

DATU SUKARNO S. SAMAD, PETITIONER, VS. COMELEC AND BAI UNGGIE ABDULA, RESPONDENTS.*G.R. No. 107854. July 16, 1993*

Ponente: CRUZ, J.

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Before this Court are two consolidated petitions involving the position of Mayor in the Municipality of Kabuntalan, Maguindanao. Petitioner Sukarno S. Samad and private respondent Bai Unggie Abdula were among the contenders for this office in the synchronized elections of May 11, 1992. Both were proclaimed mayor-elect by two different canvassing boards - the private respondent, by the board headed by Abas A. Saga, on May 28, 1992, and the petitioner, by the board headed by Mucado M. Pagayao, on May 29, 1992. Both went to the Commission on Elections in separate petitions against each other.

In SPA 92-314, which was filed on June 1, 1992, Samad sought the nullification of the proclamation made in favor of Abdula and the calling of a special election in three precincts. In SPC 92-421, which was filed on August 14, 1992, Abdula prayed that the proclamation of Samad be nullified and that he be enjoined from assuming as mayor of Kabuntalan. The two petitions were consolidated and raffled to the First Division of the COMELEC.

On June 29, 1992, the COMELEC issued a resolution in SPA 92-314 directing its Law Department to: 1) summon both election registrars Saga and Pagayao to appear before the Commission; 2) conduct an investigation of the matter with a view to the prosecution of any one found responsible for falsification of the election documents; and 3) require Election Supervisor Carmencita Cabacungan to comment on the petition.

On that same date, the COMELEC issued Resolution No. 2489 declaring the termination of all pre-proclamation cases except the 86 cases named in the list annexed thereto. SPA 92-314 was not included in the list. (SPC 92-421 had not yet been filed at that time.)

On July 2, 1992, the petitioner filed in the Regional Trial Court of Cotabato City an action against the private respondent for quo warranto and prohibition with preliminary injunction. This was docketed as SPL Civil Case 2938 in Branch 13.

Judge Emmanuel D. Badoy initially opined that he had no jurisdiction to entertain the petition but he later changed this mind and issued a temporary restraining order, converted into a writ of preliminary injunction on August 14, 1992, directing private respondent Abdula to cease and desist from exercising the powers and functions of the mayor of Kabuntalan and enjoining all officials and entities to respect the proclamation of petitioner Samad.[1]

On that same day, Abdula filed a petition with the Court of Appeals, later docketed as CA-GR SP No. 28683, questioning the validity of the order. On August 20, 1992, the court issued a resolution enjoining its implementation.[2]

On November 4, 1992, after finding that both the conflicting certificates of canvass and proclamation prepared by

the Saga and Pagayao boards of canvassers were defective, the First Division of the COMELEC denied the consolidated petitions and directed the Office of the Executive Director to constitute a Special Board of Canvassers for the purpose of verifying which of the two sets of statements of votes upon which the two different proclamation documents were based was genuine, without prejudice to the resolution of the prayer for special elections in Kabuntalan.[3]

On November 27, 1992, acting on Samad's motion for reconsideration, the COMELEC en banc sustained its First Division. It also declared that pending implementation of the challenged resolution, it was the responsibility of the Department of Interior and Local Government to designate an OIC-Mayor in the Municipality of Kabuntalan.[4]

This declaration prompted Samad to file with this Court a petition for certiorari with restraining order and injunction. On December 3, 1992, we issued a temporary restraining order commanding the COMELEC to cease and desist from implementing the questioned resolutions.[5]

On December 9, 1992, the DILG issued a letter-directive recognizing the petitioner as mayor of Kabuntalan, but on December 14, 1992, it allegedly issued another letter, this time authorizing the private respondent to continue serving as a hold-over mayor. Samad then came again to this Court in a petition for certiorari. This was referred to the Court of Appeals, docketed as CA-GR SP No. 29942, and consolidated with CA-GR SP No. 28683.

On January 5, 1993, President Fidel V. Ramos designated respondent Abdula as officer-in-charge of the Office of the Mayor of Kabuntalan.[6] Samad's reaction was to file with this Court on February 8, 1993, a petition questioning this designation. This was docketed as G.R. No. 108642. On February 18, 1993, we issued a restraining order: 1) directing respondents Executive Secretary Edelmiro Amante and Presidential Legal Counsel Antonio Carpio to cease and desist from implementing the questioned designation; and 2) restraining respondent Abdula from assuming the position and functions as OIC-Mayor of Kabuntalan.[7] G.R. No. 108642 and G.R. No. 107854 were also consolidated.

Samad later filed with the Court of Appeals a Manifestation that he had no objection to the dismissal of CA-GR 29942, the same having no more basis because the December 14, 1992 letter recognizing Abdula as hold-over mayor was a forgery, as evidenced by the affidavit of Secretary Rafael Alunan.

Accordingly, the Court of Appeals dismissed the said case on March 12, 1993. It further suspended the resolution of CA-GR 28683 to avoid the possibility of conflicting decisions on these closely-related cases and in deference to the two restraining orders issued by this Court in GR Nos. 107854 and 108642. At the same time, it issued a preliminary injunction restraining the Regional Trial Court of Cotabato City from conducting further proceedings in SPL Civil Case No. 2938 (330).[8]

The issues raised by petitioner Samad in these consolidated petitions are as follows:

G.R. No. 107854: Whether or not the COMELEC acted arbitrarily and in derogation of existing laws and jurisprudence in: a) directing the Executive Director to constitute a Special Board of Canvassers to determine the winner in the mayoralty election, without prejudice to the resolution of the other issue of whether or not to call a special election, despite the fact that this case was deemed terminated in view of the COMELEC Resolution No. 2489; and b) denying his motion for reconsideration instead of dismissing both petitions and paving the way for a judicial determination of the instant controversy by the Regional Trial Court of Cotabato City, subject to the review of the COMELEC in the exercise of its appellate jurisdiction.

G.R. No. 108642: Whether or not, the President of the Philippines had jurisdiction and/or authority to appoint the private respondent as OIC in the Office of the Mayor of Kabuntalan in spite of the writ of preliminary injunction issued by the Regional Trial Court of Cotabato City which ordered the latter to cease and desist from performing the functions of mayor of Kabuntalan, and enjoined officials and entities to respect herein

petitioner's proclamation as the duly elected mayor of the said municipality.

It is necessary first to determine whether jurisdiction over the present controversy remained with the COMELEC or was vested in the Regional Trial Court of Cotabato City upon the filing of the petition for quo warranto.

The petitioner contends that SPA 92-314 was terminated by virtue of Resolution No. 2489, as authorized by R.A. 7166, because it was not among the 86 cases enumerated in the list annexed to the said resolution that, as exceptions thereto, could continue to be heard by the COMELEC.

This contention is not well taken.

COMELEC Resolution No. 2489 reads in part as follows:

WHEREAS, the second paragraph of Sec. 16, Republic Act No. 7166, provides:

All pre-proclamation cases pending before the Commission shall be deemed terminated at the beginning of the term of office involved and the rulings of the boards of canvassers concerned shall "be deemed affirmed, without prejudice to the filing of a regular election protest by the aggrieved party. However, proceedings may continue when on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceeding to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari."

x x x

(3) All other pre-proclamation cases which do not fall within the class of cases specified under paragraphs (1) and (2) immediately preceding are deemed terminated by operation of law. Hence, all the rulings of boards of canvassers concerned are affirmed. Such affected boards of canvassers are directed to reconvene forthwith, continue their respective canvass and proclaim accordingly, if the proceedings were suspended by virtue of pending pre-proclamation cases;

(4) All pending petitions for disqualification, failure of elections or analogous cases, not being pre-proclamation controversies and, therefore, not governed by Sections 17, 18, 19, 20, 21 and particularly, by the second paragraph of Sec. 16, Republic Act No. 7166, shall remain active cases, the proceedings to continue beyond June 30, 1992, until the issues therein are finally resolved by the Commission; and

(5) The remaining pre-proclamation cases, which on the basis of the evidence thus far presented, appear meritorious and/or are subject of orders by the Supreme Court or this Commission in petitions brought respectively to them thereby requiring the proceedings therein to continue beyond 30 June 1992 until they are finally resolved.

ACCORDINGLY, it is hereby ordered that the proceedings in the eighty six (86) cases appearing on the list annexed and made an integral part hereof, be continued to be heard and disposed of by the Commission. (Rollo, p. 143-144).

SPA 92-314 was not only for the annulment of Abdula's proclamation but also for the holding of special elections in three precincts. It therefore fell under Section 4 of the afore-quoted resolution.

Moreover, although not included in the list of cases that could continue to be heard by the COMELEC, SPA 92-314 remained active because on June 29, 1992, the same day Resolution No. 2489 was issued, the COMELEC en banc, after finding that there were two Certificates of Canvass and Proclamation and two proclaimed mayors, issued another resolution requiring both Election Registrars Saga and Pagayao to appear before it, and the Election Supervisor Cabacungan to comment on the petition.

Even assuming that SPA 92-314 was a purely pre-proclamation case, it could nevertheless continue beyond June

30, 1992, pursuant to Section 5 of Resolution No. 2489, because it was the subject of the said order.

It should also be noted that upon Abdula's motion, the COMELEC on September 11, 1992, ordered the said case, then pending in the First Division, to be consolidated with SPC 92-421 in the Second Division.

What was the effect upon the cases pending in the COMELEC of the filing by Samad of the petition for quo warranto in the Regional Trial Court of Cotabato City?

As a general rule, the filing of an election protest or a petition for quo warranto precludes the subsequent filing of a pre-proclamation controversy,[9] or amounts to the abandonment of one earlier filed, thus depriving the COMELEC of the authority to inquire into and pass upon the title of the protestee or the validity of his proclamation.[10] The reason is that once the competent tribunal has acquired jurisdiction of an election protest or a petition for quo warranto, all questions relative thereto will have to be decided in the case itself and not in another proceeding.[11] This procedure will prevent confusion and conflict of authority. Conformably, we have ruled in a number of cases that after a proclamation has been made, a pre-proclamation case before the COMELEC is no longer viable.[12]

The rule admits of exceptions, however, as where: 1) the board of canvassers was improperly constituted;[13] 2) quo warranto was not the proper remedy;[14] 3) what was filed was not really a petition for quo warranto or an election protest but a petition to annul a proclamation;[15] 4) the filing of a quo warranto petition or an election protest was expressly made without prejudice to the pre-proclamation controversy or was made *ad cautelam*;[16] and 5) the proclamation was null and void.[17]

All the exceptions except the fourth apply here.

The Saga board which proclaimed the private respondent had been illegally constituted. As held by the COMELEC, the letter of request dated May 27, 1992, of the Municipal Treasure of Kabuntalan did not serve as an official designation of Abbas Saga to take over the canvassing allegedly abandoned by Mucado Pagayao, because Bernardita Cabacungan, the Election Supervisor of Maguindanao, denied having signed her name after the word "Approved." She declared that it was Mucado Pagayao whom she had instructed to continue the canvassing after the former chairman had been relieved by her.

Moreover, quo warranto was not the proper remedy because both the petitioner and the private respondent claimed to have assumed the office of the mayor of Kabuntalan.[18] In a quo warranto proceeding, the petitioner is not occupying the position in dispute. Moreover, under the Omnibus Election Code, quo warranto is proper only for the purpose of questioning the election of a candidate on the ground of disloyalty or ineligibility. Neither of these grounds was invoked by Samad in SPL Civil Case 2938.

No less importantly, the case before the Regional Trial Court of Cotabato City was not really one for quo warranto nor was it an election protest.

A petition for quo warranto under the Omnibus Election Code raises in issue the disloyalty or ineligibility of the winning candidate. It is a proceeding to unseat the respondent from office but not necessarily to install the petitioner in his place.[19]

An election protest is a contest between the defeated and winning candidates on the ground of frauds or irregularities in the casting and counting of the ballots, or in the preparation of the returns.[20] It raises the question of who actually obtained the plurality of the legal votes and therefore is entitled to hold the office.

Both petitions in the COMELEC and in the Regional Trial Court of Cotabato City were directed at the illegality of the composition of the Saga board and of the proclamation of the private respondent. This matter is within the

jurisdiction of the COMELEC under Sections 241, 242, and 243 of the Omnibus Election Code providing as follows:

Sec. 241. Definition - A pre-proclamation controversy refers to any question pertaining to or affecting the proceedings of the board of canvassers which may be raised by any candidate or by any registered political party before the board or directly with the Commission.

Sec. 242. Commission's exclusive jurisdiction of all proclamation controversies - The Commission shall have exclusive jurisdiction of all pre-proclamation controversies.

It may motu proprio or upon written petition, and after due notice and hearing, order the partial or total suspension of the proclamation of any candidate - elect or annul partially or totally any proclamation, if one has been made, as the evidence shall warrant in accordance with the succeeding sections.

Sec. 243. Issues that may be raised in pre-proclamation controversy - The following shall be proper issues that may be raised in a pre-proclamation controversy.

a) Illegal composition or proceeding of the board of canvassers;

x x x

The question of whether or not special elections should be called in the three precincts is also cognizable by the COMELEC under the Omnibus Election Code, thus:

Sec. 6. Failure of election. - If, on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any polling place has not been held on the date fixed, x x x and in any of such cases the failure or suspension of election would affect the result of the election, the Commission shall, on the basis of a verified petition by any interested party and after due notice and hearing, call for the holding or continuation of the election not held on the date of the election but not later than thirty days after the cessation of the cause of such postponement or suspension of the election or failure to elect. (Omnibus Election Code)

Sec. 4. Postponement, Failure of Election and Special Elections. - The postponement, declaration of failure of elections and the calling of special elections as provided in Sections 5, 6, and 7 of the Omnibus Election Code shall be decided by the Commission sitting en banc by a majority of its members. (Republic Act 7166).

We hold therefore that the COMELEC retained jurisdiction over SPA 92-314 and SPC 92-421.

Turning now to the merits of the assailed resolutions, this Court finds that the COMELEC should not have denied the consolidated petitions for the annulment of the questioned proclamations. Having ascertained that the proclamation in favor of Abdula had been made by a board constituted without proper authority, the COMELEC should have declared such proclamation null and void, along with the certificate of canvass and proclamation and the statements of votes prepared by that board.

But ironically enough, this ruling can only give cold comfort to Samad. We find that his proclamation does not fare any better because it is also null and void.

In its Report on the Status of Canvassing dated May 29, 1992 the Pagayao board declared:

Please be informed that the Municipal Board of Canvassers of Kabuntalan, Maguindanao had terminated the canvass of the 66 election returns as of May 26, 1992 at around 3:00 P.M. out of 69 precincts.

As reported, 2 precincts did not function on election day and for 1 precinct, the election returns were all missing as follows:

BARANGAY PRECINCT REG. VOTERS REMARKS

1. xxxxx 3-A 214 No election
2. xxxxx 4-A 196 No election
3. xxxxx 13 224 Election returns missing

It may be stated that the canvass of the returns for the National Office was finished by the previous Chairman of the Board, Election Registrar Abdul Dimalen. We took over on May 23, 1992 upon the directive of Atty. Bernardita P. Cabacungan, OIC Provincial Election Officer of Maguindanao and Chairman-designate of the board.

The new Board, canvassed the election returns for local officials. Right after the tabulation of votes but before we prepared the certificate of votes obtained by the local candidates for the Municipal Offices there was a pressure exerted upon the individual members of the Board to proclaim Bai Unggie Abdula who appear to be winning by a margin of 153 votes over her closest rival Sukarno Samad.

The board held that it cannot proclaim because the result will be affected by the two (2) precincts that did not function and one (1) precinct the election returns of which were missing.

x x x

In view whereof, we are submitting this report without any tabulation of votes showing the standing of each candidate and to inform the Commission that the duly constituted Board of Canvassers has not proclaimed any winner until ordered by the Commission on Elections.

In fact, no less than Samad himself averred in his petition with the COMELEC:

4. That the proclamation was premature as there were still three precincts which were not accounted for with a total number of 660 registered voters (2 precincts failed to function while the ballot box of the other one was declared missing by the Chairman and members of the Board of Election Inspectors) x x x.

That the lead of respondent Bai Unggie D. Abdula over that of petitioner is only about 153 votes which can be overcome by the numbers of votes involved in the above-stated precincts.

It is settled that an incomplete canvass of votes is illegal and cannot be the basis of a valid proclamation.[21] All the votes cast in the election must be counted and all the returns presented to the board must be considered as the disregard of some returns would in effect disenfranchise the voters affected.[22] A canvass cannot be reflective of the true vote of the electorate unless all the returns are considered.[23]

The canvass of the mayoralty election was incomplete because there were still three precincts with a total of 660 registered voters that had not sent in their returns. Precincts 3-A and 4-A reportedly did not function on election day, and the election returns in Precinct No. 13 were missing.

In this situation, the COMELEC should determine whether there was indeed a failure of election that would necessitate the calling of a special election in the said precincts. Regarding the missing election returns in Precinct No. 13, Section 233 of the Omnibus Election Code mandates the board of canvassers to obtain them from the corresponding boards of election inspectors. If these returns have been lost or destroyed, the board may, upon prior authority of the Commission, resort to any of the authentic copies of said election returns or a certified copy of said election returns issued by the Commission. Any proclamation in violation of this provision is null and void under Section 238 of the Code.

It is only when authorized by the COMELEC or when the missing election returns will not affect the results of the election that the board can terminate the canvass and proclaim the candidates elected on the basis of the available returns. Precinct No. 13 had 224 registered voters and the margin between the petitioner and the private

respondent is allegedly 153 votes only. As the missing election returns of that precinct will affect the outcome of the election, no proclamation can as yet be made.

The Pagayao board was aware of this and in fact declared in its report that "it cannot proclaim because the result will be affected by the two (2) precincts that did not function and the one (1) precinct, the election returns of which were missing." Yet, on May 29, 1992, the same day the report was made, the Pagayao board proceeded to proclaim petitioner Samad as mayor-elect over Abdula and the other candidates. Undoubtedly, the said proclamation produced no legal effect whatsoever.

It is noteworthy that the COMELEC found the Certificate of Canvass and Proclamation dated May 29, 1992 to be not credible because it was inconsistent with the board's "Report on the Status of Canvassing," also dated May 29, 1992, that it had not yet proclaimed the winner. Also, while Pagayao declared in his sworn statement that the proclamation was held at the Regional Office of Cotabato City, the certificate stated that the venue was PC Hill, Cotabato City.

It was these uncertainties about the validity of the certificate of canvass that prompted the COMELEC to constitute a Special Board of Canvassers to ascertain the winner in the mayoralty race. This action is in our view not whimsical or arbitrary and so cannot be interfered with by this Court.

We must also reject the contention that the private respondent is now estopped from assailing the jurisdiction of the Regional Trial Court of Cotabato City over SPL Civil Case No. 2938. We find that in her Answer with Motion to Dismiss dated July 7, 1992, Abdula did in fact argue that the said court had no jurisdiction over the subject matter of the case.

Inasmuch as it is the COMELEC that has exclusive jurisdiction over the present controversy, the restraining order and the writ of Preliminary injunction issued by the Regional Trial Court of Cotabato City are void ab initio. Consequently, President Ramos did not act improperly when he designated the private respondent as OIC-Mayor of Kabuntalan pending final resolution of the dispute. The designation was in accordance with the case of *Sanchez v. Commission on Election*,^[24] where this Court recognized the authority of the President of the Philippines to appoint an officer-in-charge of the office of mayor of San Fernando, Pampanga, pending settlement of the controversy over the position.

The private respondent accuses the petitioner of forum-shopping for having filed a quo warranto case with the Regional Trial Court of Cotabato City although the COMELEC continued to have jurisdiction over the controversy. It is also asserted that the petitions filed by Samad with this Court in G.R. Nos. L-108642 and L-107854 and with the Court of Appeals in CA-GR. SP. Nos. 28683 and 29942 involve the very same issue of jurisdiction.

On the other hand, Samad contends that it is the private respondent who is guilty of forum-shopping because she filed a petition praying for the affirmance of her proclamation and the nullification of the petitioner's when that same prayer, which was contained in her comment in SPA 92-314, was not granted in that case.

This Court has held in a long line of decisions that "there is forum-shopping whenever, as a result of an adverse opinion in one forum, a party seeks a favorable opinion (other than by appeal or certiorari) in another. The principle applies not only with respect to suits filed in the courts but also in connection with litigations commenced in the courts while an administrative proceeding is pending, in order to defeat administrative processes and in anticipation of an unfavorable court ruling."^[25]

We find that the petitioner filed with the lower court a petition for quo warranto because he believed that SPC 92-314 had been terminated under COMELEC Resolution 2489. He therefore cannot be faulted for going to the

Regional Trial Court of Cotabato City to continue his challenge to Abdula's proclamation. Samad was obviously acting pursuant to Section 16 of RA 7166, providing that the termination of the pre-proclamation cases is without prejudice to the filing by the aggrieved party of a regular election protest.

The second ground raised by the private respondent is also untenable.

In CA-GR. SP No. 28683, the petitioner impugned the validity of the writ of preliminary injunction issued by the lower court on August 14, 1992, whereas in CA-GR. SP No. 29942, he questioned the alleged appointment dated December 14, 1992 of the private respondent as hold-over mayor of Kabuntalan. On the other hand, G.R. Nos. 107854 and 108642 were petitions assailing the resolutions of the COMELEC dated November 4, 1992 and November 27, 1992, and the appointment made by the President on January 5, 1993 in favor of the private respondent as OIC-Mayor of the said municipality.

The causes of action, subject matter, and issues raised in these four petitions are not identical. There is forum-shopping only where the actions involve the same transactions and the same essential facts and circumstances.[26]

Neither is the private respondent guilty of the same charge. The fact that she prayed for the affirmance of her proclamation and the nullification of that of petitioner Samad does not make Abdula guilty of forum-shopping. The reason is that she sought this relief from one and the same forum, to wit, the COMELEC. Moreover, at the time she filed her petition in SPC 92-421, no adverse ruling or opinion had as yet been rendered by the COMELEC on these issues in SPA 92-314.

We defer ruling on the motion to cite the respondent in contempt pending receipt of her comment thereon. In the meantime, so as not to unduly delay resolution of this controversy and ascertainment of the winner in the election for mayor of Kabuntalan, Maguindanao, we hereby promulgate this decision on the merits of the two petitions.

WHEREFORE, judgment is hereby rendered:

1) allowing the private respondent to continue discharging the duties and functions as OIC-Mayor of Kabuntalan;

2) ordering the Commission on Elections to:

a) declare the proclamation of both the petitioner and the private respondent null and void;

b) resolve with dispatch the question of whether or not a special election should be called in the precincts affected;

c) proceed with the creation of a Special Board of Canvassers to proclaim, after proper canvass, the mayor-elect of Kabuntalan, Maguindanao; and

3) ordering the Regional Trial Court, Cotabato City, Branch 13, to dismiss SPL Civil Case 2938.

The temporary restraining orders dated December 3, 1992, and February 18, 1993, are LIFTED.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Quason, JJ., concur.

[1] Rollo, p. 53 (G.R. No. 107854).

[2] Rollo, p. 190 (G.R. No. 108642).

[3] Rollo, p. 16 (G.R. No. 107854).

[4] Ibid, p. 23.

[5] Id., p. 100.

[6] id., p. 6.

[7] id., p. 206.

[8] Rollo, p. 184 (G.R. No. 108642).

[9] Sevilleja v. COMELEC, 107 SCRA 141; Mogueis, Jr. v. COMELEC, 104 SCRA 576; Filart v. COMELEC, 53 SCRA 457.

[10] Reyes v. Reyes, 22 SCRA 485; Agpalo, Comments on the Omnibus Election Code, 1992 Ed., p. 337.

[11] Sevilleja v. COMELEC, supra; Mogueis v. COMELEC, supra; Acain and Malimit v. Board of Canvassers of Carmen, Agusan, et al., 108 Phil. 165.

[12] Casimiro v. COMELEC, 171 SCRA 468; Salvacion v. COMELEC, 170 SCRA 513; Padilla v. COMELEC, 137 SCRA 424.

[13] Pacis v. COMELEC, 22 SCRA 340.

[14] Ibid.

[15] Id.

[16] Agbayani v. COMELEC, 186 SCRA 484.

[17] Mutuc v. COMELEC, 22 SCRA 662.

[18] Pacis v. COMELEC, supra.

[19] Section 253, Omnibus Election Code; Topacio v. Paredes, 23 Phil. 238.

[20] Topacio v. Paredes, supra.

[21] Mutuc v. COMELEC, supra citing Demafiles v. COMELEC, et al., 21 SCRA 1462; Abes v. COMELEC, 21 SCRA 1252; and Abelante v. Relato, 94 Phil. 8.

[22] Mutuc v. COMELEC, supra citing Estrada v. Navarro, 21 SCRA 1514.

[23] Agbayani v. COMELEC, 186 SCRA 484; Duremdes v. COMELEC, 178 SCRA 748.

[24] 114 SCRA 454.

[25] Multinational Village Homeowners Association, Inc. v. Court of Appeals, 203 SCRA 104; Solid Manila Corp. v. Bio Hong Trading Co., Inc., 195 SCRA 748; New Pangasinan Review, Inc., v. NLRC, 196 SCRA 56; Earth Minerals Exploration, Inc. v. Macaraig, Jr., 194 SCRA 1.

[26] GSIS v. Sandiganbayan, 191 SCRA 644 citing Palm Avenue Realty Development Corp. v. PCGG, 15 SCRA 579.

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