

Yra vs Abano

PETITIONER Marcos Yra: the vice-president elect of Meycauayan, Bulacan, who challenges the right of the respondent,

RESPONDENT Maximo Abano: the municipal president elect of Meycauayan

Facts:

Respondent Maximo Abano is a native of Meycauayan, Bulacan. At the proper age, he transferred to Manila to study. While temporarily residing in Manila, Abano registered as a voter there. Shortly after qualifying as a member of the bar and after the death of his father, Abano returned to Meycauayan to live there.

From May 10, 1927, up to present, Abano has considered himself a resident of Meycauayan. When the 1928 elections were approaching, he made an application for cancellation of registration in Manila dated April 3, 1928, but this application was rejected by the city officials for the reason that it was not deposited in the mails on or before April 4, 1928. Nevertheless Abano presented himself as a candidate for municipal president of Meycauayan in the 1928 elections and was elected by popular vote to that office.

Petitioner Marcos Yra assails the eligibility of Abano on the ground that he had not been a resident of Meycauayan for at least one year previous to the election.

Issue:

Is the non-eligibility of the respondent to hold a municipal office for the reason that he was not a "qualified voter in his municipality", connoting that he was not a "qualified elector therein", sufficient to nullify his election?

Held:

No.

Ratio Decidendi:

One of the qualifications required by law of a person who announces his candidacy is that he must be a duly qualified elector. The Executive Bureau has held that the term "qualified" when applied to a voter does not necessarily mean that a person must be a registered voter. To become a qualified candidate a person does not need to register as an elector. It is sufficient that he possesses all the qualifications prescribed in section 431 and none of the disqualifications prescribed in section 432. The fact that a candidate failed to register as an elector in the municipality does not deprive him of the right to become a candidate to be voted for.

Furthermore, the law of Kentucky provides that "No person shall be eligible to any office who is not at time of his election a qualified voter of the city and who has not resided therein three years preceding his election." It was said that "The act of registering is only one step towards voting, and it is not one of the elements that makes the citizen a qualified voter. . . . One may be a qualified voter without exercising the right to vote. Registering does not confer the right; it is but a condition precedent to the exercise of the right."

The distinction is between a qualified elector and the respondent is such, and a registered qualified elector and the respondent is such although not in his home municipality. Registration regulates the exercise of the right of suffrage. It is not a qualification for such right. It should not be forgotten that the people of Meycauayan have spoken and their choice to be their local chief executive is the respondent. The will of the electorate should be respected.