

REPUBLIC OF THE PHILIPPINES
SOLICITOR GENERAL

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REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

EN BANC

**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,

-versus-

G.R. No. 261123

**COMMISSION ON ELECTIONS
(COMELEC), HOUSE OF
REPRESENTATIVES (HOR)
KOMUNIDAD NG PAMILYA,
PASYENTE AT PERSONS WITH
DISABILITIES (P3PWD)
PARTY-LIST and its Nominees
led by ROWENA AMELIA V.
GUANZON**,
Respondents.

X-----X

COMMENT

*(On the Urgent Petition for Certiorari with prayer
for Preliminary Injunction and/or Temporary
Restraining Order and Motion for Conduct of
Special Raffle dated 21 June 2022)*

Respondent **COMMISSION ON ELECTIONS** through
the **OFFICE OF THE SOLICITOR GENERAL**, unto this
Honorable Court, respectfully states:

STATEMENT OF THE CASE

1. This is a Petition for *Certiorari* with Prayer for Preliminary Injunction and/or Temporary Restraining Order and Motion for Conduct of Special Raffle dated 21 June 2022 (Petition) under Rule 64, in relation to Rule 65 of the Rules of Court, filed by Petitioner Duty to Energize the Republic through the Enlightenment of the Youth Party-List, represented by its Chairperson, Ronald Gian Carlo L. Cardema and Representative Ducielle Marie S. Cardema (Petitioner).

2. The *Petition* seeks to annul COMELEC En Banc Minute Resolution No. 22-0774 (assailed Resolution), which approved the withdrawal and substitution of nominees filed by Komunidad Ng Pamilya, Pasyente at Persons with Disabilities Party-List (Respondent P3PWD) on 14 June 2022. The dispositive portion of the assailed *Resolution* reads:

WHEREFORE, considering the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to **ADOPT**, the recommendation of Atty. Maria Norina S. Tangaro-Casingal, Law Department, to **APPROVE**, the following, **subject to the compliance of the publication requirement**, to wit:

1. To **GRANT** the respective Withdrawal of Nomination of Grace S. Yeneza as Nominee No. 1; Ira Paulo A. Pozon as Nominee No. 2; Marianne Heidi C. Fullon as Nominee No. 3; Peter Jonas R. David as Nominee No. 4; and Lily Grace A. Tianco as Nominee No. 5; and
2. To **GIVE DUE COURSE** the New List of Nominees as follows:
 1. Ma. Rowena Amelia V. Guanzon
 2. Rosalie J. Garcia
 3. Cherrie B. Belmonte-Lim
 4. Donnabel C. Tenorio
 5. Rodolfo B. Villar, Jr.

Let the Law Department implement this Resolution,

SO ORDERED.

3. The *Petition* also seeks a Temporary Restraining Order and/or Preliminary Injunction to direct Respondent

COMELEC to refrain from issuing a Certificate of Proclamation to the substituting nominees led by Ma. Rowena Amelia V. Guanzon, and Respondent HOR to refrain from allowing Guanzon and substituting nominees to assume the Office of the HOR during the pendency of this case.

COUNTER-STATEMENT OF FACTS AND ANTECEDENT PROCEEDINGS

4. Pursuant to Section 8, Article VI of the 1987 Constitution, the 2022 Regular Elections of the Members of the House of Representatives shall be held on 9 May 2022.¹

5. On 27 January 2021, the COMELEC *En Banc* promulgated Resolution No. 10690² which fixed the new deadline for party-list matters and required party-list groups, organizations, and coalitions to publish, at their own expense, their new list of substitute nominees, within five (5) days from the submission of their new list of nominees for purposes of the 9 May 2022 National and Local Elections.

6. On 10 February 2021, the COMELEC *En Banc* promulgated Resolution No. 10695³ which set the Election Period for the 2022 National and Local Elections from 9 January to 8 June 2022.

7. On 6 October 2021, Respondent P3PWD, through its Secretary-General Donnabel C. Tenorio (Sec. Gen. Tenorio), filed its Certificate of Nomination (CON) and

¹ Section 8. Unless otherwise provided by law, the regular election of the Senators and the Members of the House of Representatives shall be held on the second Monday of May.

² IN THE MATTER OF SETTING THE LAST DAY FOR THE FILING OF THE FOLLOWING: (1) PETITIONS FOR REGISTRATION OF PARTY-LIST GROUPS, ORGANIZATIONS, AND COALITIONS; (2) MANIFESTATION OF INTENT TO PARTICIPATE; (3) SUBMISSION OF NAMES OF NOMINEES; (4) FILING OF DISQUALIFICATION CASES AGAINST NOMINEES OF GROUPS, ORGANIZATIONS, AND COALITIONS UNDER THE PARTY-LIST SYSTEM OF REPRESENTATION AND REQUIRING PUBLICATION OF SUBSTITUTE-NOMINEES IN CONNECTION WITH THE 09 MAY 2022 NATIONAL AND LOCAL ELECTIONS, p. 3;

https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com_res_10690.pdf; last accessed on July 7, 2022.

³ IN THE MATTER OF PRESCRIBING THE CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE MAY 09, 2022 NATIONAL AND LOCAL ELECTIONS, p. 3;

https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com_res_10695.pdf; last accessed on July 7, 2022.

Certificate of Acceptance of Nomination (CANs) of its nominees:

Nominee	Name
1 st	Grace S. Yeneza
2 nd	Joel R. Lopez
3 rd	Allen Jose R. Serna
4 th	Michelle R. Ofalla
5 th	Guillermo R. Eugenio

8. On 5 November 2021, Respondent P3PWD filed a withdrawal with substitution of its Nominees Nos. 2, 3, 4, and 5.⁴

9. On 24 November 2021, COMELEC *En Banc* promulgated Resolution No. 21-1327⁵ which approved the new nominees of Respondent P3PWD. Thus, the new nominees of Respondent P3PWD are the following:

Nominee	Name
1 st	Grace S. Yeneza
2 nd	Ira Paulo A. Pozon (Substitute Nominee)
3 rd	Marianne Heidi C. Fullon (Substitute Nominee)
4 th	Peter Jonas R. David (Substitute Nominee)
5 th	Lily Grace A. Tiangco (Substitute Nominee)

10. On 29 December 2021, Respondent COMELEC released the Final List of Party-List Candidates for the 2022 May Elections,⁶ which includes Respondent P3PWD.

11. In the 9 May 2022 National and Local Elections, Respondent P3PWD obtain a sufficient number of votes which entitles it to one seat in the HOR.⁷

⁴ p. 2 of COMELEC Minute Resolution No. 22-0774 attached hereto as Annex "A".

⁵ *Id.*

⁶ <https://comelec.gov.ph/?r=2022NLE/ListsofCandidates/FinalListingPartyList>; last accessed on July 7, 2022.

⁷ <https://comelec.gov.ph/?r=2022NLE/PressRelease/26May2022Advisory>; last accessed on 7 July 2022.

12. On 14 June 2022, Respondent P3PWD filed the following documents⁸ before the COMELEC Law Department:

1. Letter dated 13 June 2022 from Sec. Gen. Tenorio of Respondent P3PWD regarding the submission of the Board of Resolution of Resignation of Party-List Nominees and Acceptance of Nominees;
2. Affidavit of Filing signed by Sec. Gen. Tenorio;
3. Board of Trustees Resolution No. 2022-02 accepting the respective resignations of Nominee 1, 2, 3, 4, and 5 and substituting its New Nominees;
4. Notarized Letters of Resignation of the following Nominees:

Nominee	Name
1 st	Grace S. Yeneza
2 nd	Ira Paulo A. Pozon
3 rd	Marianne Heidi C. Fullon
4 th	Peter Jonas R. David
5 th	Lily Grace A. Tiangco

5. CON and CANs of the following:

Nominee	Name
1 st	Ma. Rowena Amelia V. Guanzon
2 nd	Rosalie J. Garcia
3 rd	Cherrie B. Belmonte-Lim
4 th	Donnabel C. Tenorio
5 th	Rodolfo B. Villar, Jr.

6. Affidavit dated 10 June 2022 of Sec. Gen. Tenorio and Grace S. Yeneza of P3PWD Party-List stating that the nominees/substitute nominees have all the qualifications and none of the disqualifications provided by law and that they are neither candidates for any elective office nor have anyone of them lost their bid for an elective office in the 13 May 2019 National and Local Elections.

13. On 15 June 2022, the COMELEC *En Banc* promulgated the assailed Resolution which approved the withdrawal and substitution of Respondent P3PWD's Nominees.⁹

⁸ pp. 2-3 of COMELEC Minute Resolution No. 22-0774 attached hereto as Annex "A".

⁹ *Id.*, pp. 7-8.

14. On 17 June 2022, Petitioner filed a verified Opposition to the substitution of Respondent P3PWD nominees before Respondent COMELEC.¹⁰ Moreover, it requested Respondent COMELEC for public documents pertaining to the said substitution. However, it has not received the same including a copy of the assailed Resolution.¹¹ Meanwhile, Respondent P3PWD filed a Manifestation before the COMELEC Law Department submitting proof of publication of its New List of Nominees in two (2) National Newspapers of General Circulation.¹²

15. On 21 June 2022, even without waiting for the resolution of its verified Opposition and knowing the actual contents of the assailed Resolution,¹³ Petitioner filed the instant Petition alleging that Respondent COMELEC committed grave abuse of discretion in promulgating the assailed Resolution which approved the illegal substitution of all nominees of Respondent P3PWD.¹⁴

16. On 22 June 2022, COMELEC *En Banc* promulgated Resolution No. 22-0810¹⁵ which denied the verified Opposition to the substitution of Respondent P3PWD Party-List Nominees for lack of merit. Moreover, it issued Resolution No. 22-0798¹⁶ which noted the Manifestation filed by Respondent P3PWD on 17 June 2022 and considered the same as satisfactory compliance with Minute Resolution No. 22-0774.

17. On 1 July 2022, respondent COMELEC received this Honorable Court's Temporary Restraining Order dated 29 June 2022 enjoining respondent COMELEC, its agents, representatives, or persons acting in its place or stead, from enforcing the assailed COMELEC Resolution. Moreover, it required it to Comment on the *Petition* within a non-extendible period of ten (10) days from notice, or until 11 July 2022.

18. Hence, *this Comment* is being timely filed.

¹⁰ See the Verified Opposition dated June 17, 2022 attached as Annex "A" of the Petition for Certiorari dated June 21, 2022.

¹¹ See the Petition for *Certiorari* dated June 21, 2022, par. 6, pp. 2-3.

¹² p. 2 of COMELEC Minute Resolution No. 22-0798 attached hereto as Annex "B".

¹³ *Id.*, par. 7, p. 3.

¹⁴ *Id.*, p. 13.

¹⁵ pp. 5-6 of COMELEC Minute Resolution No. 22-0810 dated June 22, 2022 attached hereto as Annex "C".

¹⁶ pp. 2-3 of COMELEC Minute Resolution No. 22-0798 attached hereto as Annex "B".

ISSUE

WHETHER RESPONDENT COMELEC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT GRANTED RESPONDENT P3PWD'S WITHDRAWAL WITH SUBSTITUTION OF ITS NOMINEES EVEN AFTER THE DEADLINE SET IN COMELEC RESOLUTION NO. 9366, AS AMENDED BY COMELEC RESOLUTION NO. 10690.

ARGUMENTS

I.

THE PETITION SHOULD BE DISMISSED OUTRIGHT FOR BEING PREMATURE.

II.

THERE WAS NO GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION ON THE PART OF RESPONDENT COMELEC.

- There is legal basis for the substitution of RESPONDENT P3PWD's Nominees after the Election Period. This is allowed under Sections 8 and 16 of Republic Act No. 7941.
- Resolution No. 9366, as amended by Resolution No. 10690, which allows withdrawal with substitution until 15 November 2021 is only applicable to withdrawal with substitution of nominees during the Election Period.
- Petitioner is estopped from insisting on its interpretation that substitution of nominees is only allowed until the deadline set in COMELEC Resolution No. 9366, as amended by Resolution No. 10690.

DISCUSSION

I.

THE PETITION SHOULD BE DISMISSED OUTRIGHT FOR BEING PREMATURE.

19. At the outset, it must be emphasized that a writ of *certiorari* is a prerogative writ, never demandable as a matter of right, never issued except in the exercise of judicial discretion. Hence, he who seeks a writ of *certiorari* must apply for it only in the manner and strictly in accordance with the provisions of the law and the Rules of Court.¹⁷

20. Rule 65, Section 1 of the 1997 Rules of Civil Procedure, in relation to Rule 64, Section 2, is explicit that a petition for *certiorari* can only be availed of when "there is no appeal or any plain, speedy, and adequate remedy in the ordinary course of law."

21. In the case of *Sen. De Lima v. Hon. Guerrero*,¹⁸ this Honorable Court emphasized the requirement of having no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, to wit:

Furthermore, it is a basic requirement under Rule 65 that there be "[no] other plain, speedy and adequate remedy found in law." Thus, the failure to exhaust all other remedies, as will be later discussed, before a premature resort to this Court is fatal to the petitioner's cause of action.

22. In this case, Petitioner was able to file a verified Opposition to assail the substitution of Respondent P3PWD Nominees before the COMELEC *En Banc*.¹⁹ Clearly, there is a plain, speedy, and adequate remedy available to it. However, even without waiting for the resolution of its verified Opposition and knowing the contents of the assailed Resolution,²⁰ Petitioner directly invoked this Honorable

¹⁷ *Nuque v. Aquino, et al.*, G.R. No. 193058, July 8, 2015.

¹⁸ G.R. No. 229781, October 10, 2017.

¹⁹ See the Verified Opposition dated June 17, 2022 attached as Annex "A" of the Petition for Certiorari dated June 21, 2022.

²⁰ *Id.*, par. 7, p. 3.

Court's power of review based on conjectures and suppositions. This should not be countenanced.

23. It bears stressing that this Honorable Court does not look with favor the practice of seeking a remedy from this Court without waiting for the resolution of the pending action before the tribunal below, absent extraordinary circumstances warranting appropriate action by this Court. This makes short shrift of established rules of procedure intended for the orderly administration of justice.²¹

24. Moreover, the extraordinariness of the extraordinary remedy of a petition for *certiorari* must not be diluted by invocations of grave abuse of discretion as some sort of magic phrase to counter almost every unfavorable decision, every adverse interlocutory order issued by judicial and quasi-judicial authorities.²²

25. Considering that Petitioner had a plain, speedy, and adequate remedy available to it, its direct recourse to this Honorable Court by way of writ of *certiorari* is in direct contravention of Rule 65, Section 1 of the 1997 Rules of Civil Procedure. Accordingly, the Petition should be dismissed outright for being prematurely filed.

II.

THERE WAS NO GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION ON THE PART OF RESPONDENT COMELEC.

26. Grave abuse of discretion amounting to lack or in excess of jurisdiction is such capricious and whimsical exercise of judgment by the tribunal exercising judicial functions as to amount to lack of power.²³ To be considered grave, discretion must be exercised in a despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or a

²¹ *Bagatsing v. COMELEC*, G.R. No. 134047, December 15, 1999.

²² *Cam v. Casimiro*, G.R. No. 184130, June 29, 2015.

²³ *Jardin v. National Labor Relations Commission*, G.R. No. 119268, February 23, 2000.

virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.²⁴

27. Parenthetically, when acts are committed within the bounds of the law, there is no abuse of discretion, much less grave.²⁵ In such instances, a writ of *certiorari* will not lie.

28. In this case, despite Petitioner's attempt to muddle the issues, the only issue that needs to be resolved is whether the approval of the withdrawal with substitution of Respondent P3PWD's Nominees is within the bounds of the law. As will be explained below, Respondent COMELEC did not commit grave abuse of discretion in promulgating the assailed Resolution.

There is legal basis for the substitution of RESPONDENT P3PWD's Nominees after the Election Period. This is allowed under Sections 8 and 16 of Republic Act No. 7941.

29. Sections 8 and 16 of Republic Act No. 7941 (Party-List System Act) state:

Section 8. Nomination of Party-List Representatives. Each registered party, organization or coalition shall submit to the COMELEC not later than forty-five (45) days before the election a list of names, not less than five (5), from which party-list representatives shall be chosen in case it obtains the required number of votes.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or a person who has lost his bid for an elective office in the immediately preceding election. **No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases**

²⁴ *Tua v. Mangrobang*, G.R. No. 170701, January 22, 2014.

²⁵ *cf. Air Transportation Office v. Court of Appeals*, G.R. No. 173616, June 25, 2014 –

There is grave abuse of discretion when an act is (1) done contrary to the Constitution, the law or jurisprudence, or (2) executed whimsically, capriciously or arbitrarily out of malice, ill will or personal bias.

where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitute nominee shall be placed last in the list. Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.

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Section 16. Vacancy. **In case of vacancy in the seats reserved for party-list representatives, the vacancy shall be automatically filled by the next representative from the list of nominees in the order submitted to the COMELEC by the same party, organization, or coalition, who shall serve for the unexpired term. If the list is exhausted, the party, organization coalition concerned shall submit additional nominees.**²⁶

30. A plain reading of Section 8 would clearly show that a substitute nominee is allowed under the present Party-List Law. The only requirement for a valid substitution under this provision is that a nominee shall withdraw in writing his/her nomination and that the substitute nominee is to be placed last in the list of nominees.

31. On the other hand, Section 16 requires that in case there is a vacancy in the seats reserved for party-list representatives, the vacancy shall be automatically filled by the next representative from the list of nominees, and if the said list is exhausted, the party-list shall submit additional nominees.

32. In this case, all the original nominees of Respondent P3PWD submitted their notarized letters of resignation, among others, before the COMELEC Law Department. Moreover, since the original list of nominees was exhausted due to their resignations, Respondent P3PWD submitted its list of new nominees.²⁷

33. Based on the foregoing, the substitution of Respondent P3PWD's Nominees was in accordance with Sections 8 and 16 of Republic Act No. 7941. Thus, the assailed

²⁶ Emphasis supplied.

²⁷ pp. 2-3 of COMELEC Minute Resolution No. 22-0774 attached hereto as Annex "A".

Resolution has legal basis. Therefore, Respondent COMELEC did not commit grave abuse of discretion.

Resolution No. 9366, as amended by Resolution No. 10690, which allows withdrawal with substitution until 15 November 2021 is only applicable to withdrawal with substitution of nominees during the Election Period.

34. Petitioner claims that the submission of resignation and withdrawal by the original nominees and CON and CANs of Respondent P3PWD's new nominees on 14 June 2022 violates Section 4, Rule 4 of COMELEC Resolution No. 9366, as amended by Section 6 of Resolution No. 10690, which allows substitution of nominees due to withdrawal not later than 15 November 2021,²⁸ thus:

Section 6. Withdrawal and Substitution Due to Withdrawal of Nomination. - Section 4, Rule 4 of Resolution No. 9366 is hereby amended by adding new provisions to be read as follows:

"Section 4. Withdrawal of nomination or acceptance of nomination. Withdrawal of nominations and substitution of nominees due to the withdrawal of the acceptance to the nomination shall be in writing and under oath, and filed with the Law Department not later the NOVEMBER 15, 2021. Provided that NO substitution shall be VALID unless the party files with the Law Department a list of its substitute nominees, the certificates of nomination and acceptance of the substitute nominees, and an affidavit executed by the secretary-general and the chairperson or president of the party attesting that the substitute nominees possess all the qualifications and none of the disqualifications provided by law. The name of the substitute nominee shall be placed last in the list. The number of nominees in the new list shall be the same with the number of those previously submitted in the original list.

Within five (5) days from the filing of the list of substitute nominees, the party shall cause the publication of its NEW and COMPLETE list of nominees in two (2) national newspapers of general circulation.

²⁸ See the Petition for *Certiorari* dated June 21, 2022, pars. 43-44, pp. 11-12.

The party shall submit proof of publication of its new list of nominees with the Law Department within three (3) days from completion of the said publication. No substitution shall be valid without compliance with the requirements on publication and submission of proof thereof.

A nominee who withdraws his acceptance to the nomination shall not be eligible for re-nomination by the same party or nomination by other parties.”

35. This is erroneous. Contrary to Petitioner’s myopic and self-serving interpretation of the above-quoted provision, logic would dictate that COMELEC Resolution No. 10690 should be read and understood in its entirety.

36. A plain reading of the title of COMELEC Resolution No. 10690 would readily show that the said Resolution is only applicable during the Election Period of the 9 May 2022 National and Local Elections, thus:

IN THE MATTER OF SETTING THE LAST DAY FOR THE FILING OF THE FOLLOWING: (1) PETITIONS FOR REGISTRATION OF PARTY-LIST GROUPS, ORGANIZATIONS, AND COALITIONS; (2) MANIFESTATION OF INTENT TO PARTICIPATE; (3) SUBMISSION OF NAMES OF NOMINEES; (4) FILING OF DISQUALIFICATION CASES AGAINST NOMINEES OF GROUPS, ORGANIZATIONS, AND COALITIONS UNDER THE PARTY-LIST SYSTEM OF REPRESENTATION AND REQUIRING PUBLICATION OF SUBSTITUTE-NOMINEES IN CONNECTION WITH THE 09 MAY 2022 NATIONAL AND LOCAL ELECTIONS²⁹

37. Moreover, the Applicability Clause of Resolution No. 10690 could not be more explicit that the said Resolution applies only to the 9 May 2022 National and Local Elections:

Section 10. Applicability and Amendment Clause. – All rules and regulations inconsistent with the provisions of this Resolution are hereby amended accordingly. **The resolution shall be applicable on all PENDING petitions for registrations and manifestation of intent to participate of party-list groups, organizations, and coalitions or those TO BE FILED for the 2022 National and Local Elections.³⁰**

²⁹ Emphasis supplied.

³⁰ Emphasis supplied.

38. To recall, COMELEC Resolution No. 10695³¹ set the Election Period for the 2022 National and Local Elections from 9 January to 8 June 2022. Accordingly, when Respondent P3PWD filed its withdrawal and substitution of its nominees on 14 June 2022,³² it was no longer during the Election Period. Consequently, the withdrawal or substitution of party-list nominees is no longer governed by COMELEC Resolution No. 10690 but by Sections 8 and 16 of Republic Act No. 7941.

39. Conversely, Petitioner's interpretation that COMELEC Resolution No. 9366, as amended by Resolution No. 10690, applies even after the Election Period would mean that the list of party-list nominees can no longer be substituted even if said list has already been exhausted for legitimate reasons due to death, incapacity, or voluntary withdrawal.³³ This would result in an absurd situation wherein the constituents of a party-list will be disenfranchised without their fault just because the original list of party-list nominees has been exhausted and can no longer be replaced.

40. Clearly, Petitioner's interpretation of the applicability of COMELEC Resolution No. 9366, as amended by Resolution No. 10690 is contrary to the express mandate of Sections 8 and 16 of Republic Act No. 7941 which requires the party-list to submit a new list of nominees when its original list has been exhausted.

41. It bears stressing that Respondent COMELEC, as the specialized constitutional body charged with the enforcement and administration of all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall, has the expertise in its field so that its findings and conclusions are generally respected by and conclusive on this Court.³⁴ Therefore, it is in the best position to interpret and implement its own rules.

³¹ IN THE MATTER OF PRESCRIBING THE CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE MAY 09, 2022 NATIONAL AND LOCAL ELECTIONS, p. 3;
https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com_res_10695.pdf; last accessed on July 7, 2022.

³² pp. 2-3 of COMELEC Minute Resolution No. 22-0774 attached hereto as Annex "A".

³³ See the Petition for *Certiorari* dated June 21, 2022, pars. 43-45, pp. 11-12.

³⁴ *Dibaratun v. COMELEC, et al.*, G.R. No. 170365, February 2, 2010.

42. Besides, even assuming that COMELEC Resolution No. 9366, as amended by Resolution No. 10690, extends even after the Election Period, it is a long-standing principle in jurisprudence that rules and regulations for the conduct of elections are mandatory before the election, but when they are sought to be enforced after the election they are held to be directory only, if that is possible, especially where, if they are held to be mandatory, innocent voters will be deprived of their votes without any fault on their part.³⁵

43. Based on the foregoing, Petitioner's restrictive interpretation of the application of COMELEC Resolution No. 9366, as amended by Resolution No. 10690, to substitutions made even after the Election Period has no leg to stand on.

Petitioner is estopped from insisting on its interpretation that substitution of nominees is only allowed until the deadline set in COMELEC Resolution No. 9366, as amended by Resolution No. 10690.

44. During the 2019 National and Local Elections, the governing provision regarding substitutions during the Election Period is Section 4, Rule 4 of COMELEC Resolution No. 9366,³⁶ which provides:

SEC. 4. Withdrawal of nomination or acceptance of nomination. **Withdrawal of nominations or acceptance of nominations shall be in writing and under oath, and filed with the Law Department of the Commission in Manila before the close of polls.**

A nominee who withdraws his acceptance to the nomination shall not be eligible for nomination by other parties.³⁷

³⁵ *Engle v. COMELEC*, G.R. No. 215995, January 19, 2016.

³⁶ RULES AND REGULATIONS GOVERNING THE: 1) FILING OF PETITIONS FOR REGISTRATION; 2) FILING OF MANIFESTATION OF INTENT TO PARTICIPATE; 3) SUBMISSION OF NAMES OF NOMINEES; AND 4) FILING OF DISQUALIFICATION CASES AGAINST NOMINEES OF PARTY-LIST GROUPS OR ORGANIZATIONS PARTICIPATING UNDER THE PARTY-LIST SYSTEM OF REPRESENTATION IN CONNECTION WITH THE MAY 13, 2013 NATIONAL AND LOCAL ELECTIONS, AND SUBSEQUENT ELECTIONS THEREAFTER, pp. 11-12;

<https://comelec.gov.ph/php-tpls->

[attachments/References/ComelecResolutions/NLE/2013NLE/com_res_9366.pdf](https://comelec.gov.ph/php-tpls-attachments/References/ComelecResolutions/NLE/2013NLE/com_res_9366.pdf); last accessed July 7, 2022.

³⁷ Emphasis supplied.

45. Interestingly, Petitioner, in the 2019 National and Local Elections, applied several times for withdrawal with substitutions of its Party-List Nominees even after the polls have closed.

46. Consistent with its position in this case that the deadlines set in Resolution No. 9366, and now as amended by Resolution No. 10690, apply only during the Election Period, it granted Petitioner's several applications for withdrawal with substitution³⁸ of nominees even after the polls have closed, thus:

1. Minute Resolution No. 19-0568 dated 14 May 2019, the dispositive portion of which reads:

"The Commission **RESOLVED**, as it hereby **RESOLVES**, to **adopt**, the recommendation of the Law Department on the Withdrawal with Substitution of all the Nominees of Duterte Youth Party-List in connection with the 2019 National and Local Elections as follows:

1. TO GRANT THE WITHDRAWALS of the Certificate of Acceptance of Nomination of:

1. Ducielle Marie D. Suarez
2. Joseph M. De Guzman
3. Benilda C. De Guzman
4. Arnaldo B. Villafranca
5. Elizabeth Anne F. Cardema

2. TO GIVE DUE COURSE TO THE NOMINATION OF THE FOLLOWING NEW NOMINEES AS SUBSTITUTES:

1. Ronald Gian Carlo L. Cardema
2. Gian Carlo Galang
3. Catherine R. Santos
4. Kerwin M. Pagaran
5. Sarah Shane T. Makabali

3. TO DENY DUE COURSE THE NOMINATION AS SUBSTITUTE of Allan Kevin C. Payawal as the 6th Nominee because the original nominees are only 5.

4. To DIRECT DUTERTE YOUTH TO PUBLISH its Revised List of Nominees in two (2) newspapers of general nationwide circulation **AT ITS OWN EXPENSE AND SUBMIT PROOF OF PUBLICATION THEREOF.**"

³⁸ pp. 3-4 of COMELEC Minute Resolution No. 22-0810 dated June 22, 2022 attached hereto as Annex "C".

2. Minute Resolution No. 19-0849 dated 28 August 2019, the dispositive portion of which states:

“The Commission after due deliberation, **RESOLVED**, as it hereby **RESOLVES**, as follows:

1. To **approve** the Withdrawal of the 2nd, 3rd, 4th, and 5th Nominees of the Duterte Youth Party-List, as acceptance of the withdrawal is merely ministerial and same having been executed in due form namely:

- 1) Gian Carlo Galang as Nominee no. 2;
- 2) Catherine R. Santos as Nominee no. 3;
- 3) Kerwin M. Pagara as Nominee no. 4; and
- 4) Sarah Shane T. Makabali as Nominee no. 5.

2. To **recognize** the following as 2nd, 3rd, 4th, and 5th new Nominees of the said party-list as practically the list of Nominees is exhausted in view of the Withdrawal of the above Nominees:

- 1) Ducielle Marie S. Cardema as Nominee no. 2;
- 2) Guillermo B. Villareal, Jr. as Nominee no. 3;
- 3) Krizza D. Reyes as Nominee no. 4;
- 4) Roberto D. Garcia as Nominee no. 5.

Let the Law Department and the Office of the Clerk of the Commission implement this Resolution,

SO ORDERED.

3. Minute Resolution No. 19-1006 dated 23 October 2019, the dispositive portion of which provides:

“The Commission after due deliberation, **RESOLVED**, as it hereby **RESOLVES**, to **ACCEPT**, the Withdrawal of Mr. Ronald Gian L. Cardema as First Nominee of the Duterte Youth Party-List, having been executed in due form and as the same is ministerial act of the Commission.”

47. In this case, Petitioner now claims that Respondent COMELEC committed grave abuse of discretion when it granted Respondent P3PWD’s withdrawal with substitution of its nominees after the Election Period despite having availed of such similar reliefs several times during the 2019 National and Local Elections, as shown above.

48. Notably, this Honorable Court has consistently held that a party will not be allowed to make a mockery of justice

by taking inconsistent positions which, if allowed, would result in brazen deception. The doctrine of estoppel bars a party from trifling with the courts and flaunting the elementary rules of right dealing and good faith.³⁹ Equally important is that parties must come to court with clean hands. Parties who do not come to court with clean hands cannot be allowed to benefit from their wrongdoing.⁴⁰

49. In view of the foregoing, Petitioner is estopped from insisting on its interpretation that substitution of nominees is only allowed until the deadline set in COMELEC Resolution No. 9366, as amended by Resolution No. 10690.

CONCLUSION

50. In sum, considering that the Petition was prematurely filed and that there was no grave abuse of discretion amounting to lack or in excess of jurisdiction on the part of Respondent COMELEC when it approved Respondent P3PWD's withdrawal and substitution of its nominees, the instant Petition should be given scant consideration by this Honorable Court.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed that this Honorable Court **DISMISS** the Petition for *Certiorari* dated 21 June 2022 for utter lack of merit.

Other forms of relief, just and equitable under the premises, are likewise prayed for.

Makati City for City of Manila, 8 July 2022.

³⁹ *Depositario V. Hervias*, G.R. No. L-44337. April 28, 1983.

⁴⁰ *Asian Transmission Corp. v. CIR*, G.R. No. 230861, September 19, 2018

MENARDO I. GUEVARRA

(On Leave)

Solicitor General

Roll No. 33957

IBP No. 177214, 02/07/2022

MCLE Exemption No. VII-EXD000076, 08/13/19


MA. ANTONIA EDITA C. DIZON

(Officer-in-Charge)

Assistant Solicitor General

Roll No. 33774

IBP Lifetime No. 010284, 12/12/2011

MCLE Exemption No. VIII-OSG000006, 04/18/2022


HENRY S. ANGELES

Assistant Solicitor General

Roll No. 45837

IBP Lifetime No. 016075, 04/21/17

MCLE Exemption No. VII-OSG003799, 03/29/22


MICHAEL PIO V. CUA

State Solicitor

Roll No. 65470

IBP Lifetime No. 014792, 05/16/16

MCLE Compliance No. VII-0016119, 04/22/22

OFFICE OF THE SOLICITOR GENERAL

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Website: www.osg.gov.ph

E-mail: efile@osg.gov.ph

*COMMENT for Respondent COMELEC
Duterte Youth v. COMELEC, et al.
G.R. No.261123
x-----x*

Copy furnished:

ATTY. FERDINAND S. TOPACIO

(Counsel for Petitioners)

Topacio Law Office

Suite 107, Skyway Twin Towers

H. Javier St., Ortigas Center, Pasig City

**KOMUNIDAD NG PAMILYA, PASYENTE
AT PERSONS WITH DISABILITIES (P3PWD)**

(Respondent)

3rd Floor, Regalado Hive Building

Regalado Avenue, Fairview, Quezon City

COMMISSION ON ELECTIONS

(Respondent)

Legal Department

Palacio Del Gobernador Building

Gen. Luna St., Intramuros, Manila 1002

HOUSE OF REPRESENTATIVES

(Respondent)

Office of the Secretary General

National Government Center,

Constitution Hills, 1126 Quezon City

ANNEX A



EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC MEETING OF THE COMMISSION ON ELECTIONS HELD ON JUNE 15, 2022 (HYBRID)

Commissioner Socorro B. Inting
Commissioner Marlon S. Casquejo
Commissioner Aimee P. Ferolino
Commissioner Rey E. Bulay

Am

x x x

x x x

x x x

22-0774 IN THE MATTER OF KOMUNIDAD NG PAMILYA,
PASYENTE AT PERSONS WITH DISABILITIES (P3PWD
PARTYLIST)

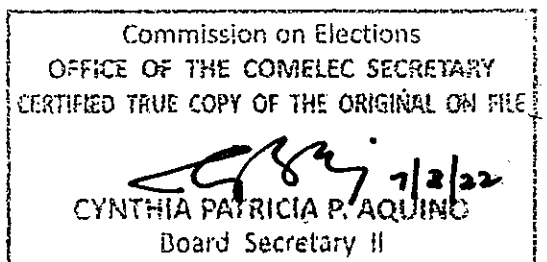
This pertains to the Memorandum dated June 14, 2022 of Atty. Maria Norina S. Tangaro-Casingal, Law Department, concerning the Withdrawal with Substitution of all the Nominees of Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD Party-List) relative to the Letter of Ms. Donnabel C. Tenorio, Secretary-General, P3PWD Party-List, concerning the submission of Board Resolution of resignation of Party-List nominees and acceptance of new nominees.

The Memorandum of Atty. Tangaro-Casingal, reads:

"We respectfully submit the Withdrawal with Substitution of all the Nominees of Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD Party-List).

On 06 October 2021, P3PWD Party-List, through its Secretary General, Atty. Donnabel C. Tenorio (Sec. Gen. Tenorio), filed its CON and CANs of its Nominees:

1. Grace S. Yeneza
2. Joel R. Lopez
3. Allen Jose R. Serna
4. Michelle R. Ofalla
5. Guillermo R. Eugenio



On 05 November 2021, P3PWD Party-List filed the withdrawal with substitution of its Nominee Nos. 2, 3, 4, and 5.

The said withdrawal with substitution, among others, was approved by the Commission En Banc in Minute Resolution No. 21-1327¹ dated 24 November 2021. Thus, the new nominees of P3PWD Party-List are:

1. Grace S. Yeneza
2. Ira Paulo A. Pozon (Substitute Nominee)
3. Marianne Heidi C. Fullon (Substitute Nominee)
4. Peter Jonas R. David (Substitute Nominee)
5. Lily Grace A. Tiangco (Substitute Nominee)

However, on 14 June 2022, P3PWD Party-List filed the following before Law Department:

1. Letter dated 13 June 2022 from P3PWD Partylist Secretary General Donnabel C. Tenorio (Sec. Gen. Tenorio) regarding the submission of the Board Resolution of Resignation of Partylist Nominees and Acceptance of New Nominees;
2. Affidavit of Filing signed by Sec. Gen. Tenorio;
3. Board of Trustees Resolution No. 2022-02, accepting the respective resignations of Nominee Nos. 1, 2, 3, 4, and 5, and submitting its New Nominees;
4. Secretary-General's Certificate regarding Board of Trustees Resolution No. 2022-02
5. Respective notarized letters of resignation of the following Nominees:

Name of Nominee/s and Number	Reason of Withdrawal/Resignation
Grace S. Yeneza as Nominee No. 1	Her daughter was diagnosed with stage 3 cancer and will need her personal care to battle the disease. She took her oath of office on 30 May 2022 as a member of the House of Representatives but thinking it over, it would not be fair to their party constituents to carry on sitting as their representative in Congress if she cannot give her full attention to the job
Ira Paulo A. Pozon as Nominee No. 2	Due to personal reasons
Marianne Heidi C. Fullon as Nominee No. 3	No stated reason
Peter Jonas R. David as Nominee No. 4	Due to personal reasons
Lily Grace A. Tiangco as Nomine No. 5	To assist her husband in their businesses

¹ IN THE MATTER OF THE WITHDRAWALS WITH SUBSTITUTION OF PARTYLIST NOMINEES

OFFICE OF THE COMELEC SECRETARY
 CYNTHIA PATRICIA P. AQUINO
 Board Secretary III

6. Certificate of Nomination of the following Nominees:

1. Ma. Rowena Amelia V. Guanzon
2. Rosalie J. Garcia
3. Cherrie B. Belmonte-Lim
4. Donnabel C. Tenorio
5. Rodolfo B. Villar, Jr.

7. Affidavit dated 10 June 2022 of Sec. Gen. Tenorio and Grace S. Yeneza, President of P3PWD Party-List, stating that the nominees/substitute nominees have all the qualifications and none of the disqualifications provided by law and that they are neither candidates for any elective office nor have anyone of them lost their bid for an elective office in the May 13, 2019 National and Local Elections;

8. Certificate of Acceptance of Nomination of Ma. Rowena Amelia V. Guanzon as Nominee No. 1;

9. Certificate of Acceptance of Nomination of Rosalie J. Garcia as Nominee No. 2;

10. Certificate of Acceptance of Nomination of Cherrie B. Belmonte-Lim as Nominee No. 3;

11. Certificate of Acceptance of Nomination of Donnabel C. Tenorio as Nominee No. 4;

12. Certificate of Acceptance of Nomination of Rodolfo B. Villar, Jr. as Nominee No. 5;

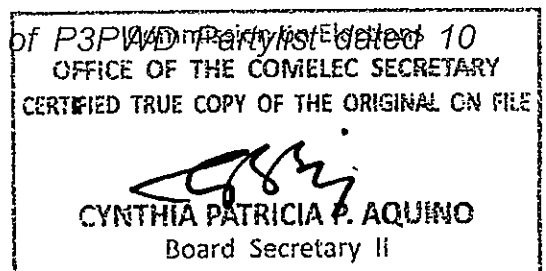
13. Affidavit of Acceptance as Nominee of P3PWD Partylist dated 10 June 2022 by Ma. Rowena Amelia V. Guanzon;

14. Affidavit of Acceptance as Nominee of P3PWD Partylist dated 10 June 2022 by Rosalie J. Garcia;

15. Affidavit of Acceptance as Nominee of P3PWD Partylist dated 10 June 2022 by Cherrie B. Belmonte-Lim;

16. Affidavit of Acceptance as Nominee of P3PWD Partylist dated 10 June 2022 by Donnabel C. Tenorio; and

17. Affidavit of Acceptance as Nominee of P3PWD Partylist dated 10 June 2022 by Rodolfo B. Villar, Jr.



COMMENT AND RECOMMENDATION:

Section 8 of Republic Act No. 7941² provides:

Sec. 8. Nominations of Party-List Representatives. - Each registered party, organization or coalition shall submit to the COMELEC not later than forty-five (45) days before the election a list of names, not less than five (5) from which party-list representatives shall be chosen in case it obtains the required number of votes.

*A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or person who has lost his bid for an elective office in the immediately preceding election. **No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitutes nominee shall be placed last in the list.** Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned. (Emphasis ours).*

While Section 6 of Resolution No. 10690³ reads:

Section 6. Withdrawal and Substitution Due to Withdrawal of Nomination. - Section 4, Rule 4 of Resolution No. 9366 is hereby amended by adding new provisions to be read as follows:

"Section 4. Withdrawal of nomination or acceptance of nomination. Withdrawal of nominations and substitution of nominees due to the withdrawal of the acceptance to the nomination shall be in writing and under oath, and filed with the Law Department not later than NOVEMBER 15, 2021. Provided that NO substitution shall be VALID unless the party files with the Law Department a list of its substitute nominees, the certificates of nomination and acceptance of the substitute nominees, and an affidavit executed by the secretary-general and the chairperson or president of the party attesting that the substitute nominees possess all the qualifications and none of the disqualifications provided by law. The name of the substitute nominee shall be placed last in the list. The number of nominees in the new list shall be the same with the number of those previously submitted in the original list.

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

³ IN THE MATTER OF SETTING THE LAST DAY FOR THE FILING OF THE FOLLOWING: (1) PETITIONS FOR REGISTRATION OF PARTY-LIST GROUPS, ORGANIZATIONS, AND COALITIONS; (2) MANIFESTATION OF INTENT TO PARTICIPATE; (3) SUBMISSION OF NAMES OF NOMINEES; (4) FILING OF DISQUALIFICATION CASES AGAINST NOMINEES OF GROUPS, ORGANIZATIONS AND COALITIONS UNDER THE PARTY-LIST SYSTEM OF REPRESENTATION, AND REQUIRING PUBLICATION OF SUBSTITUTE-NOMINEES IN CONNECTION WITH THE COMMISSION ON ELECTIONS AND LOCAL ELECTIONS.

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CYNTHIA PATRICIA P. AQUINO
Board Secretary I

Within five (5) days from the filing of the list of substitute nominees, the party shall cause the publication of its NEW and COMPLETE list of nominees in two (2) national newspapers of general circulation. The party shall submit proof of publication of its new list of nominees with the Law Department within three (3) days from completion of the said publication. No substitution shall be valid without compliance with the requirements on publication and submission of proof thereof.

A nominee who withdraws his acceptance to the nomination shall not be eligible for re-nomination by the same party or nomination by other parties." (Underscoring ours)


In addition, Sections 10 and 11 of Resolution No. 10717⁴ state:

SECTION 10. Nomination of Party-List Representatives. - A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or a person who has lost his bid for an elective office in the May 13, 2019 National and Local Elections. No change of names or alterations of the order of nominees shall be allowed after the same shall have been submitted to the Commission except in cases where the nominee dies, becomes incapacitated, or there is valid withdrawal and substitution of nominees as provided in the succeeding sections, in which case, the name of the substitute nominee shall be placed last in the list.

SECTION 11. Withdrawal of Nominations and Substitution of Party-list Nominees. - Withdrawal of nominations and substitution of nominees due to the withdrawal of the acceptance to the nomination shall be in writing and under oath, and filed with the Law Department not later than **November 15, 2021 (Monday)**. Provided that no substitution shall be valid unless the party files with the Law Department a list of its substitute nominees, the certificates of nomination and acceptance of the substitute nominees, and an affidavit executed by the secretary-general and the chairperson or president of the party attesting that the substitute nominees possess all the qualifications and none of the disqualifications provided by law. The name of the substitute nominee shall be placed last in the list. The number of nominees in the new list shall be the same with the number of those previously submitted in the original list.

Within five (5) days from the filing of the list of substitute nominees, the party shall cause the publication of its new and complete list of nominees in two (2) national newspapers of general circulation. The party shall submit proof of publication of its new list of nominees with the Law Department within three (3) days from completion of the said publication. No substitution shall

⁴ 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 9, 2022 NATIONAL AND LOCAL ELECTIONS.

COMMISSION ON ELECTIONS
OFFICE OF THE COMPLETION SECRETARY
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CYNTHIA PATRICIA P. AQUINO
Board Secretary II

be valid without compliance with the requirements on publication and submission of proof thereof.

A nominee who withdraws his acceptance to the nomination shall not be eligible for re-nomination by the same party or nomination by other parties.

It must be noted that on 26 May 2022, the Commission En Banc, acting as the National Board of Canvassers, proclaimed⁵ P3PWD Party-List, among others, to have won one (1) seat in the House of Representatives.

Further, there is no express provision under the present rules governing withdrawal of acceptance of nomination, with or without substitution after the election, more so if the party-list won in the election.

Furthermore, personal filing of withdrawal of nomination is not required under the present resolutions and publication thereof is not required in case of withdrawal with no substitution.

Considering, however, that there is submission of list of new nominees, P3PWD Party-List shall, within five (5) days from the filing of the list of substitute nominees, cause the publication of its new and complete list of nominees in two (2) national newspapers of general circulation and shall submit proof of publication thereof with the Law Department within three (3) days from completion of the said publication.

IN VIEW OF THE FOREGOING, we respectfully RECOMMEND that subject to the compliance of the publication requirement:

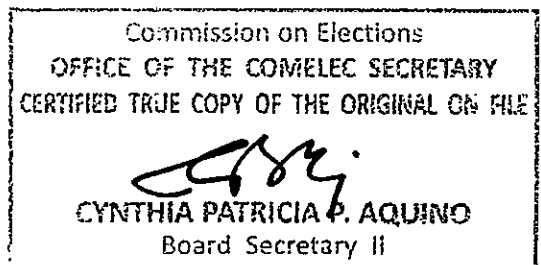
1. To **GRANT** the respective Withdrawal of Nomination of Grace S. Yeneza as Nominee No. 1, Ira Paulo A. Pozon as Nominee No. 2, Marianne Heidi C. Fullon as Nominee No. 3, Peter Jonas R. David as Nominee No. 4, and Lily Grace A. Tiangco as Nominee No. 5; and

2. To **GIVE DUE COURSE** the New List of Nominees as follows:

1. Ma. Rowena Amelia V. Guanzon
2. Rosalie J. Garcia
3. Cherrie B. Belmonte-Lim
4. Donnabel C. Tenorio
5. Rodolfo B. Villar, Jr.

Respectfully submitted for Your Honors' consideration, please.

⁵ NBOC Resolution No. 005-22.



The Letter of Ms. Tenorio, reads:

"Dear Director Tangaro-Casingal,

*I am writing on behalf of the **Komunidad ng Pamilya, Pasyente at Persons With Disabilities ("P3PWD Partylist")** in relation to the above-captioned matter.*

As the Secretary-General of P3PWD Partylist, I have been duly authorized and empowered to cause the filing/submission of its Board Resolution relative to the resignation of our nominees and acceptance of new nominees thereto.

*Thus, on June 13, 2022, I have caused the electronic filing of the Board Resolution relative to the resignation of our nominees and acceptance of new nominees of Komunidad ng Pamilya, Pasyente at Persons With Disabilities (P3PWD) Partylist with the Commission on Elections Law Department through its official e-mail address at **law.coc@comelec.gov.ph**. Furthermore, I have likewise caused the personal filing thereof. A copy of the Affidavit of Filing is attached herein for your immediate reference.*

We hope that you will find the foregoing in order.

Thank you."

WHEREFORE, considering the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to **ADOPT**, the recommendation of Atty. Maria Norina S. Tangaro-Casingal, Law Department, to **APPROVE**, the following, **subject to the compliance of the publication⁶ requirement**, to wit:

1. To **GRANT** the respective Withdrawal of Nomination of Grace S. Yeneza as Nominee No. 1, Ira Paulo A. Pozon as Nominee No. 2, Marianne Heidi C. Fullon as Nominee No. 3, Peter Jonas R. David as Nominee No. 4; and Lily Grace A. Tjangco as Nominee No. 5; and

⁶ P3PWD Party-List shall, within five (5) days from the filing of the list of substitute nominees, cause the publication of its new and complete list of nominees in two (2) national newspapers of general circulation and shall submit proof of publication thereof with the Law Department ~~within three (3) days from completion of~~ Commission on Elections the said publication.

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CYNTHIA PATRICIA PAQUINO
Board Secretary II

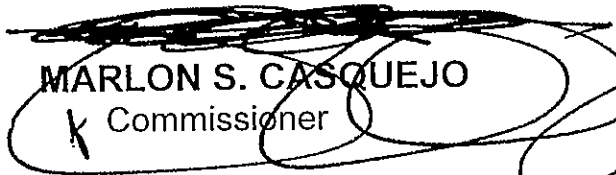
2. To **GIVE DUE COURSE** the New List of Nominees as follows:


1. Ma. Rowena Amelia V. Guanzon
2. Rosalie J. Garcia
3. Cherrie B. Belmonte-Lim
4. Donnabel C. Tenorio
5. Rodolfo B. Villar, Jr.

Let the Law Department implement this Resolution.

SO ORDERED.


SOCORRO B. INTING
E000110950
Acting Chairperson


MARLON S. CASQUEJO
k Commissioner



REY E. BULAY
Commissioner


AIMEE P. FEROLINO
Commissioner
with attached comment

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

Cc: Office of the Acting Chairperson
All Commissioners
Executive Director
DEDO
DEDA
Law Department
COC

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CYNTHIA PATRICIA P. AQUINO
Board Secretary II



Republic of the Philippines
COMMISSION ON ELECTIONS
 Intramuros, Manila

OFFICE OF COMMISSIONER AIMEE P. FEROLINO

MEMORANDUM

FOR : THE COMMISSION EN BANC

THRU : ATTY. CONSUELO B. DIOLA
 Acting COMELEC Secretary

SUBJECT : Vote on Item No. 899-22 (P3PWD Party-List)

DATE : 15 June 2022

This pertains to the Memorandum dated 14 June 2022 of Dir. Maria Norina S. Tangaro-Casingal of the Law Department, submitting the Department's Recommendation on the Withdrawal with Substitution of all the Nominees of Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD) Party-List.

I concur with the majority TO GRANT the respective Withdrawal of the Nomination of P3PWD's previous Nominees. However, I humbly submit this opinion to explain my vote TO DEFER the consideration of its New List of Nominees.

In its Recommendation, the Law Department points Us to Section 6 of Resolution No. 10690¹ and Sections 10 and 11 of Resolution No. 10717². Both Resolutions provide that:

"x xx

Within five (5) days from the filing of the list of substitute nominees, the party shall cause the publication of its NEW and

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CYNTHIA PATRICIA P. AQUINO
 Board Secretary

¹In the Matter of Setting the Last Day for the Filing of the Following: (1) Petitions for Registration of Party-List Groups, Organizations, and Coalitions; (2) Manifestation of Intent to Participate; (3) Submission of Names of Nominees; (4) Filing of Disqualification Cases Against Nominees of Groups, Organizations and Coalitions under the Party-List System of Representation and Requiring Publication of Substitute-Nominees in Connection with the 09 May 2022 National and Local Elections, 27 January 2021.

² 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 9, 2022 National and Local Elections, 18 August 2021.

COMPLETE list of nominees in two (2) national newspapers of general circulation. The party shall submit proof of publication of its new list of nominees with the Law Department within three (3) days from completion of the said publication. **No substitution shall be valid without compliance with the requirements on publication and submission of proof thereof.**

Contrary to the assertion of the Honorable Acting Chairperson that publication is not a condition *sine qua non* for us to approve or to give due course to the new list of nominees, it is my staunch position that publication is necessary before the new nomination can be considered as valid. Our Rules are unambiguous on this point. Not only that Section 6 of Resolution No. 10690 and Section 11 of Resolution No. 10717 expressly provide for this requirement, but the rationale is even elucidated in the whereas clause of Resolution No. 10690, *viz*:

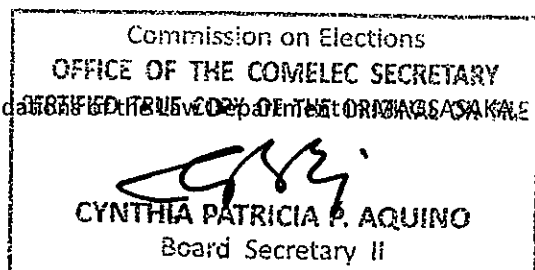
WHEREAS, to safeguard the right of voters to be fully apprised of the party-list organizations and their respective nominees in case of substitution by reason of withdrawal, the Commission deems it necessary to require publication of new lists of nominees within five (5) days from the submission of the same to the Commission, **such publication however shall not be construed as approval by the Commission.**

Verily, even the compliance with the publication requirement will not result in the automatic approval by the Commission of the substitution. Other factual circumstances and issues need to be considered. Publication of the party-list's new nominees is made as a necessary step in order to apprise the voters and all persons who may be affected thereby so that they are given the opportunity to comment or oppose the same.

I have nothing against the other members of the *En Banc* dismissively responding to my views, but We cannot simply brush aside our Rules simply because the first nominee here is a former Commissioner. Making Our Rules inapplicable to particular individuals or groups would suggest a double standard bordering on a lack of sense of fairness and justice.

Let Us recall that in the previous instance,³ this Commission resolved to adopt the Recommendation of the Law Department just to **NOTE** the Nominations of the Substitute Nominees, considering that our Resolutions on the matter expressly provide that withdrawal with substitution was allowed only until 15 November 2021 **and publication of the new and complete list of nominees is required.**

³Item 883-22, 08 June 2022 Regular En banc Meeting, Recommendation of the Law Department on the Proposed Substitution of the Original Candidates




This would have been the most prudent action: to NOTE the submission; let the party COMPLY the publication requirement; HEAR the opposition, if any; then GIVE/DENY DUE COURSE to the New List of Nominees. We cannot pre-approve the New List of Nominees pending compliance with the requirement and then RECALL it as Commissioner Bulay suggested in case of non-compliance. What We do here is an aberrant procedure. With due deference to the other members of the Commission, in as much as they believe that the Rule is not clear given the unusual circumstances of this case, it is necessary that We approach this matter with utmost caution.

As already indicated, my vote is for the DEFERMENT of the consideration of the P3PWD Party-List New List of Nominees.



AIMEE P. FEROLINO
Commissioner

Commission on Elections
OFFICE OF THE COMELEC SECRETARY
CERTIFIED TRUE COPY OF THE ORIGINAL ON FILE



CYNTHIA PATRICIA P. AQUINO
Board Secretary II



**EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC
MEETING OF THE COMMISSION ON ELECTIONS
HELD ON JUNE 22, 2022
(ONLINE)**

Commissioner Socorro B. Inting
Commissioner Marlon S. Casquejo
Commissioner Aimee P. Ferolino
Commissioner Rey E. Bulay

x x x

x x x

x x x

**22-0798. IN THE MATTER OF COMPLIANCE OF KOMUNIDAD NG
PAMILYA, PASYENTE AT PERSONS WITH DISABILITIES
(P3PWD PARTY-LIST)**

This pertains to the Memorandum dated June 20, 2022 of Atty. John Rex C. Laudiangco, Director III, Law Department, concerning the compliance of P3PWD Party-List with Minute Resolution No. 22-0774 of the Commission *En Banc*.

The Memorandum of Atty. Laudiangco, reads:

"The Commission En Banc, in its Regular Session held on 15 June 2022 (Hybrid), resolved to adopt the recommendation of the Law Department, the dispositive portion of which reads:

WHEREFORE, considering the foregoing, the Commission ***RESOLVED***, as it hereby ***RESOLVES***, to ***ADOPT***, the recommendation of Atty. Maria Norina S. Tangaro-Casingal, Law Department, to ***APPROVE***, the following, **subject to the compliance of the publication requirement**, to wit:

1. To ***GRANT*** the respective *Withdrawal of Nomination of Grace S. Yeneza as Nominee No. 1, Ira Paulo A. Pozon as Nominee No. 2, Marianne Heidi C. Fullon as Nominee No. 3, Peter Jonas R. David as Nominee No. 4; and Lily Grace A. Tiangco as Nominee No. 5; and*

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CYNTHIA PATRICIA P. AQUINO
Board Secretary II

2. To **GIVE DUE COURSE** the New List of Nominees as follows:

1. Ma. Rowena Amelia V. Guanzon
2. Rosalie J. Garcia
3. Cherrie B. Belmonte-Lim
4. Donnabel C. Tenorio
5. Rodolfo B. Villar, Jr.

Pursuant thereto, on 17 June 2022, P3PWD Party-List filed a Manifestation before the Law Department, submitting proof of publication of its New List of Nominees in two (2) national newspapers of general circulation, as follows:

Name of Newspaper	Date of Publication	Page where the publication is found	With Notarized Affidavit of Publication by
1. Topline News Publication	15 June 2022	A	Ms. Epifania G. Tanseco, Publisher of Topline News Publication
2. People's Balita	17 June 2022	4	Mr. Eduardo Debalucos, General Manager of People's Balita

Accordingly, we respectfully recommend that the Manifestation be **NOTED** and **DEEMED SATISFACTORY COMPLIANCE** with the Resolution of the Commission *En Banc*.

Respectfully submitted for Your Honors' consideration, please."

WHEREFORE, considering the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to **NOTE**, the Manifestation of Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD Party-List) and, to **CONSIDER**, the same as satisfactory compliance with Minute Resolution No. 22-0774 dated June 15, 2022 of the Commission *En Banc*.


Finally, to direct the Office of the COMELEC Secretary to furnish a copy of Minute Resolution No. 22-0774 dated June 15, 2022


CYNTHIA PATRICIA P. AQUINO
Board Secretary II

and Minute Resolution No. 22-0798 dated June 22, 2022 to Secretary General Mark Llandro L. Mendoza of the House of Representatives of the approval of the substitution.

SO ORDERED.


SOCORRO B. INTING
Acting Chairperson

~~~~
MARLON S. CASQUEJO
Commissioner

VOTED TO DEFER
PLEASE SEE ATTACHED
AIMEE P. FEROLINO
Commissioner


REY E. BULAY
Commissioner


CERTIFICATION

APPROVED by the Commission En Banc during the (Online) Regular En Banc Meeting on June 22, 2022, pursuant to COMELEC Resolution No. 10671, promulgated June 09, 2020, entitled: "Supplemental Resolution to COMELEC Resolution No. 9936, promulgated March 25, 2015, Rule on the Enactment and Promulgation of Executive or Administrative Resolutions providing for other format of meetings to include online meetings applicable in times of COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations."


ATTY. CONSUELO B. DIOLA
Acting Comelec Secretary

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

Cc: Office of the Acting Chairperson
All Commissioners
Executive Director
DEDO
DEDA
Law Department
Secretary General of the HOR

Commission on Elections
OFFICE OF THE COMELEC SECRETARY
CERTIFIED TRUE COPY OF THE ORIGINAL ON FILE

CYNTHIA PATRICIA F. AQUINO
Board Secretary II



Republic of the Philippines
COMMISSION ON ELECTIONS
 Intramuros, Manila

COMMISSION ON ELECTIONS
 Office of the Comelec Secretary

RECEIVED

OFFICE OF COMMISSIONER AIMEE P. FEROLINO 23 JUN 2022

MEMORANDUM

By: Wilma Time: 2:27p

FOR : FOR THE COMMISSION EN BANC

THRU : ATTY. CONSUELO B. DIOLA promulgated June 22, 2022
Acting COMELEC Secretary

SUBJECT : AS STATED

DATE : 22 JUNE 2022

The undersigned submits the votes of Commissioner Aimee P. Ferolino on the following items in today's En Banc Meeting, to wit:

NO.	REFERENCE NO.	PARTICULARS	VOTE
1.	899-22-A 22-0792	MEMORANDUM DATED 20 JUNE 2022 OF DIR JOHN REX C. LAUDIANGCO, LAW DEPARTMENT, RE: MANIFESTATION OF P3PWD PARTY-LIST SUBMITTING PROOF OF PUBLICATION OF ITS NEW LIST NOMINEES IN TWO (2) NATIONAL NEWSPAPER OF GENERAL PUBLICATION.	This office was not given a copy of the Manifestation and Proof of Publication. Hence, Comm. Ferolino votes to DEFER the consideration of this matter.
2	936-22 22-0810	MEMORANDUM DATED 21 JUNE 2022 OF DIR. JOHN REX C. LAUDIANGCO, LAW DEPARTMENT, RE: COMMENT AND RECOMMENDATION OF THE LAW DEPARTMENT ON THE VERIFIED OPPOSITION (TO THE SUBSTITUTION OF P3PWD PARTY-LIST NOMINEES) DATED 17 JUNE 2022 FILED BY DUTY TO ENERGIZE THE REPUBLIC THROUGH THE ENLIGHTENMENT OF THE YOUTH (DUTERTE YOUTH) PARTY-LIST, REPRESENTED BY ITS CHAIRMAN RONALD GIAN CARLO L. CARDEMA AND REP. DUCIELLE MARIE S. CARDEMA	Considering that this item was only presented now and this Office was not provided with the attachments, she votes for the deferment thereof and that the members are given sufficient time to peruse the same.

Thank you.

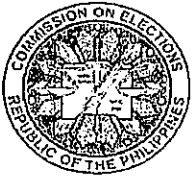
FOR COMMISSIONER AIMEE P. FEROLINO

ATTY. AIMEE P. FEROLINO
 Executive Assistant V / Chief-of-Staff

Commission on Elections
 OFFICE OF THE COMELEC SECRETARY
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Cynthia Patricia P. Aquino
CYNTHIA PATRICIA P. AQUINO
 Board Secretary II





EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC MEETING OF THE COMMISSION ON ELECTIONS HELD ON JUNE 22, 2022 (ONLINE)

Commissioner Socorro B. Inting
Commissioner Marlon S. Casquejo
Commissioner Aimee P. Ferolino
Commissioner Rey E. Bulay

xxx

xxx

xxx

22-0810. IN THE MATTER OF THE COMMENT AND RECOMMENDATION OF THE LAW DEPARTMENT ON THE VERIFIED OPPOSITION TO THE SUBSTITUTION OF P3PWD PARTY-LIST NOMINEES

This pertains to the Memorandum dated June 21, 2022 of Atty. John Rex C. Laudiangco, Director III, Law Department, concerning the Verified Opposition to the substitution of P3PWD Partylist Nominees.

The Memorandum of Atty. Laudiangco, reads:

"This pertains to the Verified Opposition [to the Substitution of P3PWD Partylist Nominees] dated 17 June 2022 filed by Duty to Energize the Republic through the Enlightenment of the Youth (Duterte Youth) Party-List, represented by its Chairman Ronald Gian Carlo L. Cardema and Rep. Ducielle Marie S. Cardema, House of Representatives, which was endorsed to and received by this Department on 17 June 2022.

Duterte Youth Party-List cited the following grounds to oppose the Resolution of the Commission En Banc in granting due course the new list of nominees of P3PWD Partylist:

- 1. The substitution due to withdrawal is beyond the deadline set by the Commission in Resolution No. 9366 as amended by Resolution No. 10690, which is until 15 November 2021 only, and in case of death or incapacity, substitution is allowed until mid-day of election day only; and*
- 2. Giving due course to the substitution also violates Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act and of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees*

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Board Secretary II

COMMENT AND RECOMMENDATION:

We respectfully recommend to deny the Verified Opposition [to the Substitution of P3PWD Partylist Nominees] filed by Duterte Youth Party-List.

First, the Verified Opposition [to the Substitution of P3PWD Partylist Nominees] was filed two (2) days after the Commission En Banc has ruled on the withdrawal with substitution of the Nominees of P3PWD Partylist.

The Commission En Banc, in its Regular Session held on 15 June 2022 (Hybrid), has already resolved to adopt the recommendation of the Law Department, the dispositive portion of which reads:

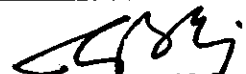
WHEREFORE, considering the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to **ADOPT**, the recommendation of Atty. Maria Norina S. Tangaro-Casingal, Law Department, to **APPROVE**, the following, subject to the compliance of the publication requirement, to wit:

1. To **GRANT** the respective Withdrawal of Nomination of Grace S. Yeneza as Nominee No. 1, Ira Paulo A. Pozon as Nominee No. 2, Marianne Heidi C. Fullon as Nominee No. 3, Peter Jonas R. David as Nominee No. 4, and Lily Grace A. Tiangco as Nominee No. 5; and
2. To **GIVE DUE COURSE** the New List of Nominees as follows:
 1. Ma. Rowena Amelia V. Guanzon
 2. Rosalie J. Garcia
 3. Cherrie B. Belmonte-Lim
 4. Donnabel C. Tenorio
 5. Rodolfo B. Villar, Jr.

Pursuant thereto, on 17 June 2022, P3PWD Partylist filed a Manifestation before the Law Department, submitting proof of publication of its New List of Nominees in two (2) national newspapers of general circulation, as follows:

Name of Newspaper	Date of Publication	Page where the publication is found	With Notarized Affidavit of Publication by
1. Topline News Publication	15 June 2022	A	Ms. Epifania G. Tanseco, Publisher of Topline News Publication
2. People's Balita	17 June 2022	4	Mr. Eduardo Debalucos, Commission on Elections General Manager of People's Balita

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 CYNTHIA PATRICIA P. AQUINO
 Board Secretary II

Second, to iterate our previous recommendation, there is no express provision under the present rules governing withdrawal of acceptance of nomination, with or without substitution **after the election, more so if the party-list won in the election**; and personal filing of withdrawal of nomination is not required under the present resolutions and publication thereof is not required in case of withdrawal with no substitution.

Third, it must be noted that this is not the first time wherein the Commission En Banc has granted the withdrawal with substitution of Partylist Nominees **after the elections**.

Relative to the 2019 National and Local Elections, the Commission En Banc, on various occasions, has granted the withdrawal with substitution of the Nominees of Duterte Youth Partylist, to wit:

1. **Minute Resolution No. 19-0568¹** dated 14 May 2019, the dispositive portion of which reads:

"The Commission **RESOLVED**, as it hereby **RESOLVES**, to **adopt** the recommendation of the Law Department on the Withdrawal with Substitution of all the Nominees of Duterte Youth Party-list in connection with the 2019 National and Local Elections, as follows:

1. **TO GRANT THE WITHDRAWALS** of the Certificate of Acceptance of Nomination of:

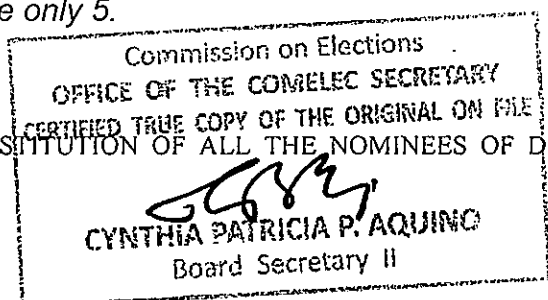
1. Ducielle Marie D. Suarez
2. Joseph M. De Guzman
3. Benilda C. De Guzman
4. Arnaldo B. Villafranca
5. Elizabeth Anne F. Cardema

2. **TO GIVE DUE COURSE TO THE NOMINATION OF THE FOLLOWING NEW NOMINEES AS SUBSTITUTES:**

1. Ronald Gian Carlo L. Cardema
2. Gian Carlo Galang
3. Catherine R. Santos
4. Kerwin M. Pagaran
5. Sarah Shane T. Makabali

3. **TO DENY DUE COURSE THE NOMINATION AS SUBSTITUTE** of Allan Kevin C. Payawal as the 6th Nominee because the original Nominees are only 5.

¹ IN THE MATTER OF THE WITHDRAWAL WITH SUBSTITUTION OF ALL THE NOMINEES OF DUTERTE YOUTH PARTY-LIST.



4. To **DIRECT DUTERTE YOUTH PARTYLIST** to **PUBLISH** its Revised List of Nominees in two (2) newspapers of general nationwide circulation **AT ITS OWN EXPENSE AND SUBMIT PROOF OF PUBLICATION THEREOF.**"

2. **Minute Resolution No. 19-0849²** dated 28 August 2019, the dispositive portion of which states:

"The Commission after due deliberation, **RESOLVED**, as it hereby **RESOLVES**, as follows:

1. To **approve** the Withdrawal of the 2nd, 3rd, 4th, and 5th Nominees of the Duterte Youth Party-List, as acceptance of the withdrawal is merely ministerial and same having been executed in due form, namely:

- 1) Gian Carlo Galang as Nominee no. 2;
- 2) Catherine R. Santos as Nominee no. 3;
- 3) Kerwin M. Pagaran as Nominee no. 4; and
- 4) Sarah Shane T. Makabali as Nominee no. 5.

2. To **recognize** the following as the 2nd, 3rd, 4th, and 5th new Nominees of the said party-list, as practically the list of Nominees is exhausted in view of the Withdrawal of the above Nominees:

- 1) Ducielle Marie S. Cardema as Nominee no. 2;
- 2) Guillermo B. Villareal, Jr. as Nominee no. 3;
- 3) Krizza D. Reyes as Nominee no. 4; and
- 4) Roberto D. Garcia as Nominee no. 5.

Let the Law Department and the Office of the Clerk of the Commission implement this Resolution.

SO ORDERED."

3. **Minute Resolution No. 19-1006³** dated 23 October 2019, the dispositive portion of which provides:

"The Commission after due deliberation, **RESOLVED**, as it hereby **RESOLVES**, to **ACCEPT** the Withdrawal of Mr. Ronald Gian L. Cardema as First Nominee of the Duterte Youth Party-List, having been executed in due form and as the same is ministerial act of the Commission."

² IN THE MATTER OF THE WITHDRAWAL AND SUPPLEMENTAL TO THE WITHDRAWAL OF THE 2ND, 3RD, 4TH AND 5TH NOMINEES OF DUTERTE YOUTH PARTY-LIST IN CONNECTION WITH THE MAY 13, 2019 ELECTIONS.

³ IN THE MATTER OF THE NOTICE OF WITHDRAWAL OF THE FIRST NOMINEE OF THE DUTERTE YOUTH PARTY-LIST.

Commission on Elections
OFFICE OF THE COMELEC SECRETARY
CYNTHIA PATRICIA P. AQUINO
Board Secretary II

Lastly, the reliance of Duterte Youth Partylist on Resolution No. 9366 as amended by Resolution No. 10690, which allows withdrawal with substitution until 15 November 2021 is misplaced. The deadline is applicable to withdrawal with substitution of nominees prior to the elections.

After all, the case of *Engle vs. Comelec*, G.R. No. 215995, January 19, 2016 is instructive. The Supreme Court held:

“This Court recognizes that the COMELEC is empowered by law to prescribe such rules so as to make efficacious and successful the conduct of elections. However, it is a long standing principle in jurisprudence that rules and regulations for the conduct of elections are mandatory before the election, but when they are sought to be enforced after the election they are held to be directory only, if that is possible, especially where, if they are held to be mandatory, innocent voters will be deprived of their votes without any fault on their part. Over time, we have qualified this doctrine to refer only to matters of form and cannot be applied to the substantial qualifications of candidates.” (Emphases ours)

Also, it is worthy to note that no change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the Commission except in cases where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitute nominee shall be placed last in the list.⁴ In case of vacancy in the seats reserved for party-list representatives, the vacancy shall be automatically filled by the next representative from the list of nominees in the order submitted to the Commission by the same party, organization, or coalition, who shall serve for the unexpired term. If the list is exhausted, the party, organization coalition concerned shall submit additional nominees.⁵

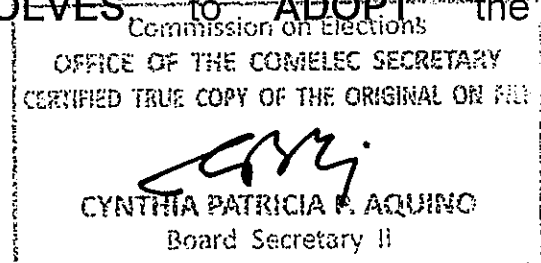
As regards the second grounds relied upon by Duterte Youth Party-List, suffice to state that violations of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act and of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees, if any, are beyond the jurisdiction of the Commission.

FROM THE FOREGOING, we respectfully **RECOMMEND** to **DENY** the Verified Opposition [to the Substitution of P3PWD Partylist Nominees] for **LACK OF MERIT.**”

WHEREFORE, considering the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES** to **ADOPT** the

⁴ See Section 8, Republic Act No. 7941

⁵ See Section 16, Republic Act No. 7941.

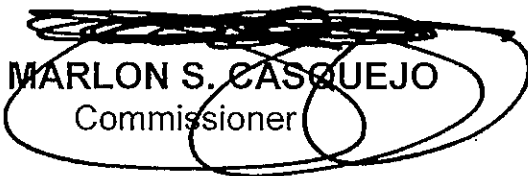


recommendation of the Law Department, to **DENY**, the Verified Opposition [to the Substitution of P3PWD Partylist Nominees] for lack of merit.

Let the Law Department implement this Resolution.

SO ORDERED.


SOCORRO B. INTING
Acting Chairperson



MARLON S. CASQUEJO
Commissioner

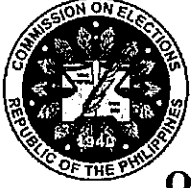
VOTED TO DEFER
PLEASE SEE ATTACHED
AIMEE P. FEROLINO
Commissioner


REY E. BULAY
Commissioner

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

Cc: Office of the Acting Chairperson
All Commissioners
Executive Director
DEDO
DEDA
Law Department

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CYNTHIA PATRICIA P. AQUINO
Board Secretary II



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 Intramuros, Manila

COMMISSION ON ELECTIONS
 Office of the Comelec Secretary
RECEIVED

OFFICE OF COMMISSIONER AIMEE P. FEROLINO 23 JUN 2022

MEMORANDUM

By: Wilma Time: 2:27p

FOR : FOR THE COMMISSION EN BANC

THRU : ATTY. CONSUELO B. DIOLA promulgated June 22, 2022
Acting COMELEC Secretary

SUBJECT : AS STATED

DATE : 22 JUNE 2022

The undersigned submits the votes of Commissioner Aimee P. Ferolino on the following items in today's En Banc Meeting, to wit:

NO.	REFERENCE NO.	PARTICULARS	VOTE
1.	899-22-A 22-0792	MEMORANDUM DATED 20 JUNE 2022 OF DIR JOHN REX C. LAUDIANGCO, LAW DEPARTMENT, RE: MANIFESTATION OF P3PWD PARTY-LIST SUBMITTING PROOF OF PUBLICATION OF ITS NEW LIST NOMINEES IN TWO (2) NATIONAL NEWSPAPER OF GENERAL PUBLICATION.	This office was not given a copy of the Manifestation and Proof of Publication. Hence, Comm. Ferolino votes to DEFER the consideration of this matter.
2	936-22 22-0810	MEMORANDUM DATED 21 JUNE 2022 OF DIR. JOHN REX C. LAUDIANGCO, LAW DEPARTMENT, RE: COMMENT AND RECOMMENDATION OF THE LAW DEPARTMENT ON THE VERIFIED OPPOSITION (TO THE SUBSTITUTION OF P3PWD PARTY-LIST NOMINEES) DATED 17 JUNE 2022 FILED BY DUTY TO ENERGIZE THE REPUBLIC THROUGH THE ENLIGHTENMENT OF THE YOUTH (DUTERTE YOUTH) PARTY-LIST, REPRESENTED BY ITS CHAIRMAN RONALD GIAN CARLO L. CARDEMA AND REP. DUCIELLE MARIE S. CARDEMA	Considering that this item was only presented now and this Office was not provided with the attachments, she votes for the deferment thereof and that the members are given sufficient time to peruse the same.

Thank you.

FOR COMMISSIONER AIMEE P. FEROLINO

ATTY. AIMEE P. FEROLINO
Executive Assistant V / Chief-of-Staff

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Cynthia P. Aquino
CYNTHIA PATRICIA P. AQUINO
 Board Secretary II

