

### Title: Alliance for Rural and Agrarian Reconstruction, Inc. (ARARO) vs. Commission on Elections (COMELEC)

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### ### Facts

1. **May 10, 2010 Elections**: ARARO Party-List participated and garnered 147,204 votes, ranking 50th.
2. **Initial Proclamation by COMELEC**: COMELEC's En Banc sitting as the National Board of Canvassers proclaimed 28 party-list groups as winners, accounting for 35 seats.
3. **Dispute by ARARO**:
  - Filed an election protest before the House of Representatives Electoral Tribunal.
  - Petitioned for a review on certiorari to the Supreme Court for:
    1. Modification of the seat allocation formula to include all votes cast regardless of disqualification.
    2. Issuance of a Temporary Restraining Order (TRO) against further proclamations of winning party-lists.
4. **COMELEC Resolution**:
  - Proclaimed winning party-list groups excluding votes of the eight disqualified parties, using the formula set in BANAT v. COMELEC.
  - Utilized total party-list votes cast minus votes of disqualified groups as the basis for computation.
5. **Supreme Court**:
  - Did not issue a TRO.
  - Proceeded to hear ARARO's petition as a matter of public interest and to guide future applications of the formula.

### ### Issues

1. **Moot and Academic**:
  - Determining if the case, in light of the expiration of the contested term and the 2013 elections, is moot and academic.
2. **Legal Standing**:
  - Evaluating if ARARO, having failed to meet the 2% threshold even with its proposed formula, has the standing to challenge COMELEC's action.
3. **Proper Divisor in BANAT Formula**:

- Deciding the constitutionality and intent under Section 11 and 12 of R.A. No. 7941, especially:

1. Inclusion or exclusion of invalid/spoiled votes.
2. Treatment of votes for subsequently disqualified party-lists.

### ### Court's Decision

#### 1. **Moot and Academic**:

- The Court ruled the case moot due to the expiration of the term and subsequent 2013 elections. However, it decided to address the rule's doctrinal implications to prevent recurring issues in future elections.

#### 2. **Legal Standing**:

- The Court found ARARO lacking the standing since altering the divisor, per ARARO's formula, still did not secure them a legislative seat.

#### 3. **Refinement of Formula**:

- The Court refined the BANAT formula:

- **Inclusion in the Divisor**: Votes cast for candidates who were listed on the ballot but subsequently disqualified should be included to avoid voter disenfranchisement.

- **Exclusion from the Divisor**: Votes for party-lists disqualified with finality prior to elections should not be included as they are considered stray votes.

### ### Doctrine

#### 1. **Divisor for Party-List Representation**:

- **Total Votes for the Party-List System**: Should include all votes cast for all the party-lists listed on the ballot, including those later disqualified unless the disqualification was final and communicated before elections.

### ### Class Notes

#### 1. **Constitutional Provisions**:

- Article VI, Section 5 of the 1987 Constitution, establishes party-list representation.

#### 2. **Legislative Provisions**:

- **Republic Act No. 7941**:

- Section 11 sets the number of seats for party-list representatives.

- Section 12 details procedures for allocating party-list seats.

#### 3. **Cited Cases**:

- **Veterans Federation Party v. COMELEC**: Established rules on the 20% ceiling and 2%

threshold.

- **BANAT v. COMELEC**: Critical for understanding the formula used.
- **Reyes v. COMELEC**: Presumption on the voter's intent for listed candidates.

### ### Historical Background

This case emerges from the implementation of the 1987 Constitution which institutionalized the party-list system as a means to ensure broader representation and adherence to democratic principles within the legislative body of the Philippines. The significance lies in refining the mechanism further enhanced through Republic Act No. 7941 and judicial interpretations affecting future elections and the composition of legislative representatives.