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Tecson vs COMELEC : 161434 : March 3, 2004 : J. Sandoval-Gutierrez : En Banc : Concurring Opinion ammy 8 30 2004-03-04T01:44:00Z 2004-08-27T21:08:00Z 2005-05-19T07:49:00Z 1 4092 23327 194 54 27365 10.2625 MicrosoftInternetExplorer4 false false false /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";} // Change to 1 to have "Next Hit" go to the next document // after the last hit in the current document fAutoNextDoc = 0; nHit = 0; maxHits = 3; var simpleNav = 1; var browser = navigator.appName; var version = parseInt(navigator.appVersion); if ((browser.indexOf("Microsoft") != -1) || (version >= 4)) simpleNav = 0; function old_gotoHit(where) { window.location.hash = where; } function findLink(links, name) { if (links.namedItem) return links.namedItem(name); for (i = 0; i 1) return; if (a.y) { // Netscape window.scrollTo(0, a.y); } else { // IE window.scrollTo(0, a.offsetTop - a.offsetHeight + a.offsetParent.offsetTop); } var s = document.body.createTextRange(); if (s != null) { s.moveToElementText(a); s.moveEnd("word"); s.select(); s.scrollIntoView(); } } function gotoNthHit(n) { nHit = n; if ((n > 1) && (n == maxHits)) gotoHit('hit_last'); else if (n == 0) old_gotoHit('hit0'); else gotoHit('hit' + n); } function nextHit() { if (nHit 0) { gotoNthHit(nHit-1); } }

CONCURRING OPINION**SANDOVAL-GUTIERREZ, J.:**

This Court has repeatedly stressed the importance of giving effect to the sovereign will in order to ensure the survival of our democracy. In cases where the sovereignty of the people is at stake, we must not only be legally right but also politically correct. We cannot fail by making the people succeed.[1] “In resolving election cases, a dominant consideration is the need to effectuate the will of the electorate x x x. We cannot frustrate this sovereign will on highly arguable technical considerations. In case of doubt, we should lean towards a rule that will give life to the people’s political judgment.”[2]

I

May this Court exercise its

“judicial power” to disqualify a

candidate before the election?

The candidates for President, Gloria Macapagal-Arroyo, Fernando Poe (or FPJ), Raul Roco, Ping Lacson, and Eddie Villanueva are on the campaign trail. But petitioner Fornier would have this Court pull out FPJ from the track.

I submit that while the campaign for the Presidency is on, this Court may not exercise its “judicial power” to disqualify a candidate. That would definitely wreck the constitutional right of the people to choose their candidate. Only after the election is over and a winner is proclaimed and the result of the election is contested,

may this Court participate and decide the contest.

How is the President elected? Only by “direct vote of the people.” He shall not be chosen by the incumbent President. He shall not be elected by Congress nor by the Commission on Elections. And neither by this Court. Only by “direct vote of the people.”

While the President is elected by “direct vote of the people,” they may only vote for one who is a candidate. It does not matter whether they believe he would not be the best President.

Petitioner Fornier would have this Court, in the exercise of its “judicial power,” intrude into the right of the voters to elect by “direct vote” the President by removing respondent Fernando Poe, Jr. from among those whom they may vote for President, thereby constricting or limiting the “candidates,” and consequently, the right of the people to vote (or not to vote) for respondent Poe.

The Constitution does not allow such intervention. Mr. Justice Vicente V. Mendoza, a retired member of this Court, in his Separate Opinion in *Romualdez-Marcos vs. COMELEC*,^[3] said, “In my view, the issue in this case is whether the Commission on Elections has the power to disqualify candidates on the ground that they lack eligibility for the office to which they seek to be elected. I think that it has none and that the qualifications of candidates may be questioned only in the event they are elected, by filing a petition for quo warranto or an election protest in the appropriate forum.”

The assailed ruling of the COMELEC dismissing Fornier’s petition is consistent with the above view.

The impact of a proceeding to disqualify a candidate, particularly a leading candidate for President, after the electoral process has started, is shown by the contemporary events. The instant cases have agitated the people. Those who support respondent Poe, and their number is not miniscule, openly accuse the supporters of President Arroyo as those behind the effort to disqualify respondent Poe. From well-publicized reports of the campaign, his campaign sorties have been welcomed with enthusiasm exceeding those of President Estrada. What can not be ignored is that those who support respondent Poe come principally from the “masses” – those whose “voices,” albeit an integral part of the sovereign will of the people, are generally silent and heard only through the ballots. The intervention by this Court, through the exercise of its “judicial power” on grounds that are at best highly disputable, can not but be viewed as political. Indeed, what is worrisome is that the termination of the candidacy of respondent Poe, who appears to be a leading candidate, will in the long term impair the mandate of the people.

What is at stake is not just the candidacy of respondent Poe or the right of the “masses” to vote for him. Equally at stake is the credibility of this Court. It should not enter the “political thicket.” Intrusion into a campaign for President, and worse, in the right of the people to choose their candidate, is an intrusion into their vested right to elect by “direct vote” the President.

History will judge whether this Court ought to have declined in determining if FPJ is a natural born Filipino citizen even before the presidential election. I am not certain whether history will judge kindly. What I can foresee is that disqualifying respondent Poe will be viewed as directed against the “masses,” a situation not allowed by the Constitution.

While this Court, in exercising its judicial power, should not cater to popular support, the force of its Decisions springs from the faith of the people reposed in its fairness and integrity. That faith is not strengthened and respect and obedience to its Decisions are not enhanced had this Court intruded in the choice of President by the people.

Let it not be forgotten that the historic core of our democratic system is political liberty, which is the right and opportunity to choose those who will lead the governed with their consent. This right to choose cannot be subtly

interfered with through the elimination of the electoral choice. The present bid to disqualify respondent Poe from the presidential race is a clear attempt to eliminate him as one of the choices. This Court should resist such attempt. The right to choose is the single factor that controls the ambitions of those who would impose – through force or stealth – their will on the majority of citizens. We should not only welcome electoral competition, we should cherish it. Disqualifying a candidate, particularly the popular one, on the basis of doubtful claims does not result to a genuine, free and fair election. It results to violence. In some countries, incumbents have manipulated every resource at their disposal to eliminate electoral choice. The result is a frustrated and angry public; a public that has no place to express this anger because the electoral system is rigged to guarantee the re-election of the incumbents in office. We have seen Edsa I and Edsa II, thus, we know that when democracy operates as intended, an aroused public can replace those who govern in a manner beyond the parameters established by public consent.

The Philippines is not alone in her predicament. Iran is besieged by the same political crisis. The Guardian Council, an unelected hard-line constitutional watchdog, has barred more than 3,000 of the 8,200 candidates in the 290-member parliament. State broadcast media controlled by hard-liners said that the candidates were disqualified because they lack “the necessary legal qualifications.” This prompted Iran’s largest reformist party, the Islamic Iran Participation Front, to state: “We consider the disqualification as national treason and an attempt to transform the Republic into a despotic establishment. Disqualifications deny the people of their constitutional right to choose and be chosen...” Thus, threatening to resign, Iran’s reformist government stressed that, “if the government feels that it cannot fulfill its responsibilities in protecting legitimate freedoms, such as defending the rights of the nation for a free and fair elections, then it does not believe that there is any reason to stay in power.”

This Court, as the last guardian of democracy, has the duty to protect the right of our nation to a genuine, free and fair election. Article 25 of the International Covenant on Civil and Political Rights guarantees that “every citizen shall have the right and the opportunity... to vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” There can be no genuine, free and fair election when the people’s right to choose is manipulated or eliminated. Political liberty cannot be subverted to the personal ambitions of some politicians. This Court should take an active stance in crushing the devious ploy, for in the last analysis, its handling of the electoral issues is the fundamental measure of the present government’s credibility.

When the people vote on May 10 and cast their ballots for President, they will be exercising a sovereign right. They may vote for respondent Poe, or they may not. When they vote, they will consider a myriad of issues, some relevant, others trivial, including the eligibility of the candidates, their qualities of leadership, their honesty and sincerity, perhaps including their legitimacy. That is their prerogative. After the election, and only after, and that is what the Constitution mandates – the election of whoever is proclaimed winner may be challenged in an election contest or a petition for quo warranto. Where the challenge is because of ineligibility, he will be ousted only if this Court “exerts utmost effort to resolve the issue in a manner that would give effect to the will of the majority, for it is merely sound public policy to cause elective offices to be filled by those who are the choice of the majority.”[4]

II

Whether the COMELEC committed
grave abuse of discretion in dismissing
Fornier’s petition for disqualification
against respondent.

To begin with, in *Salcedo II vs. Commission on Elections*,^[5] we emphasized that there is only one instance where a petition questioning the qualifications of a registered candidate to run for the office for which his certificate of candidacy was filed can be raised before election. That only instance is when the petition is based on Section 78 of the Omnibus Election Code, quoted as follows:

“Section 78. Petition to deny due course or to cancel a certificate of candidacy. – A verified petition seeking to deny due course or to cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein as required under Section 74 hereof is false. The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing, not later than fifteen days before the election.”

As stated in the above provisions, in order to justify the cancellation of the certificate of candidacy, it is essential that the false representation mentioned therein pertains to a material matter for the sanction imposed by this provision would affect the substantive rights of a candidate – the right to run for the elective post for which he filed the certificate of candidacy.^[6]

Aside from the requirement of materiality, a false representation under Section 78 must consist of a “deliberate attempt to mislead, misinform, or hide a fact which would otherwise render a candidate ineligible.”^[7] In other words, it must be made with an intention to deceive the electorate as to one’s qualifications for public office.^[8]

The Fornier petition before this Court is one brought under Rule 65 of the 1997 Rules of Civil Procedure, as amended. What is to be determined, therefore, is whether the COMELEC acted with “grave abuse of discretion” in issuing its assailed Resolutions of January 23, 2004 and February 6, 2004 holding that “considering that the evidence presented by petitioner is not substantial, we declare that respondent did not commit any material misrepresentation when he stated in his Certificate of Candidacy that he is natural born Filipino citizen.”

Petitioner Fornier’s basic allegations in his petition filed with the COMELEC are:

1. Respondent Poe committed false material representation by stating in his Certificate of Candidacy that he is a natural born Filipino citizen; and
2. He knowingly made such false representation.

According to petitioner, respondent Poe is in fact “not a citizen of the Philippines, much more a natural born Filipino citizen, considering that both his parents are aliens.” Annexed to the petition as its principal basis is a copy of a “Marriage Contract” dated July 5, 1936 between “Allan Fernando Poe” and “Paulita Gomez.” Since the “Marriage Contract” states the “nationality” of respondent’s father, Allan Fernando Poe, and his grandfather, Lorenzo Pou, as “Español,” respondent Poe is also “Español.” Even assuming that Allan Fernando Poe is a Filipino, still, respondent Poe could not have validly acquired Filipino citizenship from his father because the marriage of his parents is void. Respondent Poe’s father married Paulita Gomez on July 5, 1936, which marriage was subsisting at the time of the marriage of respondent Poe’s father to his mother, Bessie Kelley, an American citizen. Fornier then concluded that respondent Poe, being illegitimate, follows the citizenship of his mother.

Devastating to the Fornier petition is that the “Contract of Marriage” between “Allan Fernando Poe” and “Paulita Gomez” (Annex “C”, Petition; Exhibits “B”, “B-1”, “B-2”) and the “Birth Certificate” of Allan Fernando Poe (Exhibit “C”), appear to have been falsified by Director Ricardo L. Manapat of the National Archives. The records of the hearing of the Senate Committee on “Constitutional Amendments, and Revision of Codes and Laws” held on January 21, 2004 and February 2, 2004, which incidentally were shown live on television and aired over the radio, show in shocking detail how the falsification was so brazenly done. The Court may not gloss over these casually. The details are spread in the record of these proceedings. Given this pathetic state of

petitioner's evidence, we cannot conclude that he has proved his allegations by sufficient evidence. Without doubt, the COMELEC, in dismissing Fornier's petition for lack of substantial evidence, did not gravely abuse its discretion.

It bears stressing that petitioner has the burden of establishing his allegations of respondent's material misrepresentation in his Certificate of Candidacy.

Ei incumbit probation qui dicit, non que negat, otherwise stated, "he who asserts, not he who denies, must prove." [9] What I observe from his allegations is a misconception as to whom the burden of proof lies.

Section 1, Rule 131 of the Revised Rules on Evidence provides:

"Sec. 1. Burden of proof. – Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim x x x by the amount of evidence required by law."

In *Borlongan vs. Madrideo*, [10] we held:

"The burden of proof x x x is on the plaintiff who is the party asserting the affirmative of an issue. He has the burden of presenting evidence required to obtain a favorable judgment, and he, having the burden of proof, will be defeated if no evidence were given on either side."

Obviously, petitioner Fornier failed to prove his allegations. The documentary evidence he presented in support of his allegation that respondent Poe made a false material representation that he is a natural born Filipino citizen are falsified. Likewise, Fornier's allegation that respondent Poe fully knew such false representation, has not been substantiated. Indeed, his allegations remain as mere allegations. Hence, the COMELEC correctly dismissed his petition.

The only way petitioner can be entitled to a writ of certiorari from this Court is to show that the COMELEC committed grave abuse of discretion. For this Court to issue the extraordinary writ of certiorari, the tribunal or administrative body must have issued the assailed decision, order or resolution in a capricious and despotic manner. [11] Grave abuse of discretion means "such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or, in other words where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law." [12]

We cannot discern from the records any indication that the COMELEC gravely abused its discretion in dismissing Fornier's petition. Indeed, his availment of the extraordinary writ of certiorari is grossly misplaced.

III

Whether the respondent committed a
material and false representation when
he declared in his Certificate of
Candidacy that he is a natural born
Filipino citizen.

At any rate, in order to show that respondent Poe did not commit a false material representation in his certificate of candidacy, I believe that this Court should decide whether respondent Poe is a natural born Filipino citizen on the basis of the evidence at hand.

The COMELEC's First Division held that respondent Poe did not commit any material misrepresentation when he stated in his Certificate of Candidacy that he is a natural born Filipino citizen because his father, Allan Fernando Poe, is a Filipino citizen; and that by virtue of the principle of jus sanguinis, he is also a Filipino citizen under the 1935 Constitution.

In *Valles vs. Commission on Elections*,^[13] we emphasized that “the Philippine law on citizenship adheres to the principle of jus sanguinis. Thereunder, a child follows the nationality or citizenship of the parents regardless of the place of his birth.”

Respondent's Certificate of Birth reveals that he was born on August 20, 1939 at St. Luke's Hospital, Magdalena Street, Manila to Allan Fernando Poe, a Filipino citizen, and Bessie Kelley, an American citizen. This was almost four (4) years after the 1935 Constitution took effect. Under Section 3, Article IV, the following are citizens of the Philippines:

- “(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.
- (2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution had been elected to public office in the Philippine Islands.
- (3) Those whose fathers are citizens of the Philippines.
- (4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.
- (5) Those who are naturalized in accordance with law.”

Pursuant to the above provision, the law in force at the time of his birth, respondent Poe is a citizen of the Philippines, having been born to a Filipino father.

That respondent Poe is the son of Allan Fernando Poe is admitted by the parties.

According to petitioner, Allan Fernando Poe is a citizen of Spain as shown by the “Marriage Contract” between him and Paulita Gomez stating that his parents, Lorenzo Pou and Marta Reyes, are citizens of Spain. It follows that Allan Fernando Poe is also a Spanish citizen. And clearly, “respondent Poe could not have possibly acquired Filipino citizenship from his father, Allan Fernando Poe, since the latter is a Spanish citizen.”

Suffice it to state that this allegation must fail because the “Marriage Contract” between Allan Fernando Poe and Paulita Gomez has been shown to be falsified.

It bears reiterating that petitioner Fornier does not dispute that Allan Fernando Poe is the father of respondent Poe. Allan's father is Lorenzo Pou, a Spanish subject and an inhabitant of the Philippines on April 11, 1899 when Spain ceded the Philippines to the United States by virtue of the Treaty of Paris. Specifically, this Treaty provides that:

“Spanish subjects x x x may remain in such territory x x x. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of the treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.”

Relative to this Treaty, Section 4 of the Philippine Bill of 1902 provides:

“That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the

leventh day of April, eighteen hundred and ninety-nine, and then resided to the Philippine Islands, and their children born subsequent thereto shall be deemed and held to be citizens of the Philippines and such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December tenth, eighteen hundred and ninety-eight.”

Likewise, the Jones Law provides as follows:

“That all inhabitants of the Philippine Islands who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris December tenth, eighteen hundred and ninety-eight, and except such others as have since become citizens of some other country: x x x.”

We held in the case of *In Re Bosque*:^[14]

“With respect to Spanish residents, it was agreed to accord them the right of electing to leave the country, thus freeing themselves of subjection to the new sovereign, or to continue to reside in the territory, in which case the expiration of the term of eighteen months (April 11, 1899 to October 1900) without their making an express declaration of intention to retain their Spanish nationality resulted in the loss of the latter, such persons thereby becoming subjects of the new sovereign in the same manner as the natives of these Islands.”

Likewise, in *Palanca vs. Republic*,^[15] we ruled:

“A person, who was an inhabitant of the Philippine Islands and a naturalized subject of Spain on the 11th day of April 1899, is a Filipino citizen, by virtue of the provisions of Sec. 4 of the Act of Congress on 1 July 1902 and of Sec. 2 of the Act of Congress of 29 August 1916. Under the Constitution, he is also a citizen of the Philippines because he was such at the time of the adoption of the Constitution.”

Under the above provisions and jurisprudence, Lorenzo Pou was a citizen of the Philippines. In turn, his son Allan Fernando Poe, followed his (Lorenzo’s) citizenship as a Filipino. Section 3, Article IV of the 1935 Constitution states that “those whose fathers are citizens of the Philippines” are Filipino citizens. We thus follow the principle of *jus sanguinis*, the rule of blood relationship. Consequently, since Allan Fernando Poe is a Filipino citizen, it follows that respondent Poe is also a Filipino citizen. That he is a natural born Filipino citizen is beyond question. The following provisions are in point:

“SECTION 4. A natural born citizen is one who is a citizen of the Philippines from birth without having to perform any act to acquire or perfect his Philippine citizenship.” (Article III of the 1973 Constitution)

“SECTION 2. Natural born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. x x x.” (Article IV of the 1987 Constitution).

Respondent Poe, being a Filipino citizen from birth without having to perform any act to acquire or perfect his Philippine citizenship is, therefore, a natural born Filipino citizen.

Still, petitioner insists that even if respondent Poe’s father is a Filipino citizen, he (respondent) is not a natural born Filipino citizen because he is an illegitimate child whose citizenship follows that of his mother, Bessie Kelley, an American citizen.

On this point, the following *amici curiae* have a common opinion – the illegitimacy of respondent Poe is inconsequential in determining whether he is a natural born Filipino citizen.

Mr. Justice Vicente V. Mendoza said:

“For there is really no difference in principle between, on the one hand, the illegitimate child of a Filipino mother and an alien father, and, on the other hand, the illegitimate child of a Filipino father and an alien mother. As long as the child’s filiation to his supposed father is established, it does not matter whether he is legitimate or an illegitimate child.”

Rev. Fr. Joaquin G. Bernas, former Constitutional Commissioner, advanced the following view:

“In conclusion, therefore, when the Constitution says: ‘The following are citizens of the Philippines: ... ‘Those whose fathers are citizens of the Philippines,’ the Constitution means just that without invidious distinction. Ubi lex non distinguit nec nos distinguere debemus, especially if the distinction has no textual foundation in the Constitution, serves no state interest, and even imposes an injustice on an innocent child. What flow from legitimacy are civil rights; citizenship is a political right which flows not from legitimacy but from paternity. And paternity begins when the ovum is fertilized nine months before birth and not upon marriage or legitimation.”

Dean Merlin M. Magallona’s theory is reproduced as follows:

“The transmissive essence of citizenship here is clearly the core principle of blood relationship or *jus sanguinis*. On this account, the derivation of citizenship from a person or the transmission of citizenship to his child springs from the fact that he is the father. Thus, paternity as manifestation of blood relationship is all that is needed to be established. To introduce a distinction between legitimacy or illegitimacy in the status of the child vis-à-vis the derivation of his citizenship from the father defeats the transmissive essence of citizenship in blood relationship. The text of the law which reads ‘Those whose father are citizens of the Philippines’ becomes an embodiment of the kernel principle of blood relationship, which provides no room for the notion of citizenship by legitimacy or legitimation.”

The ascertainment of the meaning of the provision of the Constitution begins with the language of the document itself. The words of the Constitution should as much as possible be understood in the sense they have in common use and given their ordinary meaning. The reason for this is because the Constitution is not primarily a lawyer’s document but essentially that of the people, in whose consciousness it should even be present as an important condition for the rule of law to prevail.[16] Section 3, Article IV of the 1935 Constitution is very clear. As the provision does not distinguish between a legitimate child and an illegitimate child of a Filipino father, we should not make a distinction.

In fine, I reiterate that the COMELEC did not gravely abuse its discretion in rendering its assailed Resolutions dated January 23, 2004 and February 6, 2004.

WHEREFORE, I concur with Justice Jose C. Vitug in his ponencia and with Senior Justice Reynato S. Puno in his Separate Opinion DISMISSING Fornier’s petition.

[1] *Frivaldo vs. COMELEC*, G.R. No. 120295, June 28, 1996, 257 SCRA727.

[2] Concurring Opinion of Justice Reynato S. Puno in *Romualdez-Marcos vs. COMELEC*, G.R. No. 119976, September 18, 1995, 248 SCRA 300, 364-365.

[3] *Ibid*.

[4] *Frivaldo vs. COMELEC*, *supra*.

[5] G.R. No. 135886, August 16, 1999, 312 SCRA 447, 456-457, citing *Aznar vs. Commission on Elections*, 185

SCRA 703 (1990).

[6] Ibid. at 455.

[7] Romualdez-Marcos vs. Commission on Elections, *supra* at 326.

[8] Salcedo II vs. Commission on Elections, *supra*. at 459.

[9] Balanay vs. Sandiganbayan, G.R. No. 112924, October 20, 2000, 344 SCRA 1.

[10] G.R. No. 120267, January 225, 2000, 323 SCRA 248, 255, citing Transpacific Supplies, Inc. vs. Court of Appeals, 235 SCRA 494, 502 (1994); Geraldez vs. Court of Appeals, 230 SCRA 320, 330 (1994); Republic vs. Court of Appeals, 182 SCRA 290, 301 (1990); and Summa Insurance Corporation vs. Court of Appeals, 253 SCRA 175 (1996).

[11] Malinias vs. COMELEC, G.R. No. 146943, October 4, 2002, 390 SCRA 480.

[12] Benito vs. COMELEC, G.R. No. 134913, January 19, 2001, 349 SCRA 705, 713-714, citing Cuizon vs. Court of Appeals, 289 SCRA 159 (1998).

[13] G.R. No. 137000, August 9, 2000, 337 SCRA 543, 549.

[14] G.R. No. 666, January 14, 1902, 1 Phil. 88.

[15] G.R. No. L-301, April 7, 1948, 80 Phil. 578, 584.

[16] Separate Opinion of J. Gutierrez in Ernesto B. Francisco, Jr. vs. The House of Representatives, G.R. Nos. 160261, 160262, 160263, 160277, 160292, 160295, 160310, 160318, 160342, 160343, 160360, 160365, 160370, 160376, 160392, 160397, 160403 & 160405, November 10, 2003, citing J.M. Tuazon & Co., Inc. vs. Land Tenure Administration, 31 SCRA 413 (1970); Ordillo vs. Commission on Elections, 192 SCRA 100 (1990); Occeña vs. Commission on Elections, 95 SCRA 755 (1980); and Agpalo, Statutory Construction, 1995 Ed. at 344.

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