

Palatino, et al. vs. Commission on Elections (COMELEC)
G.R. No. 189868; 15 December 2009

Facts: COMELEC Resolution No. 8514 (issued 12 November 2008) set 2 December 2008 to 15 December 2009 as the period of continuing voter registration in all areas nationwide, except in the Autonomous Region of Muslim Mindanao. **COMELEC Resolution No. 8585** (issued 12 February 2009) adjusted the deadline to 31 October 2009, instead of 15 December 2009.

Petitioners (a member of Congress and concerned citizens) asked the Supreme Court to declare **COMELEC Resolution No. 8585** null and void, and to require COMELEC to extend the voter registration until 9 January 2010, the day before the 120-day period prior to the 10 May 2010 regular elections, during which voter registration is prohibited under **Section 8 of Republic Act No. 8189**.*

COMELEC argued that Section 29 of **Republic Act No. 6646**** and Section 28 of **Republic Act No. 8436***** authorize it to fix other dates for pre-election acts which include voter registration; the 31 October 2009 deadline was impelled by operational and pragmatic considerations; and in **Akbayan-Youth vs. COMELEC**,**** the Supreme Court denied a similar prayer for extension of the 27 December 2000 deadline for voter registration for the 14 May 2001 elections.

Issue: Whether or not COMELEC Resolution No. 8585 should be declared void insofar as it set the deadline for voter registration for the 2010 elections on 31 October 2009.

Ruling: COMELEC Resolution No. 8585 is null and void insofar as it set the deadline of voter registration for the 10 May 2010 elections on 31 October 2009. Voter registration for the 2010 elections is extended until 9 January 2010.

The clear text of **Section 8 of Republic Act No. 8189** decrees that voters be allowed to register daily during regular offices hours, except during the period starting 120 days before a regular election and 90 days before a special election. By this provision, Congress itself has determined that the period of 120 days before a regular election and 90 days before a special election is enough time for the COMELEC to make ALL the necessary preparations with respect to the coming elections. And the COMELEC's rule-making power should be exercised in accordance with the prevailing law.

Both Section 29 of Republic Act No. 6646 and Section 28 of Republic Act No. 8436 grant the COMELEC the power to fix other periods and dates for pre-election activities only if the same cannot be reasonably held within the period provided by law. There is no ground to hold that the mandate of continuing voter registration cannot be reasonably held within the period provided by Section 8 of Republic Act 8189. There is, thus, no occasion for the COMELEC to exercise its power to fix other dates or deadlines therefor.

The present case is different from **Akbayan-Youth vs. COMELEC**. Petitioners in **Akbayan** filed their petition with the Court within the 120-day prohibitive period for the conduct of voter registration under Section 8 of R.A. 8189, and sought the conduct of a two-day

registration on 17 and 18 February 2001, also within the 120-day prohibitive period. In the present case, both the dates of filing of the petition (30 October 2009) and the extension sought (until 9 January 2010) are prior to the 120-day prohibitive period.

* The Voters' Registration Act of 1996

* The Electoral Reforms Law of 1987

*** An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National or Local Elections and in Subsequent National and Local Electoral Exercises, Providing Funds Therefor and for Other Purposes

***G.R. Nos. 147066 &147179; 26 March 2001; 355 SCRA 318.

Ponente: J. Conchita Carpio-Morales

Vote: Unanimous

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