



Republic of the Philippines
Supreme Court
Manila

EN BANC

ADVISORY
(Revised as of November 6, 2023)

G.R. No. 261123 (*Duty to Energize the Republic Through the Enlightenment of the Youth [Duterte Youth] Party-List, represented by Chairperson Ronald Gian L. Cardema and Representative Ducielle Marie S. Cardema, Petitioner v. Commission on Elections, House of Representatives, and Komunidad ng Pamilya, Pasyente, at Persons with Disabilities [P3PWD] Party-List and its nominees led by Ma. Rowena Amelia V. Guanzon, Respondents*).

G.R. No. 261876 (*Duty to Energize the Republic Through the Enlightenment of the Youth [Duterte Youth] Party-List, represented by Chairperson Ronald Gian Carlo L. Cardema and Representative Ducielle Marie S. Cardema, Petitioner v. Maria Rowena Amelia V. Guanzon, Respondent*).

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For the orderly conduct of the **Oral Arguments** scheduled on **November 14, 2023, 2:00 p.m.**, at the *En Banc* Session Hall, Second Floor of the Supreme Court Main Building, the parties are required to observe the following:

- I. Petitioners and respondents shall limit their discussion to the following essential issues:

A. PROCEDURAL ISSUES

1. Whether petitioner Duty to Energize the Republic Through the Enlightenment of the Youth (Duterte Youth) Party-List has legal standing to question the Commission on Elections' (COMELEC) Minute Resolution Nos. 22-0774, 22-0798, and 22-0810 (Minute Resolutions);
2. Whether a petition for *certiorari* under Rule 64 in relation to Rule 65 is the proper remedy from the assailed Minute Resolutions of the COMELEC;

3. Whether the COMELEC Minute Resolutions should be considered as final determination by the COMELEC *En Banc* of the validity of substitution of respondent Komunidad ng Pamilya, Pasyente, at Persons with Disabilities (P3PWD) Party-List nominees;
4. Whether the assailed Minute Resolutions of the COMELEC were issued in the exercise of its quasi-judicial or administrative functions;
5. Whether jurisdiction remained with the COMELEC or was acquired by the House of Representatives Electoral Tribunal on the basis of whether respondent Maria Rowena Amelia V. Guanzon (Guanzon) should be considered to have assumed office as representative of the P3PWD Party-List; and
6. Whether the petition was premature when it was filed on June 21, 2023, without awaiting the COMELEC's Resolution on petitioner's opposition to P3PWD Party-List's substitution of nominees, which Resolution was issued on June 22, 2023, a day after the petition was filed.

B. SUBSTANTIVE ISSUES

1. Whether the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction in approving the substitution of all the P3PWD Party-List nominees;
 - a. Whether COMELEC Resolution No. 10690—setting the deadline for the withdrawal by party-list nominees to not later than November 15, 2021 and the deadline for substitution to not later than mid-day of the election day in case of death or incapacity—is mandatory even after the election;
 - b. Whether the assailed Minute Resolutions are void, not having been approved by at least four (4) Members, *i.e.*, the required minimum number of votes under Section 7, Article IX-A of the Constitution;
 - c. Whether all five party-list nominees, submitted to the electorate for voting, can withdraw at the same time, and under what conditions?
2. Whether the substitute nominees should comply with the qualifications of party-list nominees as provided in Section 9¹ of

¹ SECTION 9. *Qualifications of Party-List Nominees.* — No person shall be nominated as party-list

Republic Act (RA) No. 7941²;

a. Whether the COMELEC Minute Resolutions made a determination of the substitute nominees' compliance with the qualifications of party-list nominees as provided in Section 9 of RA No. 7941;

b. Whether respondent Guanzon, a COMELEC Commissioner at the time of the approval of P3PWD Party-List's registration as a party-list, was an eligible substitute nominee of P3PWD Party-List; and

3. Whether the oath for purposes of assumption into office, thereby determining the jurisdiction of the House of Representatives Electoral Tribunal, is the oath before the Speaker of the House or the oath before any person authorized to administer oath right after the proclamation.

C. As agreed upon during the October 3, 2023 Preliminary Conference, the contempt charges are already deemed submitted and shall no longer be included in the issues to be argued.

II. Each party, through their respective counsels, shall have a total of **twenty-five (25) minutes** to make their respective opening statements. For the respondents, the time allotted shall be divided as follows: **fifteen (15) minutes** for the Solicitor General and **ten (10) minutes** for the private respondents. Presentation of audio-visual materials, if any, shall be included in the 25-minute allotted time.

III. Only the following number of counsels shall be allowed to be physically present during the Oral Arguments:

- Two (2) counsels for petitioner Duterte Youth Party-List;
- Two (2) counsels *each* for respondents COMELEC and House of Representatives;
- Two (2) counsels for respondents P3PWD Party-List and Maria Rowena Amelia V. Guanzon (Guanzon);

representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election. In case of a nominee of the youth sector, he must at least be twentyfive (25) but not more than thirty (30) years of age on the day of the election. Any youth sectoral representative who attains the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term.

² AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM, AND APPROPRIATING FUNDS THEREFOR.

IV. Counsels who will be attending the Oral Arguments are directed to submit to the Court, by **personal service** and not later than **12 noon of November 9, 2023, Thursday**, their manifestations stating their names and specifying who among them will be arguing for the parties.

V. Counsels who intend to present audio-visual materials must submit manifestations to this effect, furnish the Court with digital and physical copies of the audio-visual materials, all by **personal service**, and coordinate with the Office of the Clerk of Court not later than **12 noon of November 9, 2023, Thursday**, so that the Court can make the necessary arrangements.

VI. Petitioners Ronald Gian Carlo L. Cardema and Ducielle Marie S. Cardema, as well as respondent Maria Rowena Amelia V. Guanzon, and COMELEC Chairperson George Erwin M. Garcia, are required to be present during the Oral Arguments. As requested by respondent P3PWD Party-list, twenty of its members may also attend on a first-come-first-served basis, subject to the availability of seats in the venue.

VII. The interpellations by the Members of the Court shall immediately proceed after the parties' opening statements. The time allotted for counsels shall be exclusive of the time devoted to the interpellations by the Members of the Court.

VIII. All other manifestations, additional comments, or motions must be filed before the Court **personally** on or before **November 9, 2023, Thursday, at 12 noon**. Likewise, service of manifestations, additional comments, or motions shall be done **personally** on all adverse parties through counsels.

IX. All other matters not covered by the Oral Arguments, except the issues involving the contempt charges which are already deemed submitted, shall not however be considered as eliminated issues but shall be discussed and argued in the written memoranda to be required of the parties after the Oral Arguments. The Members of the Court may further maintain their prerogative to inquire on any matter relevant to the agreed issues.

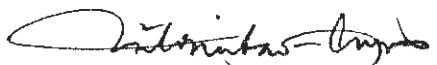
X. The Oral Arguments shall end at **5:30 p.m.** The Court shall make another setting, if necessary.

Finally, as discussed during the Preliminary Conference, all parties and their counsels are **strictly prohibited** from publicly commenting on the issues

of these consolidated cases.

Let copies of this Advisory be served upon the parties by **personal service**.

By authority of the Court:


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

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