

### Title:

National Electrification Administration vs. Victoriano B. Gonzaga

### Facts:

This case arose when Victoriano B. Gonzaga filed his Certificate of Candidacy for the Board of Directors of Zamboanga del Sur II Electric Cooperative, Inc. (ZAMSURECO) on November 13, 2000. That very day, he was disqualified by the screening committee due to his spouse being an incumbent member of the Sangguniang Bayan of Diplahan, Zamboanga del Sur, which violated the Electric Cooperative Election Code (ECEC) promulgated by the National Electrification Administration (NEA). Arguing that such a disqualification ground was absent in ZAMSURECO's by-laws and challenging the ECEC's validity for lack of publication, Gonzaga filed a Petition for Prohibition and Damages with the Pagadian City RTC, which issued a temporary restraining order against the election.

The RTC eventually denied NEA's motion to dismiss for being out of time and questioned NEA's failure to confirm whether the ECEC was published as required by law, thus rendering ECEC null and void. The case was appealed to the CA, which affirmed the RTC's decision, leading to NEA's challenge in the Supreme Court on grounds involving the exhaustion of administrative remedies and the nullification of the ECEC.

### Issues:

1. Whether the Court of Appeals erred in not applying Section 59 of P.D. 269.
2. Whether the Court of Appeals erred in upholding the trial court's nullification of the ECEC.

### Court's Decision:

The Supreme Court denied the petition of NEA, affirming the decisions of the Court of Appeals and the RTC. It held:

1. **Regarding Section 59 of P.D. 269**: This section deals with "orders, rulings, or decisions" of NEA. The disqualification by ZAMSURECO's screening committee and the validity of ECEC, being a challenge to NEA's rule-making authority, fell within the regular courts' jurisdiction.
2. **Regarding the Nullification of the ECEC**: The Court found that the ECEC's lack of publication made it unenforceable. Compliance with publication requirements in the Official Gazette or a newspaper of general circulation is vital for the effectivity of rules and regulations.

### Doctrine:

This case emphasized the doctrine on the requirement of publication for the effectivity of rules and regulations, pursuant to Article 2 of the New Civil Code and the Administrative Code of 1987.

### Class Notes:

- **Exhaustion of Administrative Remedies**: Legal principle requiring parties to use all available administrative remedies before resorting to court. Exceptions exist, such as when the issue concerns the validity of rules in light of statutory publication requirements.
- **Publication Requirement**: As established in Article 2 of the New Civil Code and Executive Order No. 292 (Administrative Code of 1987), laws, regulations, or codes must be published in the Official Gazette or a newspaper of general circulation to take effect.
- **Rule on Declaratory Relief vs. Mandamus/Prohibition**: Declaratory relief action must be filed before any breach or violation occurs. In contrast, a writ of mandamus or prohibition is appropriate when an entity unlawfully excludes someone from their right or office.

### Historical Background:

This case underscores the vitality of procedural rules, such as the necessity for publication of regulatory codes for their validity and enforceability. It reflects the judicial safeguards against arbitrary rule-making by administrative bodies, emphasizing transparency and the right to information on matters of public concern.