

**\*\*Title:\*\*** ATTY. ISIDRO Q. LICO, ET AL. VS. THE COMMISSION ON ELECTIONS EN BANC AND THE SELF-STYLED SHAM ATING KOOP PARTYLIST, ET AL.

**\*\*Facts:\*\***

This case stems from a conflict within the Adhikaing Tinataguyod ng Kooperatiba (Ating Koop), a registered party-list organization in the Philippines. The conflict led to the emergence of two factions: the Lico Group, led by Atty. Isidro Q. Lico, a sitting representative of Ating Koop in the House of Representatives, and the Rimas Group, led by Amparo T. Rimas. This internal dispute revolved around the legitimacy of leadership and representation of the party-list in Congress.

Ating Koop participated in the 2010 Elections and, pursuant to a term-sharing agreement amongst its nominees, Atty. Lico assumed office. However, the Interim Central Committee of Ating Koop, predominantly consisting of the Rimas Group, expelled Lico for alleged disloyalty, which Lico contested. Divergent meetings by both factions led to the election of separate sets of officers and central committee members.

The Rimas Group consecutively filed a petition with the Commission on Elections (COMELEC) to have Lico expelled from the House and to recognize their faction as the legitimate representation of Ating Koop. The COMELEC Second Division initially ruled in favor of the Rimas Group but upon motion for reconsideration, the COMELEC En Banc declared it lacked jurisdiction to expel Lico from the House yet upheld his expulsion from Ating Koop.

**\*\*Issues:\*\***

1. Does COMELEC have jurisdiction over the expulsion of a sitting party-list representative from his party-list organization?
2. Was the expulsion of Atty. Lico from Ating Koop valid?
3. Which faction legitimately represents Ating Koop?

**\*\*Court's Decision:\*\***

The Supreme Court annulled and set aside the resolutions of the COMELEC, holding that:

1. COMELEC correctly dismissed the petition for lack of jurisdiction regarding the expulsion from the House as this fell under the jurisdiction of the House of Representatives Electoral Tribunal (HRET).
2. COMELEC erred in ruling on the validity of Lico's expulsion from Ating Koop, as this matter also fell within the HRET's jurisdiction since it impacts the qualifications of a

member of the House.

3. Neither the Lico Group nor the Rimas Group had validly been established as the legitimate leadership of Ating Koop, as the amendments to the party-list's constitution and by-laws were not registered with COMELEC. Thus, the Interim Central Committee remains in a hold-over capacity.

**\*\*Doctrine:\*\***

The Supreme Court reiterated the doctrine that qualifications for public office are continuing requirements and that the COMELEC does not have jurisdiction over matters that affect a sitting member's qualification for office, which are within the HRET's exclusive jurisdiction. The hold-over principle applies in the absence of an express or implied prohibition in the constitution or by-laws of the party-list organization.

**\*\*Class Notes:\*\***

- Jurisdiction over disputes affecting the qualifications of sitting party-list representatives falls under the HRET.
- COMELEC can decide intra-party leadership disputes but is barred from intervening in matters affecting the qualifications of sitting members of Congress.
- Amendments to party-list constitution and by-laws must be registered with COMELEC to be valid.
- The hold-over principle from corporation law applies to party-list organizations in the absence of a prohibition against it in their governing documents.

**\*\*Historical Background:\*\***

The Ating Koop case highlights the complexities and legal controversies that can emerge within party-list organizations in the Philippines, especially considering the unique multi-sectoral representation intended by the Party-List System Act. The decision of the Supreme Court underscores the importance of due process within party-list groups and delineates the jurisdictional boundaries between COMELEC and the HRET in resolving intra-party disputes and the qualifications of party-list representatives.