



Republic of the Philippines  
COMMISSION ON ELECTIONS  
Intramuros, Manila

IN THE MATTER OF THE	Garcia, G.M., <i>Chairman</i>
DISQUALIFICATION OF A	Inting, S.B., <i>Commissioner</i>
CANDIDATE PURSUANT TO	Casquejo, M.S. <i>Commissioner</i>
SECTION 12, ARTICLE I OF THE	Ferolino, A.P., <i>Commissioner</i>
OMNIBUS ELECTION CODE	Bulay, R.E., <i>Commissioner</i>
	Maceda, E.P., <i>Commissioner</i>
	Celis, N.J., <i>Commissioner</i>

x-----x Promulgated: 28 August 2024

## RESOLUTION NO. 11044

WHEREAS, Section 12, Article I of the Omnibus Election Code reads as follows:

“SECTION 12. *Disqualifications.* – Any person who has been declared by competent authority insane or incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion or for any offense for which he has been sentenced to a penalty of more than eighteen months or for a crime involving moral turpitude, shall be disqualified to be a candidate and to hold any office, unless he has been given plenary pardon or granted amnesty.”

WHEREAS, the Supreme Court in *Jalosjos vs. COMELEC* declared, “the term ‘administrative’ connotes, or pertains, to administration management, as by managing or conducting, directing or superintending, the execution, application, or conduct of persons, or things. It does not entail an opportunity to be heard, the production and weighing of evidence, and a decision or resolution thereon.”

NOW THEREFORE, after due deliberation, the Commission *En Banc*, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, the Administrative Code of 1987 and other relevant statutes, hereby **RESOLVES** that the referral for administrative cancellation of Certificate of Candidacy (COC) on the basis of final judgment be limited to instances when the final judgment has an accessory penalty of perpetual

disqualification OR when the principal penalty itself is perpetual disqualification since the COMELEC needs to enforce these decisions.

On the other hand, cases with penalties without the accessory penalty of perpetual disqualification but may fall under Section 12, Article I of the Omnibus Election Code should be proper subject of a petition for disqualification and not automatic administrative cancellation.

Let the Education and Information Department cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines.

**SO ORDERED.**

**GEORGE ERWIN M. GARCIA**  
*Chairman*

**SOCORRO B. INTING**  
*Commissioner*

**MARLON S. CASQUEJO**  
*Commissioner*

**AIMEE P. FEROLINO**  
*Commissioner*


**REY E. BULAY**  
*Commissioner*

**ERNESTO FERDINAND P. MACEDA, JR.**  
*Commissioner*

**NELSON J. CELIS**  
*Commissioner*

**CERTIFICATION**

**APPROVED** for publication on **28 August 2024**.

  
**CONSUELO B. DIOLA**  
*Director IV*

This Resolution can be verified at this number (02)85272987; email address [comsec@comelec.gov.ph](mailto:comsec@comelec.gov.ph).