well within the prospective application of *Carpio-Morales* case.**

➤ **SPEEDY TRIAL VS. SPEEDY DISPOSITION OF CASES**

The right to speedy disposition of cases is different from the right to speedy trial. While the rationale for both rights is the same, the right to speedy trial may only be invoked in criminal prosecutions against courts of law. The right to speedy disposition of cases, however, may be invoked before any tribunal, whether judicial or quasi-judicial. What is important is that the accused may already be prejudiced by the proceeding for the right to speedy disposition of cases to be invoked.

IRENE S. ROSARIO v. COMMISSION ON AUDIT

G.R. No. 253686, 29 June 2021, **EN BANC**

Right to speedy disposition of cases xxx. The balancing test has four (4) factors: **(1) length of delay, (2) the reason for the delay, (3) the defendant's assertion of his right, and (4) prejudice to the defendant.** In the present case, here all factors are evident.

➤ **RULE 43 vs. RULE 65 in OMBUDSMAN CASES**

**F/DIR. ROGELIO F. ASIGNADO (RET.), et al, vs. OFFICE OF THE
OMBUDSMAN, et al***

G.R. Nos. 225204-05, 29 March 2023

Clearly, a Rule 65 certiorari petition (which is the proper remedy to assail the criminal aspect of the Ombudsman ruling; or the administrative aspect of an unappealable Ombudsman ruling) is clearly different from a Rule 43 appeal (which is the proper remedy to assail the administrative aspect of an appealable ruling).

➤ **TAXING GOVERNMENT ENTITIES**

**NFA VS. CITY GOVERNMENT OF TAGUM,
CITY ASSESSOR AND CITY TREASURER OF TAGUM,
PROVINCE OF DAVAO DEL NORTE**

G.R. No. 261472, 21 May 2024, **EN BANC**

Taxes cannot be charged against the Republic of the Philippines from which the power to tax emanates in the first place. For the "power to destroy" ought not be used against the very entity that wields it.

➤ **VALIDITY OF AN ORDINANCE ☺**

For an ordinance to be valid, it must not only be **A.) within the corporate powers of the LGU to enact** and **B.) must be passed according to the procedure prescribed by law**, it should also conform to the following requirements:

- (1) **not contrary to the Constitution or any statute;**
- (2) **not unfair or oppressive;**
- (3) **not partial or discriminatory;**
- (4) **not prohibit but may regulate trade;**
- (5) **general and consistent with public policy; and**
- (6) **not unreasonable.**

➤ **SETTLEMENT OF BOUNDARY DISPUTES BETWEEN LGU's**

**MUNICIPALITY OF ISABEL, LEYTE, vs.
MUNICIPALITY OF MERIDA, LEYTE.***
G.R. No. 216092, 09 December 2020

To aid the duly designated tribunals in the task of boundary dispute resolution, the Implementing Rules and Regulations of the Local Government Code require the submission inter alia of the following: a duly authenticated copy of the **law or statute creating the LGU or any other document showing proof of creation of the LGU**; a provincial, city, municipal, or barangay **map, as the case may be, duly certified by the Lands Management Bureau; technical description of the boundaries of the LGL is concerned; written certification** of the provincial, city, or municipal assessor, as the case may be, as to territorial jurisdiction over the disputed area according to records in custody; and **written declarations or sworn statements of the people** residing in the disputed area.

➤ **REQUISITES OF THE POWER OF JUDICIAL REVIEW**

- (1) An actual case or controversy calling for the exercise of judicial power;

- (2) The person challenging the act must have legal standing to challenge; he or she or it must have a personal and substantial interest in the case such that he or she or it has sustained, or will sustain, direct injury as a result of the assailed measure's enforcement;
- (3) The question of constitutionality must be raised at the earliest possible opportunity; and**
- (4) The issue of constitutionality must be the very *lis mota* of the case.

➤ **MOOT AND ACADEMIC CASES**

Despite the mootness of a case, the Court may still render a decision if it finds that:

- (1) there is a grave violation of the Constitution;
- (2) the case involves a situation of exceptional character and is of paramount public interest;
- (3) the issues raised require the formulation of controlling principles to guide the Bench, the Bar and the public; and**
- (4) the case is capable of repetition yet evading review.**

➤ **NUISANCE CANDIDATE (SINGLE SLOT POSITION)**

CASIMIRA S. DELA CRUZ vs. COMELEC and JOHN LLOYD M. PACETE,
G.R. NO. 192221, 13 NOVEMBER 2012

Moreover, private respondent admits that the voters were properly informed of the cancellation of COC of Aurelio because COMELEC published the same before election day. As we pronounced in *Bautista*, the voters' constructive knowledge of such cancelled candidacy made their will more determinable, as it is then more logical to conclude that the votes cast for Aurelio could have been intended only for the legitimate candidate, petitioner. **The possibility of confusion in names of candidates if the names of nuisance candidates remained on the ballots on election day, cannot be discounted or eliminated, even under the automated voting system especially considering that voters who mistakenly shaded the oval beside the name of the nuisance candidate instead of the bona fide candidate they intended to vote for** could no longer ask for replacement ballots to correct the same.

➤ **NUISANCE CANDIDATE (MULTI-SLOT POSITION)**

CONSERTINO SANTOS vs. COMELEC/JENNIFER ROXAS

G.R. No. 235058, 04 September 2018

Nonetheless, while the OSG argues that the votes of Rosalie should be credited in favor of respondent pursuant to *Dela Cruz*, **the said votes should not be automatically added**. It explained that in a “multi-slot position”, it is possible that the legitimate candidate and nuisance candidate may both receive votes in one ballot. In that case, the votes cast for the nuisance candidate may not automatically be credited to the legitimate candidate, otherwise, it shall result to a situation where the latter shall receive two votes from one voter.

➤ **NOT BEING KNOWN/POPULAR**

WILSON CARITERO AMAD vs. COMELEC*

G.R. No. 258448. 05 July 2022, (EN BANC)

xxx the Constitution only prescribes age, citizenship, voting and residence qualifications to be able to run for Vice President. Clearly, being known throughout the Philippines and having an established network nationwide are not qualifications for Vice President. In fact, the lack thereof are not even grounds to be declared as a nuisance candidate in accordance with the Omnibus Election Code.

➤ **SECTION 261 (d) OEC REPEALED**

GOV. EXEQUIEL B. JAVIER, vs. COMMISSION ON ELECTIONS, CORNELIO P. ALDON, AND RAYMUNDO T. ROQUERO.

G.R. No. 21847. 12 January 2016

With the express repeal of Section 261(d) of the OEC, the basis for disqualifying Javier no longer existed.

The COMELEC gravely abused its discretion when it disqualified Gov. Javier based on a provision of law that had already been *expressly* repealed. Its stubborn insistence that R.A. No. 7890 merely impliedly repealed Section 261(d) despite the clear wordings of the law, amounted to an arbitrary and whimsical exercise of judgment.

NOVERAS, VS. COMELEC and AMANSEC*.

G.R. No. 268891, 22 October 2024 (EN BANC)

While the COMELEC is the constitutionally-designated frontline interpreter of election laws and jurisprudence, it must nevertheless yield to the clear and categorical directives of the great branches of the government. When the Legislature and the Judiciary speak, quasi-judicial agencies like the COMELEC should listen. The COMELEC cannot insist on its own reading of the law when such is clearly contrary to the intention of Congress and the interpretation of the Supreme Court, especially when the law itself provides for up-to-date and lawful means of addressing the numerous illegal and unethical electoral practices that the state election agency has to confront.

➤ **NUISSANCE CANDIDATE'S RIGHT TO DUE PROCESS**

JOSEPH B. TIMBOL, vs. COMELEC

G.R. No. 206004, 24 February 2015

The power of the Commission on Elections (COMELEC) to restrict a citizen's right of suffrage should not be arbitrarily exercised. The COMELEC **cannot** *motu proprio* deny due course to or cancel an alleged *nuisance candidate's* certificate of candidacy **without providing the candidate his opportunity to be heard.**

➤ **USE OF NICKNAME IN CERTIFICATE OF CANDIDACY**

LUIS R. VILLAFUERTE vs. COMELEC and MIGUEL R. VILLAFUERTE

G.R. No. 206698, 25 February 2014

AT ALL EVENTS, the use of a name other than that stated in the certificate of birth is not a material misrepresentation, as "material misrepresentation" under the earlier-quoted Section 78 of the Omnibus Election Code refers to "qualifications for elective office." It need not be emphasized that there is no showing that there was an intent to deceive the electorate as to private respondent's identity, nor that by using his Filipino name the voting public was thereby deceived.

Clearly, from the foregoing, for the petition to deny due course or cancel the COC of one candidate to prosper, the candidate must have made a material misrepresentation involving his eligibility or qualification for the office to which he seeks election, such as the requisite residency, age, citizenship or any other legal qualification necessary to run for local elective office as provided in the

Local Government Code. Hence, petitioner's allegation that respondent's nickname "LRAY JR. MIGZ" written in his COC is a material misrepresentation is devoid of merit. Respondent's **nickname written in the COC cannot be considered a material fact** which pertains to his eligibility and thus qualification to run for public office.

➤ **ELECTION OFFENSE SEC. 261 (f)**

MAYOR AGNES VILLANUEVA, (Now Incumbent Member Of The Sangguniang Panlalawigan Of Misamis Occidental), vs. COMELEC*
G.R. No. 260116, 11 July 2023, [EN BANC]

We sustain the position of the OSG. The offense of coercion of election officials and employees, as defined and penalized in Section 261 (f) of the OEC, can be committed even outside of an election period.

Section 261 (f) criminalizes any threat, intimidation, terrorism, or coercion against election officials or employees in the performance of their *election functions and duties*. The use of the modifier "*election*" signifies that the provision does not cover any and all functions and duties that election workers may perform; rather, the threat or coercion must be made in the **performance of election functions and duties**. xxx

THINK like a lawyer... ANSWER like a lawyer...WRITE like a lawyer!