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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 CHAIRMAN RONALD
GIAN CARLO L. CARDEMA
& REPRESENTATIVE
DUCIELLE MARIE S.
CARDEMA,

Petitioner,

G.R. No. 261123

- versus -

COMMISSION ON
ELECTIONS, HOUSE OF
REPRESENTATIVES,
KOMUNIDAD NG PAMILYA,
PASYENTE AT PERSONS
WITH DISABILITIES
(P3PWD) PARTY LIST & ITS
NOMINEES LED BY
ROWENA AMELIA V.
GUANZON,

Respondents.

x ----- x

COMMENT

-with-

MOTION TO LIFT
TEMPORARY RESTRAINING ORDER

Respondent **KOMUNIDAD NG PAMILYA, PASYENTE AT PERSONS WITH DISABILITIES (P3PWD) PARTY LIST** ("P3PWD"), by counsel and unto this Honorable Court, respectfully submits its Comment to the Urgent Petition for Certiorari (with Prayer for Preliminary Injunctions and/or Temporary Restraining Order and Motion for Conduct of Special Raffle) dated 21 June 2022 ("Petition") filed by petitioner Duty to Energize the Republic through the Enlightenment of the Youth Party-List ("Duterte Youth") and, in support thereof, states:

I. TIMELINESS

1. On 04 July 2022, respondent P3PWD received a copy of the Petition filed by petitioner Duterte Youth seeking to reverse and set aside Minute Resolution No. 22-0774 dated 15 June 2022 and Minute Resolution No. 22-0798 dated 22 June 2022 (collectively, "Subject COMELEC Resolutions") issued by the Honorable Commission on Elections ("COMELEC") allowing the substitution of Ma. Rowena Amelia V. Guanzon ("Guanzon"), Rosalie J. Garcia, Cherrie Belmonte-Lim, Donnabel Tenorio, and Rodolfo Villar, Jr. (collectively, "P3PWD New Nominees") as the new nominees of respondent P3PWD. The Petition was accompanied with a copy of the Temporary Restraining Order dated 29 June 2022 ("TRO") issued by this Honorable Court.
2. The TRO directed the respondents in the instant case to file their respective comments to the Petition within ten (10) days from receipt thereof. Considering that respondent P3PWD received a copy of the Petition only on 04 July 2022, it has until 14 July 2022 to file its comment thereto. Thus, the instant Comment is timely filed.

II. STATEMENT OF FACTS

3. Respondent P3PWD is a party-list organization duly registered with the Honorable COMELEC. It advocates and champions the rights and interests of patients, persons with disabilities, and senior citizens, among other marginalized sectors of society. Notably, prior to successfully obtaining a seat in the House of Representatives, respondent P3PWD has engaged in various activities

for the benefit of the poor and marginalized, particularly persons with disabilities.¹

4. For the May 2022 National and Local Elections (“May 2022 Elections”), respondent P3PWD submitted its list of nominees containing the names of the following persons:

- a. Grace Yeneza;
- b. Ira Paulo Puzon;
- c. Marianne Heidi Fullon;
- d. Peter Jonas David; and
- e. Lily Grace Tiangco.

(collectively, “P3PWD Original Nominees”)

5. During the May 2022 Elections, respondent P3PWD received a total of Three Hundred Ninety-One Thousand One Hundred Seventy-Four (391,174) votes, or equivalent to 1.0629% of the total votes cast under the party-list system, thus, entitling respondent P3PWD to one (1) seat in the House of Representatives.²

6. Meanwhile, sometime from 07 to 10 June 2022, all the P3PWD Original Nominees resigned and withdrew their nominations as party-list nominees of respondent P3PWD before the Honorable COMELEC.³

7. In view of said resignation, on 13 June 2022, respondent P3PWD submitted a new list indicating the names of the P3PWD New Nominees, in the following order:⁴

- a. Ma. Rowena Amelia V. Guanzon, First (1st) Nominee;
- b. Rosalie J. Garcia, Second (2nd) Nominee;

¹ Photographs of the activities conducted by respondent P3PWD for the poor and marginalized, particularly persons with disabilities, are attached herewith and made an integral part hereof as **Annex “1.”**

² A copy of the Party-List Summary Statement of Votes By Region (By Rank) issued by the Honorable COMELEC is attached herewith and made an integral part hereof as **Annex “2.”**

³ Copies of the Resignation Letters of the P3PWD Original Nominees are attached herewith and made an integral part hereof as **Annex “3.”**

⁴ Certified True Copy of the Letter dated 13 June 2022 addressed to the Honorable COMELEC, with attached Board of Trustees Resolution No. 2022-02, Secretary-General’s Certificate, Certificate of Nomination, Affidavits of Acceptance as Nominees of P3PWD Party List of the P3PWD New Nominees, their Certificates of Acceptance of Nomination, and the Resignation Letters of the P3PWD Original Nominees are attached herewith and made an integral part hereof as **Annex “4” series.**

- c. Cherrie Belmonte-Lim, Third (3rd) Nominee;
- d. Donnabel Tenorio, Fourth (4th) Nominee; and
- e. Rodolfo Villar, Fifth (5th) Nominee.

8. On 17 June 2022, petitioners Duterte Youth, Ronald Gian Carlo L. Cardema (“Ronald Cardema”), and Ducielle Marie S. Cardema (“Ducielle Cardema”) (collectively, “petitioners”) filed before respondent COMELEC a *Verified Opposition* to assail the substitution of Respondent P3PWD’s new nominees.

9. Nevertheless, finding the foregoing substitution to be in order, on 22 June 2022, the Honorable COMELEC issued Minute Resolution Nos. 22-0774⁵ and 22-0798,⁶ entitled “*In the Matter of Komunidad ng Pamilya, Paseyenta, at Persons with Disabilities (P3PWD Partylist)*” of even date allowing the substitution of the P3PWD New Nominees.

10. On even date, respondent COMELEC as the National Board of Canvassers for the Party List System proclaimed respondent P3PWD as one of the party-list organizations entitled to one (1) seat in the House of Representatives in accordance with the provisions of Republic Act No. 7941, or the Party-List System Act. Further, the Honorable COMELEC also proclaimed Guanzon as the qualified nominee of respondent P3PWD to represent the latter in the House of Representatives in the Nineteenth (19th) Congress.⁷

11. Guanzon, as the qualified nominee of respondent P3PWD, also took her Oath of Office before the Honorable Court of Appeals Associate Justice Edwin Sorongon on even date.⁸

12. In view of respondent P3PWD’s advocacy and mandate to represent and champion the rights of the poor and marginalized, particularly persons with disabilities, on 27 June 2022, Guanzon, as the qualified First Nominee of respondent P3PWD, promptly appeared before the House of Representatives and submitted the Certificate of

⁵ A certified true copy of Minute Resolution No. 22-0774 entitled “*In the Matter of Komunidad ng Pamilya, Paseyenta, at Persons with Disabilities (P3PWD Partylist)*” dated 15 June 2022 is attached herewith and made an integral part hereof as **Annex “5.”**

⁶ A certified true copy of Minute Resolution No. 22-0798 entitled “*In the Matter of Komunidad ng Pamilya, Paseyenta, at Persons with Disabilities (P3PWD Partylist)*” dated 22 June 2022 is attached herewith and made an integral part hereof as **Annex “6.”**

⁷ A certified true copy of the Certificate of Proclamation of respondent P3PWD issued by the Honorable COMELEC as the National Board of Canvassers is attached herewith and made an integral part hereof as **Annex “7.”**

⁸ A copy of the Oath of Office is attached herewith and made an integral part hereof as **Annex “8;”** Photographs of the oath taking of Guanzon as the qualified First Nominee of respondent P3PWD is herewith and made an integral part hereof as **Annex “9.”**

Proclamation issued by respondent COMELEC as the National Board of Canvassers for the Party-List System.

13. On 30 June 2022, Guanzon, as the qualified nominee of respondent P3PWD assumed office and commenced with the performance of the functions of a party-list representative. On even date, Guanzon, acting for and on behalf of respondent P3PWD, filed House Bill No. 440 entitled, "Empowerment of Persons with Disabilities thru the Disability and Development Fund."⁹

II. ARGUMENTS

A.

Petitioner Duterte Youth does not have the requisite legal standing to question the substitution of nominees of respondent P3PWD.

B.

A Petition for Certiorari Rule 64, in relation to Rule 65, of the Rules of Court is not the proper remedy to assail the Subject COMELEC Resolutions.

C.

The provisions of COMELEC Resolution No. 10690 are merely directory.

D.

COMELEC Resolution Nos. 10690 and 10717 cannot amend or repeal the provisions of Republic Act No. 7941, or the Party-List System Act.

E.

Any question as to Guanzon's qualification as the nominee of respondent P3PWD in the House of Representatives is under the exclusive jurisdiction of the House of Representatives Electoral Tribunal.

⁹ A copy of House Bill No. 440 Introduced by Representative Ma. Rowena Amelia V. Guanzon is attached herewith and made an integral part hereof as Annex "10."

F.

Respondent COMELEC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction when it allowed the withdrawal of the P3PWD Original Nominees and substitution by the P3PWD New Nominees.

G.

The TRO should be lifted in the instant case considering that petitioners are not entitled to an injunctive writ.

IV.
DISCUSSION

A. Petitioner Duterte Youth does not have the requisite legal standing to assail the Subject COMELEC Resolutions.

14. Petitioner Duterte Youth does not have the requisite legal standing to assail the issuance of the Subject COMELEC Resolutions by respondent COMELEC.

15. It is well-settled that a person who impugns the validity of an act must have "a personal and substantial interest in the case such that he has sustained, or will sustain, direct injury as a result of its enforcement."¹⁰

16. In the instant case, petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema invoke their supposed standing as citizens, taxpayers, and registered voters in filing the Petition against respondent P3PWD.¹¹

17. In a long line of cases, this Honorable Court has repeatedly and consistently ruled that taxpayers may raise or question the validity of an act of government if the same involves an illegal disbursement of public funds or an unconstitutional tax measure, thus:¹²

¹⁰ *People of the Philippines, et al. vs. Jose O. Vera*, G.R. No. L-45685, 16 November 1937.

¹¹ See paragraph 11, page 3 of the Petition.

¹² *Province of North Cotabato vs. The Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP)*, G.R. Nos. 183591, 183752, 183893, 183951, and 183962, 14 October 2008.

“For a taxpayer, one is allowed to sue where there is **an assertion that public funds are illegally disbursed or deflected to an illegal purpose, or that there is a wastage of public funds** through the enforcement of an invalid or unconstitutional law. The Court retains discretion whether or not to allow a taxpayer's suit.”¹³

18. In the case of *Manuel M. Mamba, et al. vs. Edgar R. Lara, et al.*,¹⁴ this Honorable Court further explained that a litigant invoking legal standing as a taxpayer must show sufficient interest in preventing the illegal disbursement of public funds, thus:

“A taxpayer is allowed to sue where there is a claim that public funds are illegally disbursed, or that the public money is being deflected to any improper purpose, or that there is wastage of public funds through the enforcement of an invalid or unconstitutional law. **A person suing as a taxpayer, however, must show that the act complained of directly involves the illegal disbursement of public funds derived from taxation. He must also prove that he has sufficient interest in preventing the illegal expenditure of money raised by taxation and that he will sustain a direct injury because of the enforcement of the questioned statute or contract.** In other words, for a taxpayer's suit to prosper, two requisites must be met: (1) **public funds derived from taxation are disbursed** by a political subdivision or instrumentality and in doing so, a law is violated or some irregularity is committed and (2) the petitioner is directly affected by the alleged act.”¹⁵

19. In the instant case, it is without doubt that petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema merely question the validity of the Subject COMELEC Resolutions which allow the substitution by the P3PWD New Nominees. Nothing in the Subject COMELEC Resolutions pertain to any expenditure of public funds or measure of taxation. Clearly, petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema may not invoke their being taxpayers to meet the requisite legal standing in the instant case.

¹³ Emphasis and underscoring supplied.

¹⁴ G.R. No. 165109, 14 December 2009.

¹⁵ Emphasis and underscoring supplied.

20. With regard to the claim that the instant case is a citizen's suit, it is well-settled that the status of a litigant as a Filipino citizen is insufficient to clothe him or her of the requisite legal standing to sue. In the case of *Telecommunications and Broadcast Attorneys of the Philippines, Inc. v. COMELEC*,¹⁶ this Honorable Court emphasized the application of the direct injury test with respect to concerned citizens' cases and reiterated that the citizen must show that he has personally suffered an injury as a result of the act of government which he complains of, thus:

"To the extent, therefore, that a party's standing is determined by the substantive merit of his case or preliminary estimate thereof, petitioner TELEBAP must be held to be without standing. Indeed, **a citizen will be allowed to raise a constitutional question only when he can show that he has personally suffered some actual or threatened injury as a result of the allegedly illegal conduct of the government**; the injury fairly is fairly traceable to the challenged action; and the injury is likely to be redressed by a favorable action. Members of petitioner have not shown that they have suffered harm as a result of the operation of §92 of B.P. Blg. 881."¹⁷

21. In the more recent case of *Ernesto B. Francisco, Jr. vs. Bayani E. Fernando*,¹⁸ this Honorable Court again emphasized that in a citizen's suit, a citizen is still required to show that he has personally suffered some actual or threatened injury from the act of government being complained of, thus:

"A citizen can raise a constitutional question only when (1) **he can show that he has personally suffered some actual or threatened injury because of the allegedly illegal conduct of the government**; (2) the injury is fairly traceable to the challenged action; and (3) a favorable action will likely redress the injury. On the other hand, a party suing as a taxpayer must specifically show that he has a sufficient interest in preventing the illegal expenditure of money raised by taxation and that he will sustain a direct injury as a result of the enforcement of the questioned statute. Petitioner meets none of the requirements under either category."¹⁹

¹⁶ G.R. No. 132922, 21 April 1998.

¹⁷ Emphasis and underscoring supplied.

¹⁸ G.R. No. 166501, 16 November 2006.

¹⁹ Emphasis and underscoring supplied.

22. Interestingly, in the instant case, while petitioners Ronald Cardema and Ducielle Cardema claim that they filed the Petition as citizens, they failed to allege or prove that they personally suffered some actual or threatened injury as a result of the alleged illegal conduct of the government.

23. In their Petition, petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema cited the alleged harassment supposedly committed by Guanzon in the media and social media as the personal injury they sustained that vest them with the requisite legal standing in the instant case.²⁰ This however does not amount in any way to actual or threatened injury as a result of the government's illegal conduct. It thus appears that petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema filed the Petition merely as a personal vendetta against Guanzon.

24. Petitioners Ronald Cardema and Ducielle Cardema's claim that they caused the filing of the instant case as registered voters is similarly without merit. It is undisputed that it is respondent P3PWD who was voted for by Three Hundred Ninety-One Thousand One Hundred Seventy-Four (391,174) registered voters in the May 2022 Elections. The seat contested by petitioners in the instant case still refers to the seat obtained by respondent P3PWD, albeit with a different nominee. As such, the issuance of the Subject COMELEC Resolutions allowing the substitution by the P3PWD New Nominees did not cause any disenfranchisement of votes.

25. In any case, it also bears stressing that petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema shall be deemed to have no legal standing to file the instant case considering that the controversy herein actually pertains to the nominee of a duly-elected party-list in the May 2022 Elections. Simply put, the subject matter of the instant case primarily concerns the right to form an association, including the right of said association to choose its leadership, or in this case, its nominees or representatives.

26. In *Emmanuel Sinaca vs. Miguel Mula and COMELEC*,²¹ the Honorable Supreme Court emphasized the right of a party to choose its leadership, thus:

²⁰ See paragraph 11 of the Petition.

²¹ G.R. No. 135691, 27 September 27, 1999.

“A political party has the right to identify the people who constitute the association and to select a standard bearer who best represents the party's ideologies and preference. Political parties are generally free to conduct their internal affairs free from judicial supervision; this common-law principle of judicial restraint, rooted in the constitutionally protected right of free association, serves the public interest by allowing the political processes to operate without undue interference. Thus, the rule is that the determination of dispute as to party nominations rest with the party, in the absence of statutes giving the court's jurisdiction.”

27. Similarly, in the case of *Laban ng Demokratikong Pilipino vs. COMELEC*,²² this Honorable Court also emphasized that it is the party who has the right to determine its proper representatives, thus

“It is, therefore, in the interest of every political party not to allow persons it had not chosen to hold themselves out as representatives of the party. Corollary to **the right of a political party ‘to identify the people who constitute the association and to select a standard bearer who best represents the party's ideologies and preference’** is the right to exclude persons in its association and to not lend its name and prestige to those which it deems undeserving to represent its ideals. “

28. Corollary, in the case of *Luis Lokin, Jr. vs. COMELEC*²³ this Honorable Court ruled that a non-party member is considered a “virtual stranger to the party-list” and may thus not participate on matters pertaining to the party. Applying the foregoing rulings in the instant case, it is thus clear that petitioners are virtual strangers to respondent P3PWD, especially as regards the determination of the nominees of said partylist. As such, petitioners Duterte Youth, Ronald Cardema, and Ducielle Cardema do not have the requisite legal standing to file the Petition in the instant case.

²² G.R. No. 161265, 24 February 2004.

²³ G.R. No. 193808, 26 June 2012.

B. A Petition for Certiorari Rule 64, in relation to Rule 65, of the Rules of Court is not the proper remedy to assail the Subject COMELEC Resolutions.

29. Petitioners invoke this Honorable Court's jurisdiction to issue the extraordinary writ of certiorari under Rule 65, in relation to Rule 64, of the Rules of Court.

30. It is most respectfully submitted, however, that a petition for certiorari under Rule 64, in relation to Rule 65, is not the proper remedy to set aside the Subject COMELEC Resolutions.

31. Section 2 of Rule 64 of the Rules of Court provides:

"Section 2. Mode of review. - A judgment or final order or resolution of the Commission on Elections and the Commission on Audit may be brought by the aggrieved party to the Supreme Court on certiorari under Rule 65, except as hereinafter provided."

32. On the other hand, Section 1 of Rule 65 of the Rules of Court reads as follows:

"Section 1. Petition for certiorari. - When any tribunal, board or officer **exercising judicial or quasi-judicial functions** has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require. xxx"

33. Clearly, therefore, the remedy of certiorari under Rule 64, in relation to Rule 65, of the Rules of Court is only allowed when the subject of the extraordinary writ of certiorari is a judgment, final order, or resolution of the COMELEC in the exercise of its **judicial or quasi-judicial functions**. This is evident from the phrase, "when any

tribunal, board or officer, exercising quasi-judicial functions . . .” in the first sentence of Section 1 of Rule 65 of the Rules of Court.

34. This rule was further clarified in *Leo Querubin, et al. vs. COMELEC En Banc, et al.*,²⁴ where this Honorable Court ruled that only final orders or judgments issued by respondent COMELEC in the exercise of its **judicial or quasi-judicial functions** may be the subject of a Petition for Certiorari under Rule 64, in relation to Rule 65, thus:

“a. Rule 64 does not cover rulings of the COMELEC in the exercise of its administrative powers.

The rule cited by petitioners is an application of the constitutional mandate requiring that, unless otherwise provided by law, the rulings of the constitutional commissions shall be subject to review only by the Supreme Court on certiorari. A reproduction of Article IX-A, Section 7 of the 1987 Constitution is in order:

Section 7. Each Commission shall decide by a majority vote of all its Members, any case or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on *certiorari* by the aggrieved party within thirty days from receipt of a copy thereof.

Though the provision appears unambiguous and unequivocal, the Court has consistently held that the phrase “decision, order, or ruling” of constitutional commissions, the COMELEC included, that may be brought directly to the Supreme Court on certiorari is not all-encompassing, and that it only relates to those rendered in the commissions' exercise of **adjudicatory or quasi-**

²⁴ G.R. No. 218787, 8 December 2015.

judicial powers. In the case of the COMELEC, this would limit the provision's coverage to the decisions, orders, or rulings issued pursuant to its authority to be the sole judge of generally all controversies and contests relating to the elections, returns, and qualifications of elective offices.

Consequently, Rule 64, which complemented the procedural requirement under Article IX-A, Section 7, should likewise be read in the same sense—that of excluding from its coverage decisions, rulings, and orders rendered by the COMELEC in the exercise of its administrative functions.”²⁵

35. Section 2, Article IX-C of the 1987 Constitution enumerates the following powers and functions of respondent COMELEC:

“Section 2. The Commission on Elections shall exercise the following powers and functions:

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

(2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

²⁵ Emphasis supplied.

(3) **Decide, except those involving the right to vote, all questions affecting elections,** including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.

(4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.

(5) **Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government;** and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

(6) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or

omissions constituting election frauds, offenses, and malpractices.

(7) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies.

(8) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision.

(9) Submit to the President and the Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

36. In the case of *Reynato Baytan, et al. vs. Commission on Elections*,²⁶ this Honorable Court held that only paragraph 2 of Section 2 above refers to respondent COMELEC's quasi-judicial power, while the rest of the paragraphs under the same section already pertain to respondent COMELEC's administrative powers, thus:

“Under Section 2, Article IX-C of the 1987 Constitution, the COMELEC exercises both administrative and quasi-judicial powers. **The COMELEC's administrative powers are found in Section 2 (1), (3), (4), (5), (6), (7), (8), and (9) of Article IX-C.** The 1987 Constitution does not prescribe how the COMELEC should exercise its administrative powers, whether en banc or in division. The Constitution merely vests the COMELEC's administrative powers in the “Commission on Elections,” while providing that the COMELEC “may sit en banc or in two divisions.” Clearly, the COMELEC en banc can act directly on matters falling within its administrative powers. Indeed, this has been the practice

²⁶ G.R. No. 153945, 4 February 2003.

of the COMELEC both under the 1973 and 1987 Constitutions.

On the other hand, **the COMELEC's quasi-judicial powers are found in Section 2 (2) of Article IX-C xxx.**"

37. Thus, the exercise of the following functions of respondent COMELEC is considered **administrative** in nature:

"(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall. xxx

(3) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters. xxx

(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; xxx"

38. Accordingly, this Honorable Court held that the party-list registration, which includes the determination of party-membership as well as the matter as to the nomination of party-list nominees, entails only the discharge of COMELEC's administrative power. In the case of *COCOFED-Philippine Coconut Producers Federation, Inc. vs. COMELEC*,²⁷ citing the cases of *Reynato Baytan, et al. vs. COMELEC*²⁸ and *Magdalo Para sa Pagbabago vs. COMELEC*,²⁹ this Honorable Court ruled as follows:

"Section 6 of RA No. 7941 requires the COMELEC to afford 'due notice and hearing' before refusing or cancelling the registration of a party-list group as a matter of procedural due process. The Court would have demanded an exacting compliance with this requirement if the registration or continuing compliance proceeding

²⁷ G.R. No. 207026, 06 August 2013.

²⁸ G.R. No. 153945, 04 February 2003.

²⁹ G.R. No. 190793, 19 June 2012.

were strictly in the nature of a judicial or quasi-judicial proceeding. In several cases, however, the Court had already ruled that **the registration of party-list groups involves the exercise of the COMELEC's administrative power, particularly its power to enforce and administer all laws related to elections.**"³⁰

39. The subject matter of the present controversy is the substitution of party-list nominees. The Subject COMELEC Resolutions embody respondent COMELEC's action on the withdrawal and substitution by P3PWD New Nominees. Verily, the issuance of the Subject COMELEC Resolutions is purely an administrative act inasmuch as it only entailed the implementation of the law and the rules on withdrawal and substitution of nominees.

40. That nominee withdrawal and substitution is an administrative matter that does not require the use of respondent COMELEC's quasi-judicial functions is clear from the fact that it was respondent COMELEC sitting *en banc*, and not in division, which acted on the withdrawal and substitution of the nominees of respondent P3PWD's in the first instance. If it were a matter that requires respondent COMELEC's exercise of quasi-judicial power, it would have had to resolve and decide the request for substitution sitting in division, and not *en banc*.³¹

41. Accordingly, since the issue as to the withdrawal and substitution of respondent P3PWD's nominees involved the discharge of respondent COMELEC's administrative power, Rule 64, in relation to Rule 65, of the Rules of Court is therefore an improper remedy.

42. There is another reason why the instant Petition on this score must be dismissed by this Honorable Court.

43. Even assuming that Petitioners may resort to Rule 65 to assail the Subject COMELEC Resolutions, the instant petition should have been filed before the appropriate Regional Trial Court, in accordance with the principle of the hierarchy of courts.

44. It is a well-settled principle that while this Honorable Court has original jurisdiction over petitions for certiorari, prohibition, and/or mandamus, said jurisdiction is shared with the Court of

³⁰ Emphasis and underscoring supplied.

³¹ See *Reynato Baytan, et al. vs. Commission on Elections*, G.R. No. 153945, 04 February 2003.

Appeals³² and Regional Trial Courts.³³ In view of the said concurrent jurisdictions, a direct invocation of this Honorable Court's jurisdiction is unwarranted, in the absence of exceptional and compelling circumstances. Litigants do not have unrestricted freedom in choice of court forum, thus:³⁴

"Primarily, although this Court, the Court of Appeals and the Regional Trial Courts have concurrent jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction, such concurrence does not give the petitioner unrestricted freedom of choice of court forum. In *Heirs of Bertuldo Hinog v. Melicor*, citing *People v. Cuaresma*, this Court made the following pronouncements:

This Court's original jurisdiction to issue writs of certiorari is not exclusive. It is shared by this Court with Regional Trial Courts and with the Court of Appeals. This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefor will be directed. There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals, and also serves as a general determinant of the appropriate forum for petitions for the extraordinary writs. A becoming regard for that judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first level ("inferior") courts should be filed with the Regional Trial Court, and those against the latter, with the Court of Appeals. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is [an] established policy. It is a policy necessary to prevent inordinate demands upon the Court's

³² See Section 9 (1) of Batas Pambansa Blg. 129.

³³ See Section 21 (1) of Batas Pambansa Blg. 129.

³⁴ *Chamber of Real Estate and Builders Association, Inc. vs. Secretary of Agrarian Reform*, G.R. No. 183409, 18 June 2010.

time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket."³⁵

45. In the instant case, Petitioners failed to specifically and sufficiently set forth special and important reasons to justify direct recourse to this Honorable Court and why this Court should give due course to this petition in the first instance, thereby failing to fulfill the conditions set forth in *Heirs of Bertuldo Hinog v. Melicor*.³⁶ The instant Petition should have been initially filed with the Regional Trial Court in strict observance of the doctrine on the hierarchy of courts. For failure to comply with the doctrine of the hierarchy of courts, the instant case should be dismissed outright by this Honorable Court.

C. The provisions of COMELEC Resolution No. 10690 are merely directory.

46. Petitioners cite Sections 6 and 7 of COMELEC Resolution No. 10690 to argue that the withdrawal and substitution of party-list nominees relative to the May 2022 Elections shall be filed no later than 15 November 2022 or mid-day of election day, 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 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

³⁵ Emphasis and underscoring supplied.

³⁶ G.R. No. 140954, 12 April 2005.

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. xxx

Section 7. Substitution Due to Death or Incapacity of the Substituted Nominees. - Section 5, Rule 4 of Resolution No. 9366 is hereby amended by deleting "xxx or withdraws in writing his nomination, xxx" and adding new provisions to be read as follows:

'Section 5. 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 immediately preceding election. No change of names or alterations 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, becomes incapacitated, or there is valid withdrawal and substitution of nominees as provided in the preceding section, in which case the name of the substitute nominee shall be placed last in the list.

NO substitution shall be VALID beyond the deadline provided in the preceding section unless the list of nominees originally submitted has been exhausted due to death and/or incapacity of the nominees. The party, within ten (10) days from the exhaustion of the original list, shall file with the Law Department a list of its substitute nominees, their certificates of nominations and acceptance 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. Provided that substitutions due to the death and/or incapacity of the nominees under this paragraph shall be allowed only up to mid-day of election day.' xxx"

47. The above-quoted provisions were reiterated in Sections 11 and 12 of COMELEC Resolution No. 10717, thus:

“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. xxx

Section 12. Substitution of Party-list Nominees Due to Death or Incapacity of the Substituted Nominees. - No substitution shall be valid if filed beyond November 15, 2021 unless the list of nominees originally submitted has been exhausted due to death and/or incapacity of the nominees. The party, within ten (10) days from the exhaustion of the original list shall file with the Law Department a list of its substitute nominees, their certificates of nominations and acceptance, 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. Provided that substitutions due to the death and/or incapacity of the

nominees under this paragraph shall be allowed only up to mid-day of election day. xxx”

48. The above provisions of COMELEC Resolution Nos. 10690 and 10717 supposedly set the deadline for withdrawal and substitution of party-list nominees on 15 November 2021. Where the substitution is due to the death or incapacity of the nominees, and the list of nominees has already been exhausted, the rules allow for the substitution of nominees until mid-day of election day.

49. However, these provisions of COMELEC Resolution Nos. 10690 and 10717 only apply to withdrawal and substitution of party-list nominees before the day of election on 09 May 2022.

50. It is well-settled in political law that rules and regulations issued by respondent COMELEC are mandatory only before elections. After elections, said rules and regulations become merely directory.³⁷ The ruling of this Honorable Court in the more recent case of *Marcelino S. Engle vs. COMELEC En Banc, et al.*,³⁸ citing the case of *Abraham Mitra vs. COMELEC, et al.*,³⁹ is instructive:

“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. This was discussed at length in *Mitra v. Commission on Elections*, thus:

We have applied in past cases the principle that the manifest will of the people as expressed through the ballot must be given fullest effect; in case of doubt, political laws must be interpreted to give life and spirit to the

³⁷ See *Jose Lina Luna vs. Eulogio Rodriguez*, G.R. No. L-13744, 29 November 1918.

³⁸ G.R. No. 215995, 19 January 2016.

³⁹ G.R. No. 191938, 19 October 2010.

popular mandate. Thus, we have held that while provisions relating to certificates of candidacy are in mandatory terms, it is an established rule of interpretation as regards election laws, that **mandatory provisions, requiring certain steps before elections, will be construed as directory after the elections,** to give effect to the will of the people.”

51. Applying the foregoing jurisprudence to the instant case, it is, thus, clear that the provisions of COMELEC Resolution Nos. 10690 and 10717, particularly on the period of withdrawal and substitution of party-list nominees, has become merely directory after the elections held on 09 May 2022. As such, the provisions of Republic Act No. 7941, or the Party-List System Act, shall prevail in determining whether the substitution by the P3PWD New Nominees after the May 2022 Elections is proper.

D. COMELEC Resolution Nos. 10690 and 10717 cannot amend or repeal the provisions of Republic Act No. 7941, or the Party-List System Act.

52. That the provisions of COMELEC Resolution Nos. 10690 and 10717 on the period of withdrawal and substitution of party-list nominees was mandatory only before the elections and have become merely directory thereafter is further emphasized by a simple perusal of the clear provisions of Republic Act No. 7941, or the Party-List System Act.

53. Section 8 of said law explicitly provides that changes in the list of nominees submitted to the COMELEC, or substitutions of nominees, are allowed when: (a) the nominee dies, (b) the nominee withdraws in writing, or (c) the nominee becomes incapacitated, thus:

“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 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."⁴⁰

54. Notably, the above-quoted provision of Republic Act No. 7941 allows the substitution of a party-list nominee on the ground of withdrawal in writing of a previous party-list nominee, without qualification on whether the same can only be made before or after elections.

55. Substitution due to a withdrawal of a nomination is one of the three (3) exceptions carved out from the general rule that prohibits any change in the list of nominees once the same has been submitted to COMELEC. As an exception to the prohibition, it is meant to allow rather than proscribe. To stress, there is nothing in the language of the law that justifies the interpretation that the rules prohibit substitutions due to withdrawal post-elections.

56. In connection with Section 8 of Republic Act No. 7941 allowing the withdrawal of a nomination, Section 16 thereof also allows the submission of a new list of nominees or a new list of substitute nominees, in case of vacancies when the original list has been exhausted:

“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,**

⁴⁰ Emphasis and underscoring supplied.

organization coalition concerned shall submit additional nominees.⁴¹

57. The existence of such a mechanism under the law, without qualification on when the submission of a list of additional or new nominees should be submitted to respondent COMELEC, necessarily means that substitutions of party-list nominees are allowed even after elections, or, in this case, beyond the supposed deadlines set by the rules, pre-elections.

58. To contend that COMELEC Resolution Nos. 10690 and 10717 prohibit substitution of nominees due to withdrawal of nomination in writing would be to insist on an interpretation of said administrative rules that defeats, contravenes, and amends what the law decrees.

59. Petitioners' theory that the deadlines under COMELEC Resolution Nos. 10690 and 10717 for substitution of party-list nominees should apply even after elections would mean that said rules effectively amended or modified the provisions of Republic Act No. 7941, by prohibiting what the said law clearly allows. Such interpretation of the administrative rules is untenable.

60. It is a basic principle in statutory construction that an implementing rule, to be valid, must conform to and be consistent with the provisions of the enabling statute.⁴² *A spring cannot rise higher than its source.*⁴³ In the case of *Secretary of Finance Cesar B. Purisima et al. vs. Representative Carmelo F. Lazatin et al.*,⁴⁴ this Honorable Court emphasized that an administrative act which contravenes a statute is void for being an undue abdication of the legislative power of Congress, thus:

“To the same extent that the Legislature cannot surrender or abdicate its legislative power without violating the Constitution, so also is a constitutional violation committed when rules and regulations implementing legislative enactments are contrary to existing statutes. **No law can be amended by a mere administrative rule issued for its implementation;**

⁴¹ Emphasis and underscoring supplied.

⁴² *Felix Perez vs. Philippine Telegraph and Telephone Company, et al.*, G.R. No. 152048, 07 April 2009.

⁴³ *ABAKADA Guro Partylist, et al. vs. Hon. Executive Secretary Aquilino Pimentel, Jr.*, G.R. Nos. 168056, 168207, 168461, 168463 & 168730, 01 September 2005.

⁴⁴ G.R. No. 210588, 29 November 2016.

administrative or executive acts are invalid if they contravene the laws or to the Constitution.”⁴⁵

61. As earlier stated, the petitioner’s interpretation of COMELEC Resolution Nos. 10690 and 10717 would contravene the clear tenor of Republic Act No. 7941. The administrative rules and its enacting statute, however, must be interpreted in a way that would harmonize them and keep them consistent with and within the bounds of the law being implemented. In other words, the proper interpretation of the rules is that which would keep them free from constitutional objections, rather than the interpretation that would expose the rules or the laws to constitutional objections.⁴⁶ The same is in accordance with the maxim, "*interpretare et concordare legibus est optimus interpretandi*," or every statute must be so construed and harmonized with other statutes as to form a uniform system of jurisprudence.⁴⁷

62. Clearly, applying the foregoing well-established rules to the instant case, the periods provided under COMELEC Resolution Nos. 10690 and 10717 with respect to substitution of party-list nominees are effective only before elections, and do not apply post-elections. This is the interpretation that would be most consistent with the permissive nature of substitution due to withdrawal, as an exception to the prohibitive general rule that disallows changing the list of nominees after its submission to the COMELEC, as provided in Section 8 of Republic Act No. 7194.

63. Indeed, if party-list nominee substitutions are not allowed after elections, as proposed by the petitioners, then vacancies in the party-list seats due to withdrawal, resignation, voluntary resignation, as well as death or incapacity (which, following petitioner’s theory, will have an absolute deadline of until midday of election day) would result in permanent vacancies in the House of Representatives. This would mean that the party-list seats will be left unfilled, and the mandate of the duly elected party-list abandoned until the end of the term provided for by law and the Constitution. Such vacancy will only

⁴⁵ Emphasis and underscoring supplied. See also *Department of Agrarian Reform, et al. vs. Carriedo*, G.R. No. 176549, 20 January 2016, in which this Honorable Court held: “Laws, as well as the issuances promulgated to implement them, enjoy the presumption of validity. However, administrative regulations that alter or amend the statute or enlarge or impair its scope are void, and courts not only may, but it is their obligation to strike down such regulations.”

⁴⁶ See *Yu Cong Eng, et al, vs. W. Trinidad*, G.R. No. L-20479, 06 February 1925.

⁴⁷ *Philippine Economic Zone Authority vs. Green Asia Construction & Development Corporation*, G.R. No. 188866, 19 October 2011.

ultimately result in disenfranchisement of members of the marginalized sectors who voted for the party-list and harm the electorate who had reposed their trust and confidence upon the party-list to champion their rights and interest in Congress.

64. Surely, this interpretation cannot be countenanced. When its logical consequence is extended, petitioner's hypothesis simply cannot withstand rational analysis.

E. Any question as to Guanzon's qualification as the nominee of respondent P3PWD in the House of Representatives is under the exclusive jurisdiction of the House of Representatives Electoral Tribunal.

65. Section 17 of Article VI of the 1987 Constitution decrees that it is the House of Representatives Electoral Tribunal ("HRET") which has the exclusive jurisdiction to inquire into and rule on the election, returns, and qualifications of its members:

"SECTION 17. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be **the sole judge of all contests relating to the election, returns, and qualifications of their respective Members**. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its Chairman."⁴⁸

66. The exclusive jurisdiction of the HRET over all questions relating to the election and qualifications of the members of the House of Representatives is well-settled. In the case of *Maria Lourdes Locsin vs. House of Representatives Electoral Tribunal, et al.*,⁴⁹ this Honorable Supreme Court held:

⁴⁸ Emphasis and underscoring supplied.

⁴⁹ G.R. No. 204123, 19 March 2013.

“The Constitution provides that public respondent House of Representatives Electoral Tribunal (HRET) is the sole judge of all contests relating to the election, returns, and qualifications of their members. This Court’s jurisdiction to review HRET’s decisions and orders is exercised only upon showing that HRET acted with grave abuse of discretion amounting to lack or excess of jurisdiction. Otherwise, this Court will not interfere with an electoral tribunal’s exercise of its discretion or jurisdiction.”⁵⁰

67. In the case of *Daryl Grace Abayon vs. House of Representatives Election Tribunal, et al.*,⁵¹ this Honorable Court also categorically ruled that party-list representatives are members of the House of Representatives as much as district representatives are. As such, any contest or issue relating to the election or qualification of party-list representatives belongs to the exclusive jurisdiction of the HRET, thus:

“But, although it is the party-list organization that is voted for in the elections, it is not the organization that sits as and becomes a member of the House of Representatives. Section 5, Article VI of the Constitution, identifies who the ‘members’ of that House are:

‘Sec. 5. (1). The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.’

Once elected, both the district representatives and the party-list representatives are treated in like manner. They have the same deliberative rights, salaries, and emoluments. They can participate in the making of laws

⁵⁰ Emphasis and underscoring supplied.

⁵¹ G.R. No. 189466, 11 February 2010.

that will directly benefit their legislative districts or sectors. They are also subject to the same term limitation of three years for a maximum of three consecutive terms. xxx

It may not be amiss to point out that the Party-List System Act itself recognizes party-list nominees as 'members of the House of Representatives,' xxx

As this Court also held in *Bantay Republic Act or BA-RA 7941 v. Commission on Elections*, a party-list representative is in every sense "an elected member of the House of Representatives." Although the vote cast in a party-list election is a vote for a party, such vote, in the end, would be a vote for its nominees, who, in appropriate cases, would eventually sit in the House of Representatives.

It is for the HRET to interpret the meaning of this particular qualification of a nominee—the need for him or her to be a bona fide member or a representative of his party-list organization—in the context of the facts that characterize petitioners Abayon and Palparan's relation to Aangat Tayo and Bantay, respectively, and the marginalized and underrepresented interests that they presumably embody. xxx

What is inevitable is that Section 17, Article VI of the Constitution provides that the HRET shall be the sole judge of all contests relating to, among other things, the qualifications of the members of the House of Representatives. **Since, as pointed out above, party-list nominees are 'elected members' of the House of Representatives no less than the district representatives are, the HRET has jurisdiction to hear and pass upon their qualifications.** By analogy with the cases of district representatives, once the party or organization of the party-list nominee has been proclaimed and the nominee has taken his oath and assumed office as member of the House of Representatives, the COMELEC's jurisdiction over election contests relating to his qualifications ends and the HRET's own jurisdiction begins."⁵²

⁵² Emphasis and underscoring supplied.

68. Similarly, in the case of *Hans Christian Señeres vs. Commission on Elections, et al.*,⁵³ wherein the petitioner assailed the validity of the nomination of party-list nominees for having been made by a party president whose term already expired, this Honorable Court reiterated that the question or issue on the qualification of the party-list nominees is within the sole and exclusive jurisdiction of the HRET, thus:

“Consequently, the first three (3) nominees in the Certificate of Nomination submitted by Robles . . . took their oaths of office before the Chief Justice on July 20, 2007 and have since then exercised their duties and functions as BUHAY Party-List representatives in the current Congress.

Without a doubt, at the time Señeres filed this petition before this Court on July 23, 2007, the right of the nominees as party-list representatives had been recognized and declared in the July 19, 2007 Resolution and the nominees had taken their oath and already assumed their offices in the House of Representatives. As such, the proper recourse would have been to file a petition for quo warranto before the HRET within ten (10) days from receipt of the July 19, 2007 Resolution and not a petition for certiorari before this Court.”

69. Also, in the more recent case of *Atty. Isidro Lico, et al. vs. The Commission on Elections En Banc et al.*,⁵⁴ this Honorable Court ruled that an intra-corporate issue of a party-list group, which resulted in the expulsion of the party-list representative from said party, is within the jurisdiction of HRET, thus:

“The COMELEC justified its Resolution on the merits of the expulsion, by relying on the rule that it can decide intra-party matters as an incident of its constitutionally granted powers and functions. It cited *Lokin v. COMELEC*, where We held that when the resolution of an intra-party controversy is necessary or incidental to the performance of the constitutionally-granted functions of the COMELEC, the latter can step in and exercise jurisdiction over the intra-party matter. The Lokin case, however, involved nominees and not

⁵³ G.R. No. 178678, 16 April 2009.

⁵⁴ G.R. No. 20555, 29 September 2015.

incumbent members of Congress. In the present case, the fact that petitioner Lico was a member of Congress at the time of his expulsion from Ating Koop removes the matter from the jurisdiction of the COMELEC.

The rules on intra-party matters and on the jurisdiction of the HRET are not parallel concepts that do not intersect. Rather, the operation of the rule on intra-party matters is circumscribed by Section 17 of Article VI of the 1987 Constitution and jurisprudence on the jurisdiction of electoral tribunals. The jurisdiction of the HRET is exclusive. It is given full authority to hear and decide the cases on any matter touching on the validity of the title of the proclaimed winner.”

70. In the case of *Robert Barbers vs. Commission on Elections et al.*,⁵⁵ this Honorable Court clarified that the extent of HRET’s exclusive jurisdiction encompasses all matters affecting the eligibility of a member of the House of Representatives, or affecting the validity of their title or right to hold office, thus:

The phrase “election, returns, and qualifications” should be interpreted in its totality as referring to all matters affecting the validity of the contestee’s title. But if it is necessary to specify, we can say that "election" referred to the conduct of the polls, including the listing of voters, the holding of the electoral campaign, and the casting and counting of votes; "returns" to the canvass of the returns and the proclamation of the winners, including questions concerning the composition of the board of canvassers and the authenticity of the election returns; and "qualifications" to matters that could be raised in a quo warranto proceeding against the proclaimed winner, such as his disloyalty or ineligibility or the inadequacy of his certificate of candidacy.⁵⁶

71. The case at bar clearly assails and contests the right of Guanzon from sitting as party-list representative of respondent P3PWD in the House of Representatives. Thus, considering that Guanzon is already a sitting member of the House of Representatives, the exclusive jurisdiction over the instant case properly pertains to the HRET as the sole judge of all contests relating to the election and

⁵⁵ G.R. No. 165691, 22 June 2005, citing *Javier vs. COMELEC*, 228 Phil. 193 (1986).

⁵⁶ Emphases and underscoring supplied.

qualification of its members in accordance with Section 17, Article VI of the 1987 Constitution.

72. To be sure, this Honorable Court has held in a plethora of cases that membership in the House of Representatives is contingent on the concurrence of the following requisites: (a) valid proclamation, (b) oath of office, and (c) assumption of office.

73. In *Liwayway Vinzons-Chato vs. Commission on Elections*,⁵⁷ citing the cases of *Georgidi Aggabao vs. Commission on Elections*⁵⁸ and *Arnold Guerrero vs. Commission on Elections*,⁵⁹ this Honorable Court ruled:

“The Court has invariably held that once a winning candidate has been proclaimed, taken his oath, and assumed office as a Member of the House of Representatives, the COMELEC's jurisdiction over election contests relating to his election, returns, and qualifications ends, and the HRET's own jurisdiction begins. Stated in another manner, where the candidate has already been proclaimed winner in the congressional elections, the remedy of the petitioner is to file an electoral protest with the HRET.

74. The presence of the above-mentioned requisites in the instant case is undisputed.

a. As earlier mentioned, on 22 June 2022, respondent P3PWD has been proclaimed as one of the winning party-list groups in the 2022 party-list elections. In the Certificate of Proclamation⁶⁰ issued by respondent COMELEC, as the National Board of Canvassers for the Party-List Elections, it categorically recognized that recognized Guanzon is the qualified nominee to represent respondent P3PWD in the House of Representatives.

⁵⁷ G.R. No. 172131, 20 April 2007. See also *Ongsiako Reyes vs. House of Representatives Electoral Tribunal*, G.R. No. 221103, 16 October 2018.

⁵⁸ G.R. No. 163756, 26 January 2005.

⁵⁹ G.R. No. 137004, 26 July 2000.

⁶⁰ A certified true copy of the Certificate of Proclamation recognizing Guanzon as the qualified nominee issued by the Honorable COMELEC as the National Board of Canvassers is attached herewith and made an integral part hereof as **Annex “11.”**

b. Guanzon has also taken her Oath of office on 22 June 2022 before the Honorable Court of Appeals Associate Justice Edwin Sorongon.⁶¹

c. Subsequently, in the afternoon of 30 June 2022, Guanzon assumed office and started to discharge the functions of a party-list representative. In fact, on even date, Guanzon, for and in behalf of respondent P3PWD, immediately filed House Bill No. 440 entitled, "Empowerment of Persons with Disabilities thru the Disability and Development Fund"⁶² in the exercise of her clear mandate as a party-list representative for respondent P3PWD.

75. In view of the foregoing, Guanzon, the qualified First Nominee of respondent P3PWD, is now a sitting member of the House of Representatives whose eligibility, title, or right to hold office may only be assailed exclusively before the HRET.

76. As a final point, it is most respectfully submitted by respondent P3PWD that the TRO issued in the instant case has become moot and academic. The TRO was issued only on 29 June 2022 after respondent COMELEC, as the National Board of Canvassers for Party-List Elections, had proclaimed respondent P3PWD and Guanzon and copies of the Subject COMELEC Resolutions, approving the substitutions by the P3PWD New Nominees, were furnished to the House of Representatives. To be sure, on the part of the COMELEC, it had nothing left to do after it issued the Subject COMELEC Resolutions and proclaimed respondent P3PWD and Guanzon on 22 June 2022, declaring the latter as a qualified party-list representative for respondent P3PWD.

77. Notably, the TRO was issued by this Honorable Court only against respondent COMELEC. The same order was not directed against anyone else but respondent COMELEC, thus:

"xxx Meanwhile, a TEMPORARY RESTRAINING ORDER is ISSUED, effective immediately and continuing until further orders from this Court, enjoining You, respondent COMELEC, your agents, representatives, or persons acting in your place or stead, from enforcing the

⁶¹ See Annex "8."

⁶² See Annex "10."

assailed COMELEC Resolution. The COMELEC shall likewise furnish the Court with a duplicate original or certified true copy of its assailed resolution within five (5) days from notice hereof.”⁶³

78. It is a well-established rule that injunctive writs, or applications for injunctive writs, shall be strictly construed against the applicants.⁶⁴ In the instant case, considering that the TRO issued in the instant case is clearly directed *only* against respondent COMELEC, the purview and scope of said injunctive writ must be strictly construed only up to such extent—enjoining *only* respondent COMELEC from implementing the Subject COMELEC Resolutions. As such, at present, there is nothing preventing the House of Representatives from recognizing Guanzon to sit as a party-list representative for respondent P3PWD and allowing Guanzon to perform the functions and responsibilities of her office.

79. Clearly, Guanzon has duly assumed office as the party-list representative of respondent P3PWD in the afternoon of 30 June 2022. Thus, for all legal intents and purposes, Guanzon is an incumbent member of the House of Representatives whose title and right to hold office is assailable only before the HRET.

F. Respondent COMELEC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction when it allowed the withdrawal of the P3PWD Original Nominees and substitution by the P3PWD New Nominees.

80. The petitioners, in the instant case, by filing a Petition for Certiorari under Rule 64, in relation to Rule 65, of the Rules of Court imply that respondent COMELEC supposedly committed grave abuse of discretion amounting to lack or excess of jurisdiction when respondent COMELEC allowed the withdrawal of the P3PWD Original Nominees and substitution by the P3PWD New Nominees, through the issuance of the Subject COMELEC Resolutions.

⁶³ Emphasis in the original.

⁶⁴ See *Hon. Mylyn P. Cayabyab et al. vs. Dimson*, G.R. No. 223862, 10 July 2017; and *St. James College of Paranaque, et al. vs. Equitable PCI Bank*, G.R. No. 179441, 9 August 2010.

81. In several cases, this Honorable Court explained “grave abuse discretion” which may prompt the issuance of special writ of certiorari under Rule 65 of the Rules of Court. In the case of *Kilusang Mayo Uno vs. Hon. Benigno Simeon Aquino, III*,⁶⁵ this Honorable Court discussed the nature of abuse of discretion contemplated in Rule 65 of the Rules of Court, thus:

“The sole office of the writ of certiorari is the correction of errors of jurisdiction, which includes the commission of grave abuse of discretion amounting to lack of jurisdiction. In this regard, mere abuse of discretion is not enough to warrant the issuance of the writ. **The abuse of discretion must be grave, which means either that the judicial or quasi-judicial power was exercised in an arbitrary or despotic manner** by reason of passion or personal hostility, or that the respondent judge, tribunal or board evaded a positive duty, or virtually refused to perform the duty enjoined or to act in contemplation of law, such as when such judge, tribunal or board exercising judicial or quasi-judicial powers **acted in a capricious or whimsical manner as to be equivalent to lack of jurisdiction.**”

82. In the case of *Samson Alcantara, et al. vs. Commission on Elections, et al.*,⁶⁶ this Honorable Court ruled that respondent COMELEC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction when it decided on party leadership, thus:

“With clear jurisdictional authority to resolve the issue of party leadership and party identity, this Court will only be justified in interfering with the COMELEC's action under Rules 64 and 65 of the Rules of Court if the petitioners can establish that the COMELEC acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction. By grave abuse of discretion is generally meant the 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

⁶⁵ G.R. No. 210500, 02 April 2009.

⁶⁶ G.R. No. 203646, 16 April 2013.

perform the duty enjoined or to act at all in contemplation of law. The petitioners failed to hurdle this barrier. xxx

The COMELEC, in the exercise of its jurisdiction to resolve party leadership disputes, has rendered its ruling. By failing to establish grave abuse of discretion on the part of the COMELEC, this Court can do no less than dismiss this petition and allow ABAKADA as a sectoral party to determine its own affairs under its present leadership.”

83. In the instant case, respondent COMELEC did not commit any grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the Subject COMELEC Resolutions allowing the substitution by the P3PWD Original Nominees.

84. As earlier mentioned, the Subject COMELEC Resolutions were issued by respondent COMELEC in accordance with prevailing jurisprudence that the rules and regulations issued by said commission becomes merely directory after elections. Thus, COMELEC Resolution Nos. 10690 and 10717 were mandatory only before the conduct of elections on 09 May 2022 and immediately became merely directory thereafter.

85. Further, as discussed above, the issuance of the Subject COMELEC Resolutions allowing the withdrawal of the P3PWD Original Nominees and substitution by the P3PWD New Nominees is merely in accordance with Sections 8 and 16 of Republic Act No. 7941, or the Party-List System Act. To stress, said provisions in the statute explicitly allow the withdrawal of a party-list nominee, in writing, and the submission of a new list of nominees of a party-list, without any limitation that the same may be done only prior to election day.

86. The absence of any grave abuse of discretion supposedly by respondent COMELEC is further demonstrated by that fact, that in 2019, no less than petitioners themselves, invoked the provisions of Sections 8 and 16 of Republic Act No. 7941 for the substitution of the nominees of petitioner Duterte Youth in the 2019 national and local elections *after* the conduct of elections.⁶⁷ Said substitution of the nominees of petitioner Duterte Youth was upheld by this Honorable

⁶⁷ See <https://www.rappler.com/nation/elections/240803-comelec-approves-duterte-youth-new-substitute-nominees/>; A copy of the printout of the news article entitled, “COMELEC approves Duterte Youth’s new substitute nominees,” published on 23 September 2019 is attached herewith and made an integral part hereof as **Annex “12.”**

Court in the case docket as G.R. No. 253805 entitled, "*Aunell Ross Angcos, et al. vs. Duty to Energize the Republic through the Enlightenment of the Youth Sectoral Party-List Organization, also known as 'Duterte Youth Party-List' represented by its Founder and Chairperson, Ronal Gian L. Cardema, Ducielle Marie S. Cardema, Its Purported First Nominee, and Commission on Elections*" ("G.R. No. 253805").⁶⁸

87. Verily, respondent COMELEC merely followed the ruling of this Honorable court in G.R. No. 253805 when it issued the Subject COMELEC Resolutions and allowed the substitutions of the nominees of respondent P3PWD.

88. Thus, contrary to the claims of petitioners that respondent COMELEC supposedly committed grave abuse of discretion, respondent COMELEC, in fact, faithfully and dutifully performed its constitutional mandate to "enforce and administer all laws and regulations relative to the conduct of an election."⁶⁹

G. The TRO should be lifted in the instant case considering that petitioners are not entitled to an injunctive writ.

89. To stress, the TRO was issued only on 29 June 2022 **after** respondent COMELEC, as the National Board of Canvassers for Party-List Elections, had proclaimed respondent P3PWD and Guanzon and copies of the Subject COMELEC Resolutions, approving the substitutions by the P3PWD New Nominees, were furnished to the House of Representatives. Accordingly, it is the HRET which has the exclusive jurisdiction to determine the qualification or eligibility of Guanzon, as the party-list representative of respondent Thus, TRO in the instant case had become moot and academic.

90. Nevertheless, even assuming for the sake of argument that the TRO has not yet been mooted, it is most respectfully submitted that the same should be lifted considering that petitioners are not entitled to an injunctive writ.

⁶⁸ A copy of the Notice issued by this Honorable Court in connection with the issuance of the Resolution dated 03 November 2020 in G.R. No. 253805 is attached herewith and made an integral part hereof as **Annex "13."** Respondent P3PWD shall submit a copy of the Resolution dated 03 November 2020, once available.

⁶⁹ Section 2(1) of Article IX (C) of the 1987 Constitution.

91. To be sure, under Section 3 of Rule 58, one of the grounds for the grant of a preliminary injunction is that “the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts either for a limited period or perpetually.”

92. In the case of *Spouses Ramon and Natividad Nisce v. Equitable PCI Bank, Inc.*⁷⁰ the Honorable Supreme Court emphasized that an applicant for the issuance of a writ of preliminary injunction must show in his application that he has a present and unmistakable right to the relief prayed for, thus:

“The plaintiff praying for a writ of preliminary injunction must further establish that he or she has a **present and unmistakable right** to be protected; that the facts against which injunction is directed violate such right; and there is a special and paramount necessity for the writ to prevent serious damages. In the absence of proof of a legal right and the injury sustained by the plaintiff, an order for the issuance of a writ of preliminary injunction will be nullified. **Thus, where the plaintiff’s right is doubtful or disputed, a preliminary injunction is not proper.** The possibility of irreparable damage without proof of an actual existing right is not a ground for a preliminary injunction.”⁷¹

93. In the instant case, petitioners utterly failed to show that it has a present and unmistakable right to pray for the enjoinder of the implementation of the Subject COMELEC Resolutions, for the following reasons:

a. Petitioners do not have the requisite legal standing to file the instant case. Petitioners cannot invoke their being taxpayers to claim legal standing considering that the subject matter of the instant case does not involve expenditure of public funds. Neither can petitioner claim their being citizens as basis for their legal standing considering that they failed to show the direct injury which they suffered or are threatened to suffer in the implementation of the Subject COMELEC Resolutions. Finally, petitioners can neither invoke their being

⁷⁰ G.R. No. 167434, 19 February 2007.

⁷¹ Emphasis and underscoring supplied.

registered voters to assail the validity of the Subject COMELEC Resolutions considering that it remains undisputed in the instant case that it was actually respondent P3PWD which was voted for in the May 2022 elections and the issue on who should be its nominee is an internal matter which should be decided the members of respondent P3PWD based on its internal rules. Ultimately, petitioners are virtual strangers to respondent P3PWD and, thus, have no standing the substitution of the party-list's nominees.

b. Respondent COMELEC correctly issued the Subject COMELEC Resolutions considering that COMELEC Resolution Nos. 10690 and 10717 were mandatory only before the conduct of elections on 09 May 2022 and immediately became merely directory thereafter, in accordance with prevailing jurisprudence.

c. Respondent COMELEC correctly issued the Subject COMELEC Resolutions in view of the clear language of Sections 8 and 16 of Republic Act No. Republic Act No. 7941, or the Party-List System Act which allows the substitution of party-list nominees on the ground of withdrawal, even after election day.

d. The issuance of the Subject COMELEC Resolutions was likewise in accordance with this Honorable Court's ruling in G.R. No. 253805 in which no less than petitioner Dacielle Cardema, herself, was allowed to substitute as a nominee and party-list representative of respondent Duterte Youth, even after elections, similarly based on Sections 8 and 16 of Republic Act No. Republic Act No. 7941, or the Party-List System Act.

94. Additionally, in order to be entitled to a provisional injunctive relief, an applicant must also establish the urgency of a writ's issuance to prevent "grave and irreparable injury."⁷² This, petitioner also failed to do.

⁷² *Evvy Construction and Development vs. Valiant Roll Forming Sales Corporation*, G.R. No. 207938, 11 October 2017.

95. A simple reading of the Petition and the attached Affidavit of Merit dated 21 June 2022 executed by petitioners Ronald Cardema and Dacielle Cardema shows that petitioners failed to establish the particular injury, which should be grave and irreparable in character, that entitles the petitioners to apply for a preliminary injunction.

96. In fact, contrary to the bare general allegations of injury asserted by petitioners, it is actually respondent P3PWD who is suffering and may further suffer grave and irreparable injury as a result of the issuance of the TRO.

97. Significantly, Section 6 of Rule 58 of the Rules of Court provides that if the issuance of a preliminary injunction may cause irreparable damage to the person enjoined, the writ of injunction may be objected to or dissolved by the court, thus:

“Section 6. Grounds for objection to, or for motion of dissolution of, injunction or restraining order. — The application for injunction or restraining order may be denied, upon a showing of its insufficiency. The injunction or restraining order may also be denied, or, if granted, may be dissolved, on other grounds upon affidavits of the party or person enjoined, which may be opposed by the applicant also by affidavits. It may further be denied, or if granted, may be dissolved, if it appears after hearing that although the applicant is entitled to the injunction or restraining order, the issuance or continuance thereof, as the case may be, would cause irreparable damage to the party or person enjoined while the applicant can be fully compensated for such damages as he may suffer, and the former files a bond in an amount fixed by the court conditioned that he will pay all damages which the applicant may suffer by the denial or the dissolution of the injunction or restraining order. If it appears that the extent of the preliminary injunction or restraining order granted is too great, it may be modified.”

98. In the instant case, it is clear that it is actually respondent P3PWD, particularly its members and the marginalized sector which it represents, who is suffering and may further suffer irreparable damage resulting from the issuance of the TRO. The injunctive writ necessarily results in disenfranchisement of voters who have casted their ballots in favor of respondent P3PWD and placed their trust and

confidence in said party-list. More importantly, enjoining respondent P3PWD and its party-list representative, Guanzon, to assume the seat in the House of Representatives deprives its represented marginalized sector, patients, and persons with disabilities, from obtaining genuine representation in Congress and substantial for their rights and interests to be, finally, championed and advocated for in the legislature. Indeed, the gravity of the injury suffered by respondent P3PWD, especially its constituents, cannot be overemphasized.

99. What is likewise clear is that the Petition is fatally defective for having violated the well-established principle of hierarchy of courts when it assailed the Subject COMELEC Resolutions through the filing of a petition for certiorari under Rule 64, in relation to Rule 65, of the Rules of Court, despite respondent COMELEC having exercised an administrative function. Further, the Petition is also defective in view of the want of jurisdiction of this Honorable Court to hear and settle the controversy of the instant case, considering that it is now the HRET which has the sole and exclusive jurisdiction to hear all contests relating to the election, returns, and qualifications of Guanzon, as the First Nominee and proclaimed party-list representative of respondent P3PWD in the Nineteenth (19th) Congress.

100. All said, considering that the applicants, the petitioners in the instant case, have no right to demand the relief of invalidating the Subject COMELEC Resolutions on the substitution of nominees of respondent P3PWD, and that the issuance of the TRO in the instant case has actually caused grave and irreparable injury on respondent P3PWD, and not to petitioners, it is most respectfully prayed that the TRO issued by this Honorable Court against respondent COMELEC be lifted and dissolved.

101. The foregoing considered, it is most respectfully prayed that the instant Petition be dismissed for utter lack of merit and the TRO issued be lifted and dissolved.

PRAYER

WHEREFORE, respondent **KOMUNIDAD NG PAMILYA, PASYENTE AT PERSONS WITH DISABILITIES (P3PWD) PARTY LIST** (“P3PWD”) most respectfully pray that this Honorable Court **DISMISS** the Urgent Petition for Certiorari [With Prayer for Preliminary Injunction and/or Temporary Restraining Order and Motion for Conduct for Special Raffle] dated 12 June 2022 for utter lack of merit and immediately **LIFT AND DISSOLVE** the Temporary Restraining Order dated 29 June 2022 issued against respondent Commission on Elections.

Respondent likewise prays for such further and other reliefs as may be just and equitable under the circumstances.

Makati City for Manila City, Metro Manila ___ July 2022.

By:



CHRISTIAN ROBERT S. LIM

Counsel for the Respondent

*Komunidad ng Pamilya, Pasyente at
Persons with Disabilities (P3PWD) Partylist*

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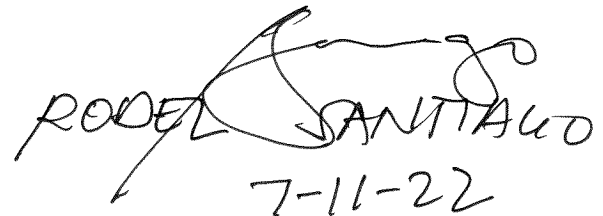
Copy furnished:⁷³

(By personal service)

PUBLIC INFORMATION OFFICE

SUPREME COURT

Padre Faura, Manila 1000



RODEL SANTIALDO
7-11-22

(By registered mail)

ATTY. FERDINAND S. TOPACIO

TOP LAW

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City

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village, Makati City

COMMISSION ON ELECTIONS

Respondent

Intramuros, Manila

HOUSE OF REPRESENTATIVES

Respondent

Speaker of the House of Representatives

Batasan Road, Constitution Hills, Quezon City

⁷³ Section 11, Rule 13 of the 1997 Rules of Civil Procedure on the requirement for a written explanation on why the service or filing of a pleading or motion was not done personally has not been carried over and/or has been deleted in the Rules of Civil Procedure, as amended by A.M. No. 19-10-20-SC 2019. Thus, there is no longer any requirement at present for a written explanation.

DECLARATION OF COMPLETENESS

I, **CHRISTIAN ROBERT S. LIM**, hereby declare that the documents and annexes thereof hereto submitted electronically, in accordance with EFFICIENT USE OF PAPER RULE under A.M. No. 11-9-4-SC, are complete and faithful electronic reproductions thereof filed with the Supreme Court.



CHRISTIAN ROBERT S. LIM

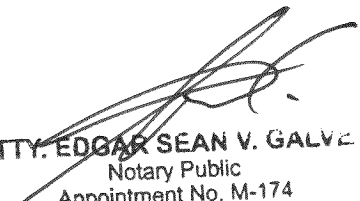
Affiant

11 July 2022

SUBSCRIBED AND SWORN to before me this JUL 11 2022 day of July 2022 at Makati City, affiant exhibiting to me _____, as competent evidence of his identity.

Doc. No. 309
Page No. 63
Book No. II
Series of 2022.

11.L.126 Declaration of Completeness 20220711



ATTY. EDGAR SEAN V. GALVEZ
Notary Public
Appointment No. M-174
Makati City Metro Manila
Expires on 31 December 2022
15th and 16th Floors, Petron MegaPlaza
358 Sen. Gil Puyat Avenue
1200 Makati City, Philippines
Attorney's Roll No. 69095
IBP LRN 016513/05.10.17/Pangasinan
PTR No. 8851809/01.03.2022/Makati City
MCLE Compliance No. VI-0022589/04.16.1

AFFIDAVIT

I, **ARCHIE M. TARIMAN**, a filing clerk at **LGTON LAW OFFICES** with office address at 15th and 16th floors Petron MegaPlaza Building, 358 Sen. Gil Puyat Ave., Makati City, Metro Manila, after being duly sworn in accordance with law, hereby depose and state that I caused the service and/or filing of the following document/s on 11 July 2022:

DOCUMENT NAME: **COMMENT -with- MOTION TO LIFT
TEMPORARY RESTRAINING ORDER dated 11 July 2022**

through the following mode/s as detailed below:

	ADDRESS OF RECIPIENT	PROOF
<input checked="" type="checkbox"/> SERVICE <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Registered Mail <input type="checkbox"/> Courier <input type="checkbox"/> Electronic Mail	ATTY. FERDINAND S. TOPACIO TOP LAW <i>Counsel for Petitioners</i> Suite 107, Skyway Twin Towers, H. Javier St., Ortigas Center, Pasig City OFFICE OF THE SOLICITOR GENERAL 134 Amorsolo St., Legaspi Village, Makati City COMMISSION ON ELECTIONS <i>Respondent</i> Intramuros, Manila HOUSE OF REPRESENTATIVES <i>Respondent</i> Speaker of the House of Representatives Batasan Road, Constitution Hills, Quezon City	<i>REG. RECEIPT #</i> <i>624-138-549</i> <i>624-138-525</i> <i>624-138-521</i> <i>624-138-519</i> <i>COMMENT COMPLIANCE P.O.</i>
<input checked="" type="checkbox"/> FILING <input checked="" type="checkbox"/> Personal <input type="checkbox"/> Registered Mail <input type="checkbox"/> Courier <input type="checkbox"/> Electronic Mail	PUBLIC INFORMATION OFFICE SUPREME COURT Padre Faura, Manila 1000	

Makati City, Metro Manila, JUL 11 2022


ARCHIE M. TARIMAN
Affiant

SIGNED, SUBSCRIBED AND SWORN to before me this 11th day of July 2022 in the Makati City, Metro Manila by the affiant, affiant exhibiting to me his Community Tax Certificate No. 09551839 issued at City of Manila on 05 January 2022, known to me and to me known to be the same person who executed the foregoing instrument, presenting a competent evidence of his identity, TIN 223-340-782 bearing his photograph and signature as defined by Section 12 of the Rules on Notarial Practice.

Doc No. 304;
Page No. 62;
Book No. 57
Series of 2022.

11.L123 AMT-20220711 Comment

~~ATTY. ROMEO M. MONFORT~~
NOTARY PUBLIC for Makati
Until Dec. 31, 2023
Per B.N. No. 3795
PTR No. 8852509 Jan. 3, 2011 Makati City
Appointment No. M-172
IBPN 178089/2/14/22 Pasig
MCLE NO. VI-0025417 with no. 27932
101 Urban Ave. Campos Rueda Bldg.
Brgy. Pio Del Pilar, Makati City