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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,

*Petitioners,*

- versus -

G.R. No. 261876

MARIA ROWENA AMELIA  
V. GUANZON,

*Respondent.*

x ----- x

**COMMENT**

**[To: Petition dated 01 August 2022]**

Respondent MA. ROWENA AMELIA V. GUANZON ("Guanzon"), by counsel and unto this Honorable Court, respectfully submits the instant Comment to the Petition dated 01 August 2022 ("Petition") filed by petitioners Duty to Energize the Republic through the Enlightenment of the Youth Party-List ("Duterte Youth"), Ronald Gian Carlo L. Cardema ("Ronald Cardema"), and Ducielle Marie S. Cardema (collectively, "Petitioners") and, in support thereof, states:

**I.  
TIMELINESS**

1. On 03 August 2022, respondent Guanzon received a copy of the Petition filed by Petitioners seeking to cite respondent Guanzon for indirect contempt of this Honorable Court and to impose upon her penalty of fine and/or imprisonment.

2. On 19 August 2022, respondent Guanzon received a copy of the Notice of Resolution dated 09 August 2022 (“Notice”) directing respondent Guanzon to file her comment to the Petition within ten (10) days from receipt thereof. Considering that respondent Guanzon received a copy of the Notice only on 19 August 2022, she has until 29 August 2022, or the next working day, to file its comment thereto. Thus, the instant Comment is timely filed.

## II. STATEMENT OF FACTS

3. Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD) Party-list is a party-list organization duly registered with the Honorable Commission on Elections (“COMELEC”). It advocates and champions the rights and interests of patients, persons with disabilities, and senior citizens, among other marginalized sectors of society.

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

- a. Grace Yeneza (“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, P3PWD Party-list 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 P3PWD Party-list to one (1) seat in the House of Representatives.<sup>1</sup>

6. Meanwhile, sometime from 07 to 10 June 2022, all the P3PWD Original Nominees resigned and withdrew their nominations as party-list nominees of P3PWD Party-list before the Honorable COMELEC.<sup>2</sup>

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1 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 “1.”**

2 Copies of the Resignation Letters of the P3PWD Original Nominees are attached herewith and made an integral part hereof as **Annex “2”** and **sub-markings**.

7. In view of said resignation, on 13 June 2022, P3PWD Party-list submitted a new list indicating the names of the P3PWD New Nominees, in the following order:<sup>3</sup>

- a. Respondent Guanzon, First (1<sup>st</sup>) Nominee;
- b. Rosalie J. Garcia, Second (2<sup>nd</sup>) Nominee;
- c. Cherrie Belmonte-Lim, Third (3<sup>rd</sup>) Nominee;
- d. Donnabel Tenorio, Fourth (4<sup>th</sup>) Nominee; and
- e. Rodolfo Villar, Fifth (5<sup>th</sup>) Nominee.

8. Finding the foregoing substitution to be in order, on 22 June 2022, the Honorable COMELEC issued Minute Resolution Nos. 22-0774<sup>4</sup> and 22-0798,<sup>5</sup> entitled "*In the Matter of Komunidad ng Pamilya, Paseyenta, at Persons with Disabilities (P3PWD Party-list)*" of even date (collectively, "COMELEC Resolutions"), allowing the substitution of the P3PWD New Nominees.

9. On even date, the Honorable COMELEC, as the National Board of Canvassers for the Party List System, proclaimed P3PWD Party-list 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 respondent Guanzon as the qualified nominee of P3PWD Party-list to represent the latter in the House of Representatives in the Nineteenth (19<sup>th</sup>) Congress.<sup>6</sup>

10. Respondent Guanzon, as the qualified nominee of P3PWD Party-list, also took her Oath of Office before the Honorable Court of Appeals Associate Justice Edwin Sorongon on even date.<sup>7</sup>

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3 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 "3."**

4 A copy of Minute Resolution No. 22-0774 entitled "*In the Matter of Komunidad ng Pamilya, Paseyenta, at Persons with Disabilities (P3PWD Party-list)*" dated 15 June 2022 is attached herewith and made an integral part hereof as **Annex "4."**

5 A certified true copy of Minute Resolution No. 22-0798 entitled "*In the Matter of Komunidad ng Pamilya, Paseyenta, at Persons with Disabilities (P3PWD Party-list)*" dated 22 June 2022 is attached herewith and made an integral part hereof as **Annex "5."**

6 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 "6."**

7 A copy of the Oath of Office is attached herewith and made an integral part hereof as **Annex "7;"**

11. In view of P3PWD Party-list's advocacy and mandate to represent and champion the rights of the poor and marginalized, particularly persons with disabilities, on 27 June 2022, respondent Guanzon, as the qualified First Nominee of P3PWD Party-list, appeared before the House of Representatives and submitted the Certificate of Proclamation issued by the Honorable COMELEC as the National Board of Canvassers for the Party-List System.

12. On 30 June 2022, respondent Guanzon, assumed office and commenced with the performance of the functions of a party-list representative. Acting for and on behalf of P3PWD Party-list, she also filed House Bill No. 440 entitled, "Empowerment of Persons with Disabilities thru the Disability and Development Fund."<sup>8</sup>

13. Subsequently, on 04 July 2022, respondent Guanzon, through P3PWD Party-list, received a copy of a Petition dated 21 June 2022 docketed as G.R. No. 261123 entitled "*Duty To Energize The Republic Through The Enlightenment Of The Youth (Duterte Youth) Party-List represented by Chairman Ronald Gian Carlo L. Cardema and Representative Ducielle Marie S. Cardema vs. Commission on Elections, House of Representatives, Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD) Party-List and Its Nominees Led By Rowena Amelia V. Guanzon*" filed also before this Honorable Court ("Certiorari Case"). In said case, petitioners seek to reverse and set aside the COMELEC Resolutions which allowed the substitution by P3PWD New Nominees, including respondent Guanzon.

14. The Petition dated 21 June 2022, filed in connection with the Certiorari Case, was accompanied with a Temporary Restraining Order dated 29 June 2022 ("TRO") enjoining the Honorable COMELEC from implementing the assailed COMELEC Resolutions and the Honorable House of Representatives ("HOR") from allowing respondent Guanzon to assume office during the pendency of this case:<sup>9</sup>

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8 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 "8."**

9 A copy of the Temporary Restraining Order dated 29 June 2022 is attached herewith and made an integral part hereof as **Annex "9."**

(b) **ISSUE a TEMPORARY RESTRAINING ORDER**, effective immediately and continuing until further orders from this Court, enjoining (i) respondent Commission on Elections (COMELEC) from implementing its assailed resolution approving the substitution of the original nominees of P3PWD Party-List with five (5) new nominees led by former COMELEC Commissioner, Rowena Amelia V. Guanzon, and issuing a Certificate of Proclamation to the substituting nominees and (ii) respondent House of Representatives from allowing Guanzon and the other substituting nominees to assume office as Member of the House of Representatives during the pendency of this case;

15. On 03 August 2022, respondent Guanzon received a copy of the instant Petition seeking to cite her in contempt of this Honorable Court based on the following flimsy grounds:

a. Respondent Guanzon *allegedly* committed indirect contempt when she filed a proposed House measure on 30 June 2022 despite *supposed* knowledge of the TRO issued by the Supreme Court on 29 June 2022; and

b. Respondent Guanzon *allegedly* committed indirect contempt when she repeatedly posted statements representing herself as a Member of the House of Representatives.

16. Thus, as will be discussed below, respondent Guanzon most respectfully submits to this Honorable Court that she should not be held in indirect contempt of this Honorable Court.

### III. DISCUSSION

*The Temporary Restraining Order Was Not Addressed To Respondent Guanzon, Thus She Could Not Have Committed A Contempt Of This Honorable Court.*

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17. It is clear from the TRO issued by this Honorable Court that it is directed against the acts of the Honorable COMELEC and the Honorable HOR, and not directed against respondent Guanzon. Thus, the acts of respondent Guanzon cited in the Petition should not be deemed as acts in contempt of the Honorable Court as these acts were not specifically restrained by the TRO.

18. At the risk of being repetitive, the TRO received by respondent Guanzon on 04 July 2022 states as follows:

“(b) **ISSUE TEMPORARY RESTRAINING ORDER**, effective immediately and continuing until further orders from this Court, **enjoining (i) respondent Commission on Elections (COMELEC)** from implementing its assailed resolution approving the substitution of the original nominees of P3PWD Party-list with five (5) new nominees led by former COMELEC Commissioner, Rowena Amelia V. Guanzon, and issuing a Certificate of Proclamation to the substituting nominees and **(ii) respondent House of Representatives** from allowing Guanzon and the other substituting nominees to assume office as Member of the House of Representatives during the pendency of this case;”

19. It is clear from the foregoing that the TRO was not directed against respondent Guanzon.

20. It is a well-established rule that **injunctive writs, or applications for injunctive writs, shall be strictly construed against the applicants.**<sup>10</sup> In the instant case, considering that the TRO issued in the Certiorari Case is clearly directed *only* against the Honorable COMELEC and the Honorable HOR, the purview and scope of said injunctive writ must be strictly construed only up to such extent—enjoining *only* the Honorable COMELEC and the Honorable HOR from implementing the COMELEC Resolutions and from allowing respondent Guanzon to assume office from the time they were notified of the issuance of the TRO.

21. To note, Petitioners allege that the following acts of respondent Guanzon are *supposedly* illegal and violative of the TRO:

a. Distribution of equipment with the **use of the title “CONG”**;

b. *Alleged* **public misinformation** of the existence of an “OFFICE OF REPRESENTATIVE ROWENA V. GUANZON;”

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<sup>10</sup> 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.

c. Use of slogan, “OFFICE OF REPRESENTATIVE ROWENA V. GUANZON” in her Zoom meeting;

d. Publicity that she must be addressed as “Cong”/“Congresswoman”;

e. Publicly questioning the media and allegedly misinforming the public that she has already assumed as Representative;

f. Publication of her pedicab project inscribed with “P3PWD PARTY-LIST CONG. ROWENA GUANZON”;

g. Addressing herself as “Congresswoman” in her presentation in a Quezon City Webinar;

h. Visit to a government office;

i. Social Media post stating that the order issued by this Honorable Court is moot and academic.

22. To reiterate, specific entities and their respective acts restrained by the TRO are the following:

Parties Enjoined	Acts Restrained
COMMISSION ON ELECTIONS	A) From <u>implementing its assailed resolution approving the substitution</u> of the original nominees of P3PWD Party-list with five (5) new nominees led by former COMELEC Commissioner, Rowena Amelia V. Guanzon, and B) From <u>Issuing a Certificate of Proclamation</u> to the substituting nominees.
HOUSE OF REPRESENTATIVES	A) From <u>allowing</u> Guanzon and the other substituting nominees <u>to assume office</u> as Member of the House of Representatives during the pendency of the case.

23. Aside from the fact that respondent Guanzon was not among those enjoined by the TRO, none of the alleged contemptuous acts complained of by Petitioners were likewise restrained under the TRO. To stress, an injunctive relief must be strictly construed against the pleader. In view of the clear language of the TRO issued by this Honorable Court, no disobedience may be imputed against respondent Guanzon when there is no order to obey or disobey in the first place.

*Mere Use Of The Title "CONG" Or  
Donation Of Equipment To The Needy Is  
Not Exercise Of Legislative Powers Per  
Se.*

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24. The Petitioners in the instant case pedantically claims that mere use of the title "CONG" is supposedly tantamount to a willful disobedience of the TRO issued by this Honorable Court.

25. At the risk of being repetitive, it bears emphasis that the TRO was only directly addressed to the Honorable COMELEC and Honorable HOR, but not to respondent Guanzon.

26. In any case, the mere use of "CONG" is not an exercise of legislative powers. It is well-established that legislative powers refer mainly to the "power to propose, enact, amend, and repeal laws" and such other express powers enumerated in Article VI of the Constitution. Certainly, the title "CONG" does not necessarily involve the exercise of any power related to legislation. As such, that the public refer to respondent Guanzon as "CONG" should not be punished with contempt of court.

27. In addition to the foregoing, Petitioners likewise refer to the charitable acts of respondent Guanzon and P3PWD Partylist, such as the donation and distribution of free jetmatic pumps and pedicabs,<sup>11</sup> as supposedly contemptuous and in violation of the TRO issued by this Honorable Court.

28. It must be emphasized that the jetmatic pumps and pedicabs referred to by the Petitioners were purchased with the personal funds of respondent Guanzon. No public funds or appropriations were used for said equipment. The donation and distribution of the equipment to the needy by respondent Guanzon

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<sup>11</sup> See Annexes "C" and "H" of the Petition.



and P3PWD Partylist was purely a private altruistic act. Verily, said acts were conducted not in the exercise of any legislative power and, thus, may not be the subject of contempt.

*The Act Of Filing A House Bill Prior To The Receipt Of The TRO Is Not A Willful Disobedience Of Said Order.*

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29. Petitioners also erroneously argue that respondent Guanzon should be held in contempt for supposedly deliberately attempting to assume office by filing House Bill No. 440 entitled, "Empowerment of Persons with Disabilities thru the Disability and Development Fund" ("HB 440").

30. To repeat, the TRO was not directed against respondent Guanzon. Thus, respondent Guanzon was not in violation of any order when she filed HB 440, especially considering that it was no less than the Honorable HOR which actually received said bill.

31. It also bears emphasis that HB 440 was filed **on 29 June 2022**, several days before respondent Guanzon received a copy of the TRO only **on 04 July 2022**. As such, she had no actual knowledge of the fact that the Honorable HOR was enjoined to not allow her to assume office. Considering the lack of knowledge of the existence and specific details of the Certiorari Case and the TRO, respondent Guanzon thus may not be considered to have acted in bad faith when she filed HB 440 before the Honorable HOR.

32. Petitioners misleadingly claimed in their Petition that respondent Guanzon, through her Facebook account and Twitter account, *supposedly* acknowledged the TRO issued by the Honorable Court. It is noteworthy, however, that respondent Guanzon merely stated that she "will file a Comment to the Petition of Cardema in the Supreme Court within 10 days."<sup>12</sup> Nowhere in her public social media posts did respondent Guanzon acknowledge of the existence of a TRO, precisely because she had no actual knowledge of the Certiorari Case and the TRO.

33. At the time respondent Guanzon posted the statements on her Facebook account and Twitter account on 29 June 2020, she had not yet actually received confirmation of the filing of the Certiorari Case and the issuance of the TRO. Neither did she have an *actual*

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<sup>12</sup> See Annexes "A" and "A-1" of the Petition.

knowledge of the contents and specific details of said case, including the specific directives in the TRO. At the best, the knowledge of respondent Guanzon on the filing of a case was only hearsay, if not merely a speculation, based entirely on news reports.

34. On 21 June 2022, several news outlets reported the filing of the Certiorari Case before this Honorable Court to assail the COMELEC Resolutions and contest the substitution by the P3PWD New Nominees. The headlines of the news articles are as follows:

“Cardemas file petition to stop Guanzon’s substitution,”<sup>13</sup>

“SC asked to stop Guanzon’s substitution as party-list rep,”<sup>14</sup> and

“Duterte Youth asks SC to review, block, and void Guanzon.”<sup>15</sup>

35. In general, the above-mentioned news articles briefly stated that the Certiorari Case has been filed by Petitioners seeking the annulment of the COMELEC Resolutions and the substitution by the P3PWD New Nominees.

36. It is noteworthy that, immediately after filing of the Certiorari Case, petitioners Ronald and Ducielle Cardema, together with their counsel, Atty. Ferdinand Topacio, conducted a press conference wherein petitioner Ronald Cardema discussed to the general public the supposed basis of their Petition which he already filed before this Honorable Court, thus:

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13 See <https://ptvnews.ph/cardemas-file-petition-tostop-guanzons-substitution/>.

14 See <https://www.pna.gov.ph/articles/1177236>.

15 See <https://www.philstar.com/headlines/2022/06/21/2189940/duterte-youth-asks-sc-review-block-and-void-guanzon-substitution-party-list-rep>.

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**LOOK: Cardemas ask Supreme Court to stop Guanzon P3PWD substitution | ANC**

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37. During said press conference, petitioner Ronald Cardema made the following statements on the details of the instant case:<sup>16</sup>

**“Today po, I, Chairman Ronald Cardema, my wife, Congresswoman Marie Cardema, with our counsel, Atty. Ferdie Topacio, filed a petition in the Supreme Court to stop the substitution of Rowena Guanzon. Bakit po? Una,** there was a violation of the substitution deadline sa COMELEC. Alam po natin yan, ang deadline po ng substitution ng buong bansa, sumunod naman karamihan ng pulitiko, is November 2021. Kapag po merong namatay bigla, o may naging gulay sa inyong nominees, minsan lang naman mangyari yun, pinapagayan ng COMELEC mag-substitute until election day. Ngayon, pareho pong lipas na yung COMELEC deadline na yun. Yung voluntary withdrawal and patay at gulay. Parehong lipas na yun. Isa po yun sa violation. Pangalawa, isa pong violation ng Anti-Graft and Corrupt Practices Act. Bakit? Nakasaad po sa ating batas, na bawal pong magkaroon ng benefit ang isang public official o dating public official sa kanyang mga nagawa sa opisina [xxx]”

<sup>16</sup> A copy of the video of the press conference of Petitioners may be accessed at [https://www.youtube.com/watch?v=m2o-8k1hfEE&ab\\_channel=ANC24%2F7](https://www.youtube.com/watch?v=m2o-8k1hfEE&ab_channel=ANC24%2F7). A copy of said video is also attached herewith and made an integral part hereof as Annex “10.”

38. Further, petitioner Ronald Cardema likewise alleged bad faith on the part of P3PWD Party-list and its nominees in filing for substitution. Particularly, petitioner Ronald Cardema, before the media, explicitly stated that P3PWD Party-list and its nominees supposedly committed fraud, thus:

*“Panglima, the five former nominees, under oath, stated last year that they are fit and eligible to become representatives. Last June 2, the first nominee, Grace Yeneza, took her oath as congresswoman. She is no longer a first nominee, she is congresswoman Grace Yeneza. After two weeks, nag-oath na naman siya na she is unable to serve. There were three oaths: last year na pwede siya magserve, oath last June 2 na she is already the congresswoman, oath last week na di na niya kaya magserve. Clearly, there’s a discrepancy in the statement under oath and because of that, **there is fraud and planado po ang pagwiwithdraw. Kahit anong ilagay na reason, alam niyong niloloko ang taong bayan** [xxx].”*

39. It is through these news reports and the press conferences conducted by the Petitioners that respondent Guanzon *informally* obtained knowledge of the filing of the Certiorari Case before this Honorable Court. Thus, her statement that she “will file a Comment to the Petition of Cardema in the Supreme Court within 10 days” was merely in response to the press release of Petitioners.

40. The arguments of the Petitioners imply that the summons and notice of the TRO was served on respondent Guanzon by the mere fact that she learned from news reports the fact of filing of the Certiorari Case by the Petitioners.

41. On this point, it bears emphasis that the service of summons under the Revised Rules of Court, as amended by A.M. No. 9-10-20-SC 2019, are limited only to the following modes:

“Section 5. Service in person on defendant. – Whenever practicable, the summons shall be served by handing a copy thereof to the defendant in person and informing the defendant that he or she is being served, or, if he or she refuses to receive and sign for it, by leaving the summons within the view and in the presence of the defendant.

Section 6. Substituted service. — If, for justifiable causes, the defendant cannot be served personally after at least three (3) attempts on two (2) separate dates, service may be effected:

(a) By leaving copies of the summons at the defendant's residence to a person at least eighteen (18) years of age and of sufficient discretion residing therein;

(b) By leaving copies of the summons at the defendant's office or regular place of business with some competent person in charge thereof. A competent person includes, but not limited to, one who customarily receives correspondences for the defendant;

(c) By leaving copies of the summons, if refused entry upon making his or her authority and purpose known, with any of the officers of the homeowners' association or condominium corporation, or its chief security officer in charge of the community or the building where the defendant may be found; and

(d) By sending an electronic mail to the defendant's electronic mail address, if allowed by the court."

42. Clearly, constructive notice based on news reported by the media is not a recognized mode of service of summons and acquiring jurisdiction over a litigant. Verily, the mere fact that respondent Guanzon stated that she intends to file a comment in the Certiorari Case does not necessarily mean that she had actual knowledge of the specific details of said case, much less have awareness of the existence and contents of the TRO issued in connection thereto.

43. The statement of respondent Guanzon that she will file a comment to the petition filed in the Certiorari Case was merely her way of providing an assurance to the supporters and constituents of P3PWD Party-list, to show that she will address the issues raised by petitioners against her and the party-list.



“Good morning po sa inyong lahat. Alam niyo, ang issue na ito ay personal sa akin. Dahil this is the same issue that she used against me and my wife in 2019. Ngayon, nababalitaan nating lahat na gustong mag-substitute ni former Commissioner Rowena Guanzon. [xxx] Eto yung magtataka kayo. Nagkaroon ng proclamation ang COMELEC sa PICC noong isang lingo. Lahat ng naghirap at nanalong party lists ay binigyan ng certificate of proclamation, itinanghal at prinoklama ng COMELEC nang isa-isa. So magtataka kayo bakit walang nominees ang P3PWD Party List doon sa proklamasyon ng COMELEC. San kayo nakakita ng nag-hirap kayo ng kampanya, kalahating taon, tapos noong araw na inimitahan kayo ng COMELEC, hindi kayo nagpunta. Kaya nga ginawa ang party list system na lima ang nominees, kapag wala ang first nominee, pwedeng humalili [xxx] Nag-aassume na kami kung bakit wala. Pakiramdam naming merong pumipigal sa kanila na pumunta sa sarili nilang proklamasyon bilang kongresista. Yun na nga po, nagpa-interview tayo noong araw na iyon [xxx] sabi natin kino-congratulate po natin ang mga nominees ng P3PWD. Nanalo sila at napakaganda ng sector nila. Bakit hindi kayo nagpunta? Tutulungan naming kayong makaupo dahil kayo ang binoto, kayo ang inaprubang COMELEC. Alam niyo nung gabing iyon, kumontak na sa’kin yung nominee ng P3PWD, the following day nag-dinner na kami. Sinabi niya sa’kin, isa-isa silang tinanggal ni Bing Guanzon sa party list viber group nila noong araw ng proclamation. Bakit ganon? [xxx] Isa-isa silang tinanggal ni Bing Guanzon. [xxx]”

47. The malicious language and tenor of petitioner Ronald Cardema in his public appearances and press conferences regarding the substitution of nominees of P3PWD Party-list shows his bad faith and ill-intent to debase the reputation of the said party-list and its nominees, especially respondent Guanzon.

48. As a consequence, the media sought *fair comment* from respondent Guanzon. Journalists and reporters, during interviews with respondent Guanzon, asked the latter’s opinion regarding the recent headlines and the public statements of petitioner Ronald Cardema.

49. Respondent Guanzon was constrained to address and rebut the baseless public accusations of Petitioners. Respondent Guanzon certainly felt compelled to do so, considering that the claims of Petitioners in their press conference make it appear that P3PWD Party-list supposedly committed fraud and acted with malice when it filed for the substitution of its nominees before the Honorable COMELEC. Respondent Guanzon, thus, was left with no choice but to clarify to general public, at least three hundred ninety-one thousand of whom were voters of P3PWD Party-list in the recent 2022 national and local elections, that the substitution of the party list's nominees were in order, for being in accordance with law.

50. In view of the foregoing public statements and press conferences conducted by the Petitioners, it is clear that the statements of respondent Guanzon were only in response to and are *fair comments* to the defamatory statements of the petitioners.

*The Statement Of Respondent Guanzon  
That The TRO Is Already Moot And  
Academic Is An Opinion Which Is Not  
Contemptuous.*

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51. In the case of *P. Supt. Hansel M. Marantan vs. Atty. Jose Manual Diokno and Monique Cu-Unjieng La'o*,<sup>18</sup> this Honorable Court emphasized that proceedings for indirect contempt of court are criminal in nature. Thus, this Honorable Court cautioned that the exercise of the contempt powers is "drastic and extraordinary in nature" and must be weighed against freedom of expression, particularly the freedom of public comment. Accordingly, it was ruled in the same case that **mere expression of an opinion, without a "clear and present danger" that the utterance will actually impede and interfere with the administration of justice, shall not be considered indirect contempt of court:**

**"The proceedings for punishment of indirect contempt are criminal in nature.** This form of contempt is conduct that is directed against the dignity and authority of the court or a judge acting judicially; it is an act obstructing the administration of justice which tends to bring the court into disrepute or disrespect. **Intent is a necessary element in criminal contempt,** and no one can

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<sup>18</sup> G.R. No. 205956, 12 February 2014.



be punished for a criminal contempt unless the evidence makes it clear that he intended to commit it.

**For a comment to be considered as contempt of court 'it must really appear' that such does impede, interfere with and embarrass the administration of justice.** What is, thus, sought to be protected is the all-important duty of the court to administer justice in the decision of a pending case. The specific rationale for the sub judice rule is that courts, in the decision of issues of fact and law should be immune from every extraneous influence; that facts should be decided upon evidence produced in court; and that the determination of such facts should be uninfluenced by bias, prejudice or sympathies.

The power of contempt is inherent in all courts in order to allow them to conduct their business unhampered by publications and comments which tend to impair the impartiality of their decisions or otherwise obstruct the administration of justice. As important as the maintenance of freedom of speech, is the maintenance of the independence of the Judiciary. The 'clear and present danger' rule may serve as an aid in determining the proper constitutional boundary between these two rights.

**The 'clear and present danger' rule means that the evil consequence of the comment must be 'extremely serious and the degree of imminence extremely high' before an utterance can be punished. There must exist a clear and present danger that the utterance will harm the administration of justice.** Freedom of speech should not be impaired through the exercise of the power of contempt of court unless there is no doubt that the utterances in question make a serious and imminent threat to the administration of justice. It must constitute an imminent, not merely a likely, threat.

Freedom of public comment should, in borderline instances, weigh heavily against a possible tendency to influence pending cases. **The power to punish for contempt, being drastic and extraordinary in its nature, should not be resorted to unless necessary in the interest of justice.** In the present case, such necessity is wanting."<sup>19</sup>

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<sup>19</sup> Emphasis supplied.

52. In the same case of *Marantan*, this Honorable Court emphasized that mere expressions of opinion regarding a judicial proceeding is not tantamount to indirect contempt of court, thus:

“The contemptuous statements made by the respondents allegedly relate to the merits of the case, particularly the guilt of petitioner, and the conduct of the Court as to its failure to decide G.R. No. 199462.

As to the merits, the comments seem to be what the respondents claim to be an expression of their opinion that their loved ones were murdered by Marantan. This is merely a reiteration of their position in G.R. No. 199462, which precisely calls the Court to upgrade the charges from homicide to murder. The Court detects no malice on the face of the said statements. The mere restatement of their argument in their petition cannot actually, or does not even tend to, influence the Court.

As to the conduct of the Court, a review of the respondents' comments reveals that they were simply stating that it had not yet resolved their petition. There was no complaint, express or implied, that an inordinate amount of time had passed since the petition was filed without any action from the Court. There appears no attack or insult on the dignity of the Court either.

‘A public utterance or publication is not to be denied the constitutional protection of freedom of speech and press merely because it concerns a judicial proceeding still pending in the coulis, upon the theory that in such a case, it must necessarily tend to obstruct the orderly and fair administration of justice.’ By no stretch of the imagination could the respondents' comments pose a serious and imminent threat to the administration of justice. No criminal intent to impede, obstruct, or degrade the administration of justice can be inferred from the comments of the respondents.”

53. In the instant case, Petitioners also refer the statement of respondent Guanzon that the TRO has already become moot and academic, as an act which *supposedly* should be the subject of contempt, thus:<sup>20</sup>



54. Noteworthily, the post shared by respondent Guanzon is actually a direct quotation of the news article published by the GMA News entitled, “P3PWD: TRO vs. COMELEC resolution allowing Guanzon substitution is moot.”<sup>21</sup> The pertinent portion of the article reads as follows:

“The temporary restraining order issued by the Supreme Court against a Commission on Elections resolution allowing the substitution of former Comelec Commissioner Rowan Guanzon as the P3PWD nominee has become moot and academic, the party-list said Friday.

<sup>20</sup> See Annex “K” of the Petition; See also <https://www.facebook.com/profile/100050726256563/search/?q=moot%20and%20academic>.

<sup>21</sup> A copy of the news article entitled, “P3PWD: TRO vs. COMELEC resolution allowing Guanzon substitution is moot” published on 15 July 2022 in GMA News and may be accessed at <https://www.gmanetwork.com/news/topstories/nation/838295/p3pwd-tro-vs-comelec-resolution-allowing-guanzon-substitution-is-moot/story/?fbclid=IwAR117mJJUUF8GzlQoXWaS1jvkI39dd7JAbOMttlxInXIHm7UWG24s9blgxE> is attached herewith and made an integral part hereof as Annex “12.”

In its comment filed before the High Court, the P3PWD said the TRO was issued on June 29, after the Commission on Elections proclaimed Guanzon and their nominees.

Further, the P3PWD said the TRO was released after copies of the Comelec resolution approving the substitution of the new nominees were furnished to the House of Representatives.

‘On the part of Comelec, it had nothing left to do after it issued the subject Comelec resolution and proclaimed respondents P3PWD and Guanzon,’ it said.

Guanzon had already taken her oath as representative of the party-list group, which won a seat in the last election. This would give Guanzon a seat at the House of Representatives.”

55. At the onset, it bears emphasizing that the caption of the social media post of respondent Guanzon was only directly copied from the first paragraph of the news article which she shared. It was actually not respondent Guanzon who directly made the alleged contemptuous public statement.

56. In any case, it is also clear from the above-quoted text that the news article was only making a direct reference to the Comment dated 11 July 2022<sup>22</sup> filed by P3PWD Party-list with this Honorable Court in connection with the Certiorari Case. In said comment, P3PWD Party-list respectfully argued that the TRO issued by this Honorable Court has already become moot and academic for the following reasons:

a. The TRO was issued only on 29 June 2022 after the Honorable COMELEC, as the National Board of Canvassers for Party-List Elections, had already proclaimed P3PWD Party-list and respondent Guanzon and copies of the COMELEC Resolutions, approving the substitutions by the P3PWD New Nominees, were furnished to the Honorable HOR;

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<sup>22</sup> A copy of the Comment dated 11 July 2022 is attached herewith and made an integral part hereof as Annex “13.”

b. The Honorable COMELEC had nothing left to do after it issued the COMELEC Resolutions and proclaimed P3PWD Party-list and respondent Guanzon on 22 June 2022, declaring the latter as a qualified party-list representative for P3PWD Party-list; and

c. It is now the Honorable House of Representatives Electoral Tribunal (“HRET”) which has the exclusive jurisdiction to determine the qualification or eligibility of respondent Guanzon, as the party-list representative of P3PWD Party-list and a member of Congress.

57. At the risk of being repetitive, this Honorable Court had ruled that public statements which are mere reiterations of a litigant’s position in a pending case is not punishable with contempt. Accordingly, the statements of respondent Guanzon reiterating P3PWD Party-list’s position that the TRO had already become moot and academic is not contemptuous. Respondent Guanzon’s act of sharing the news article and directly quoting the same does not, in any way, show an intent to obstruct the administration of justice nor to bring the slightest disrepute or disrespect to the Honorable Court. Respondent Guanzon merely reiterated and discussed the position of P3PWD Party-list to the public *vis-à-vis* the TRO issued in connection with the Certiorari Case. Thus, the content of the subject post, which is being cited by Petitioners was merely a *fair comment* on a matter of public interest and concern and should not be penalized with contempt.

***Petitioners Abuse Judicial Remedies For  
Their Personal Vendetta Against Respondent  
Guanzon.***

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58. Petitioner Ronald Cardema does not deny his animosity towards respondent Guanzon.

59. In the press conference held on 21 June 2022,<sup>23</sup> he admitted that the filing of the Certiorari case was a personal vendetta against respondent Guanzon for previously disqualifying him from representing Duterte Youth Party-list in 2019, thus:

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<sup>23</sup> See Annex “10.” (ANC presscon)

**Q :** *Sabi ni former commissioner Guanzon, yung pagharang ninyo sa pag-upo niya as congresswoman, ay ganti lang po ninyo dahil hindi nila pinayagan na ikaw magrepresent ng Duterte Party-list noon?*

**A :** *Kung ano man yong nararamdaman ko, o kahit anong nararamdaman ng tao na gusto magfile against her, that is of no consequence because we are, ang pinagbabasehan namin ay batas, rules of COMELEC, lumampas ba siya sa deadline? Yes, alam natin lahat lumampas siya sa deadline. Siya ba ay opisyal ng COMELEC within one year after nong umalis siya? Yes, four months ago, COMELEC Commisioner siya. May paglabag sa batas, bawal sa batas po yun na ikaw ay makikinabang sa dati mong opisina. Ako po ay nagalit o hindi galit, wala pong consequence yon, dahil ang pinagbabasehan po ay ang batas.*

*Pero just to add that, yes, bakit hindi? Kasi nag-grandstand siya sa media for several months advocating na bawal ang substitution sa party-list after election day. She was a mockery of the law, circumvention of the law. I substituted before Election Day. Siya substituting one month after Election Day, in violation of her own rules na siya'y nagpromulgate. So bakit hindi natin isasampal sa mukha niya yung bawal magsubstitute sabi mo.*

60. Similar statements were made by petitioner Ronald Cardema during the press conference on 03 June 2022 wherein he admitted that the matter of substitution of nominees of P3PWD Party-list is a personal issue for him, due to his disqualification to become the representative of petitioner Duterte Youth, thus:

*“Good morning po sa inyong lahat. Alam niyo, ang issue na ito ay personal sa akin. Dahil this is the same issue that she used against me and my wife in 2019. Ngayon, nababalitaan nating lahat na gustong mag-substitute ni former Commissioner Rowena Guanzon. [xxx]”*

61. As part of his personal vendetta, petitioner Ronald Cardema also maligned the reputation of respondent Guanzon and subjected her to public humiliation and ridicule, to the extent that respondent Guanzon was constrained to file a complaint for seven (7)

counts of Cyberlibel against petitioner Ronald Cardema before the Office of the City Prosecutor Quezon City.<sup>24</sup>

62. Considering the foregoing, it is clear that the Petitioners are merely using judicial processes in order to seek revenge for the legal and valid acts of respondent Guanzon when she was still a COMELEC Commissioner. Sadly, Petitioners have gone so far in their pursuit for unwarranted vengeance against respondent Guanzon, to the prejudice of the constituents of P3PWD Party-list, whose substantive representation in Congress remains in limbo pending the resolution of the baseless Certiorari Case filed by the Petitioners.

63. In reality, it is the members of the marginalized sector, which P3PWD Party-list represents, who are suffering and may further suffer irreparable damage resulting from the issuance of the TRO and the pendency of the case. The personal vendetta of the Petitioners yields nothing but the disenfranchisement of voters who have casted their ballots in favor of P3PWD Party-list and placed their trust and confidence in the same.

64. To recall, the alleged contemptuous acts, such as the filing of HB 440, pedicab project, and public consultation, were all for the welfare of marginalized sector, patients, and persons with disabilities. Acts of these sort, unfortunately had to be put on hold according to the Petitioners, for the sake of revenge.

65. It is apparent that all the cases filed, namely the Certiorari Case and the instant Petition, were meant to harass respondent Guanzon.

66. The foregoing considered, it is most respectfully prayed that the instant Petition be dismissed for utter lack of merit.

#### PRAYER

**WHEREFORE**, respondent **MA. ROWENA AMELIA V. GUANZON** most respectfully prays that this Honorable Court **DISMISS** the Petition dated 01 August 2022 for utter lack of merit. 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 28 August 2022.

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<sup>24</sup> A copy of the Complaint dated 21 June 2022 is attached herewith and made an integral part hereof as **Annex "14."**

By:



**CHRISTIAN ROBERT S. LIM**

*Counsel for the Respondent*

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

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*(By personal service)*

**PUBLIC INFORMATION OFFICE**

**SUPREME COURT**

Padre Faura, Manila 1000

→ P. SANTACRUZ 8-30-22

RE

649662083

*(By registered mail)*

**ATTY. FERDINAND S. TOPACIO**

**TOP LAW**

*Counsel for Petitioners*

Suite 107, Skyway Twin Towers, H. Javier St., Ortigas Center, Pasig City

<sup>1</sup> 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.



REPUBLIC OF THE PHILIPPINES )  
MAKATI CITY, METRO MANILA ) S.S.

### AFFIDAVIT

I, **MARK LESTER RONARIO**, 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 30 August 2022:

DOCUMENT NAME:	COMMENT
CASE TITLE/NO.	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, vs. MARIA ROWENA AMELIA V. GUANZON/G.R. NO. 261876

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	<b>ATTY. FERDINAND S. TOPACIO</b> <b>TOP LAW</b> Counsel for Petitioners Suite 107, Skyway Twin Towers, H. Javier St., Ortigas Center, Pasig City	RF 644662-62
<input checked="" type="checkbox"/> FILING  <input checked="" type="checkbox"/> Personal <input type="checkbox"/> Registered Mail <input type="checkbox"/> Courier <input type="checkbox"/> Electronic Mail	<b>SUPREME COURT</b> MANILA En Banc  <b>PUBLIC INFORMATION OFFICE</b> <b>SUPREME COURT</b> Padre Faura, Manila 1000	


Makati City, Metro Manila **AUG 30 2022** August 2022.

  
**MARK LESTER RONARIO**  
Affiant

**SIGNED, SUBSCRIBED, AND SWORN** to before me on AUG 30 2022 in the City of Makati, Metro Manila by the affiant, 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 No. 290-751-343-000, bearing his photograph and signature as defined by Section 12 of the Rules on Notarial Practice.

Doc No. 272;  
Page No. 02;  
Book No. 17;  
Series of 2022.

11.L.126 AOS-MLR-20220830 Comment

  
**ATTY. ROMEO M. MONFORT**  
Notary Public City of Makati  
Until December 31, 2023  
Appointment No. M-172 (2022-2023)  
PTR No. 8852509 Jan. 3, 2022 Makati City  
IBP No. 1062634- Jan. 3, 2018  
MCLE NO. VI-0023417 Roll No. 27932  
136 Amorsolo Street, Legaspi Village  
Makati City