

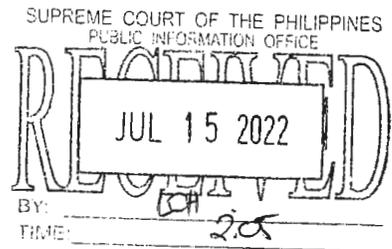


Republic of the Philippines  
Supreme Court

Manila

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **JUNE 14, 2022**, which reads as follows:

“G.R. No. 244369 (*Usman Mindalano Sarangani, Jr. vs. Commission on Elections, represented by Sheriff M. Abas as Chairperson, Al A. Parreño, Luie Tito F. Guia, Ma. Rowena Amelia V. Guanzon, Socorro B. Inting, Marlon S. Casquejo and Antonio T. Kho, Jr. as Members*). - Before the Court is a Petition for *Certiorari* under Rule 64 in relation to Rule 65, Rules of Court, with Prayer for the Issuance of Temporary Restraining Order (TRO) and/or *Status Quo Ante* Order and/or Writ of Preliminary Injunction.<sup>1</sup> The petition seeks to nullify the Commission on Elections’ (COMELEC) Minute Resolution No. 19-0071<sup>2</sup> dated 23 January 2019, which deemed petitioner’s Certificate of Candidacy (COC) not filed for non-use of the amended COC form, and Minute Resolution No. 19-0099<sup>3</sup> dated 30 January 2019, which denied petitioner’s motion for reconsideration on the ground that the COMELEC issued the same with grave abuse of discretion amounting to lack or excess of jurisdiction. Petitioner prays that the COMELEC be enjoined from striking off, cancelling or deleting the name of petitioner in the Official List of Candidates for Mayor of Madalum, Lanao del Sur in the 13 May 2019 National and Local Elections.

In a Resolution<sup>4</sup> dated 5 March 2019, the Court issued a TRO enjoining the COMELEC from enforcing the assailed minute resolutions and from striking off the name of petitioner as a mayoral candidate for Madalum, Lanao del Sur in the 13 May 2019 National and Local Elections.

After a careful review of the records, the Court resolves to **DISMISS** the instant petition for failure of petitioner to show that the COMELEC committed grave abuse of discretion amounting to lack or excess of

<sup>1</sup> *Rollo*, pp. 3-22.

<sup>2</sup> *Id.* at 81-84.

<sup>3</sup> *Id.* at 85-86.

<sup>4</sup> *Id.* at 59-65.

jurisdiction in issuing Minute Resolution Nos. 19-0071 and 19-0099. Consequently, the TRO issued by the Court on 5 March 2019 is **LIFTED**.

Section 2 (1), Article IX (C) of the Constitution gives the COMELEC the broad power to '[e]nforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.' There can hardly be any doubt that the intent of this constitutional provision is to give COMELEC all the necessary and incidental powers for it to achieve the objective of holding of free, orderly, honest, peaceful and credible elections.<sup>5</sup>

Consistent with this power, the COMELEC issued Resolution No. 10420,<sup>6</sup> which, among others, provides that '[n]o person can run for the position of Senator, Member of the House of Representatives, Provincial, City, Municipal or ARMM Regional Official unless such aspirant **accomplishes and files a sworn COC in the form prescribed by the Commission,**'<sup>7</sup> and Resolution No. 10430,<sup>8</sup> which contains a copy of the amended COC form for aspirants to accomplish. Unlike its previous version, the amended COC form includes Item No. 22, which reads: '*Have you ever been found liable for an offense which carries with it the accessory penalty of perpetual disqualification to hold public office which has become final and executory?*'

Accordingly, in Minute Resolution No. 18-1182<sup>9</sup> dated 28 November 2018, the COMELEC *En Banc* approved the recommendation of the COMELEC Law Department 'in declaring that all Certificates of Candidacy (COCs) following the old form which lacks Item No. 22 as received by the COMELEC field offices shall **BE DEEMED NOT FILED**, following COMELEC Resolution No. 10420, as amended by COMELEC Resolution No. 10430.'<sup>10</sup>

Pursuant to these earlier issued resolutions, the COMELEC *En Banc* then issued the herein assailed minute resolutions: Minute Resolution No. 19-0071, which deemed petitioner's COC not filed for non-use of the amended COC form, and Minute Resolution No. 19-0099, which denied petitioner's motion for reconsideration.

<sup>5</sup> *Maruhom v. Commission on Elections*, 387 Phil. 491, 513 (2000).

<sup>6</sup> Rules and Regulations Governing: 1) Political Conventions; 2) Submission of Nominees of Groups or Organizations Participating under the Party-List System of Representation; and 3) Filing of Certificates of Candidacy and Nomination of and Acceptance by Official Candidates of Registered Political Parties or Coalitions of Political Parties in Connection with the May 13, 2019 National and Local Elections (September 7, 2018), *rollo*, pp. 112-130.

<sup>7</sup> Section 13. Certificate of Candidacy, *id.* at 117; emphasis supplied.

<sup>8</sup> In *The Matter of Amending Resolution No. 10420*, entitled "Rules and Regulations Governing: 1) Political Conventions; 2) Submission of Nominees of Groups or Organizations Participating under the Party-List System of Representation; and 3) Filing of Certificates of Candidacy and Nomination of and Acceptance by Official Candidates of Registered Political Parties or Coalitions of Political Parties in Connection with the May 13, 2019 National and Local Elections" (October 1, 2018), *id.* at 131-133.

<sup>9</sup> *Id.* at 158-161.

<sup>10</sup> *Id.* at 161.

Petitioner argues, among others, that he in fact submitted the correct COC forms and that the old COC forms he used were obtained from the Office of the Election Officer of Madalum, Lanao del Sur.<sup>11</sup>

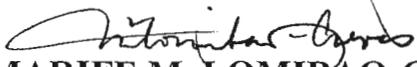
For its part, the COMELEC, in its Comment,<sup>12</sup> submits that in issuing the assailed minute resolutions, it was merely performing its constitutional mandate to enforce and administer all laws, rules and regulations relative to the conduct of an election.

This Court has consistently acknowledged and affirmed COMELEC's wide latitude of discretion in adopting means to carry out its mandate of ensuring free, orderly, and honest elections subject only to the limitation that the means so adopted are not illegal or do not constitute grave abuse of discretion.<sup>13</sup> By grave abuse of discretion is meant such capricious and whimsical exercise of judgment equivalent to lack of jurisdiction. Mere abuse of discretion is not enough. It must be grave, as when it is exercised arbitrarily or despotically by reason of passion or personal hostility. Such abuse must be so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.<sup>14</sup>

Having found no such grave abuse of discretion on the part of the COMELEC in issuing the assailed minute resolutions, the instant petition must be dismissed.

**WHEREFORE**, the Court resolves to **DISMISS** the instant petition for failure of petitioner to show that the Commission on Elections committed grave abuse of discretion amounting to lack or excess of jurisdiction in issuing Minute Resolution Nos. 19-0071 and 19-0099 dated 23 January 2019 and 30 January 2019, respectively. Consequently, the Temporary Restraining Order issued by the Court on 5 March 2019 is **LIFTED.**" Lazaro-Javier, J., on official leave. Inting and Kho, Jr., JJ., no part. (109)

By authority of the Court:

  
**MARIFE M. LOMIBAO-CUEVAS**  
Clerk of Court *huv*

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<sup>11</sup> Id. at 8.

<sup>12</sup> Id. at 97-111.

<sup>13</sup> *Tolentino v. Commission on Elections*, 465 Phil. 385, 416 (2004).

<sup>14</sup> *Cantoria v. Commission on Elections*, 486 Phil. 744, 751 (2004).

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