

**\*\*Title:\*\*** Velasco v. Belmonte et al.

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

Lord Allan Jay Q. Velasco (Velasco) filed a Petition for Mandamus under Rule 65 of the Rules of Court against Speaker Feliciano R. Belmonte, Jr. (Belmonte), Secretary General Marilyn B. Barua-Yap (Barua-Yap), and Regina Ongsiako Reyes (Reyes). Velasco asserted that he was the rightful winner during the May 13, 2013 elections for the Representative of the Lone District of Marinduque. Velasco requested several reliefs, including an order compelling Belmonte to administer the oath of office and to allow him to assume the duties of the said position, to have Barua-Yap remove Reyes' name from the Roll of Members, and to issue a Temporary Restraining Order (TRO) against Reyes from performing the functions of the Representative.

**\*\*Series of Events:\*\***

1. October 10, 2012 - Joseph Socorro Tan filed a petition to cancel Reyes' Certificate of Candidacy (COC) due to material misrepresentations.
2. March 27, 2013 - The COMELEC First Division granted the petition and cancelled Reyes' COC.
3. May 13, 2013 - The national and local elections were held, and Reyes was later proclaimed the winner by the Marinduque Provincial Board of Canvassers despite the previous COMELEC ruling.
4. May 14, 2013 - COMELEC En Banc affirmed the cancellation of Reyes' COC.
5. May 31, 2013 - Velasco filed an Election Protest Ad Cautelam, and another Quo Warranto Ad Cautelam was filed against Reyes.
6. June 5, 2013 - COMELEC issued a Certificate of Finality, stating that the cancellation of Reyes' COC was final and executory.
7. June 7, 2013 - Speaker Belmonte administered the oath to Reyes.
8. June 10, 2013 - Reyes filed a Petition for Certiorari with the Supreme Court against the COMELEC decision.
9. June 19, 2013 - COMELEC denied Velasco's petition in SPC No. 13-010.
10. June 25, 2013 - The Supreme Court dismissed Reyes' petition.
11. June 28, 2013 - Tan filed for the execution of COMELEC's resolutions.
12. June 30, 2013 - Reyes assumed office.
13. July 9, 2013 - COMELEC declared the proclamation of Reyes null and void and proclaimed Velasco the winner.
14. July 10, 2013 - COMELEC reconstituted a new Provincial Board of Canvassers to proclaim Velasco.

15. July 16, 2013 - Velasco was proclaimed as the duly elected Representative.
16. July 22, 2013 - Reyes took the oath before Speaker Belmonte in the 16th Congress opening.
17. July 23, 2013 - Reyes filed a withdrawal of her petition.
18. October 22, 2013 - The Supreme Court denied Reyes' motion for reconsideration.
19. December 11, 2013 - COMELEC issued an Order for the execution of its resolutions and proclamation of Velasco.
20. February 4, 2014 - Velasco wrote another letter reiterating his request.

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

1. Whether Speaker Belmonte can be compelled via Mandamus to administer the oath to Velasco and allow him to assume office.
2. Whether Secretary-General Barua-Yap can be compelled to delete Reyes' name and enter Velasco's name in the Roll of Members.
3. Whether a TRO and Permanent Injunction against Reyes preventing her from usurping the Representative position is warranted.

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

**\*\*1. On the Ministerial Duty to Administer the Oath and Allow Assumption of Office:\*\***

The Supreme Court ruled that the acts requested by Velasco were ministerial duties. With the final and executory decisions of the COMELEC and the Supreme Court, there was no remaining discretion for Speaker Belmonte and Secretary General Barua-Yap. Reyes' COC was canceled, and her proclamation was declared null and void, making Velasco the duly elected representative.

**\*\*2. On the Deletion of Reyes' Name and Registration of Velasco's:\*\***

The Court held that Secretary-General Barua-Yap had a ministerial duty to delete Reyes' name from the Roll of Members and to register Velasco's name. The final and executory decisions and Velasco's proclamation eliminated any discretion, making this duty obligatory and straightforward.

**\*\*3. On the Issuance of TRO and Permanent Injunction:\*\***

Given that Reyes had no legal basis to continue holding the office after the COMELEC and Supreme Court decisions, the Court granted the injunctions to prevent her from usurping the Representative position, and for her to vacate the office in favor of Velasco.

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

The case reinforced the principle that the finality of decisions from the Supreme Court and COMELEC renders any related actions by subordinate entities void if done in defiance. Additionally, it upheld that the duties of administering the oath and maintaining the Roll of Members when prescribed by law and final judicial decisions are ministerial, not discretionary.

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

- **\*\*Mandamus:\*\*** Issued to compel ministerial duty.
- **\*\*Finality and Executory Nature of Decisions:\*\*** Binding and enforceable as law, eliminating discretion.
- **\*\*Jurisdiction:\*\*** HRET holds jurisdiction over election-related contests once a candidate is a Member of the House by valid proclamation, oath, and assumption.
- **\*\*Statutory Provisions:\*\***
  - Section 3, Rule 65, Rules of Court: Criteria for Mandamus.
  - Section 13, Rule 18, COMELEC Rules of Procedure: Finality of resolutions.
  - Article VI, Sec. 17, 1987 Constitution: HRET's sole jurisdiction over election contests.

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

The case highlights the judicial process in political contests and the enforcement of electoral laws in the Philippines. Occurring in the backdrop of the 2013 elections, it emphasizes the integrity of the judicial system in upholding the rule of law against improper claims to public office, ensuring rightful governance.