

**EMMANUEL M. RELAMPAGOS, PETITIONER, VS. ROSITA C. CUMBA
AND THE COMMISSION ON ELECTIONS, RESPONDENTS.***G.R. No. 118861. April 27, 1995*

Ponente: DAVIDE, JR., J.

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This special civil action of certiorari under Rule 65 of the Rules of Court revives the issue of whether or not the Commission on Elections (COMELEC) has jurisdiction over petitions for certiorari, prohibition, and mandamus in election cases where it has exclusive appellate jurisdiction. In the split decision of 4 March 1992 in the consolidated cases of *Garcia vs. De Jesus* and *Uy vs. Commission on Elections*,^[1] this Court ruled in the negative because of the absence of any specific conferment upon the COMELEC, either by the Constitution or by legislative fiat, of jurisdiction to issue such extraordinary writs. It held that jurisdiction, or the legal power to hear and determine a cause or causes of action, must exist as a matter of law, whether the jurisdiction is original or appellate, and since these two classes of jurisdiction are exclusive of each other, each must be expressly conferred by law. One does not flow, nor is inferred, from the other. This Court proceeded to state that in the Philippine setting, the authority to issue the aforesaid writs involves the exercise of original jurisdiction which has always been expressly conferred either by the Constitution or by law. It is never derived by implication. Although the Constitution grants the COMELEC appellate jurisdiction, it does not grant it any power to exercise original jurisdiction over petitions for certiorari, prohibition, and mandamus, unlike in the case of this Court which is specifically conferred with such authority in Section 5(1) of Article VIII. It also pointed out that the doctrine laid down in *Pimentel vs. COMELEC*^[2] -- that neither the Constitution nor any law has conferred jurisdiction on the COMELEC to issue such writs -- still finds application under the 1987 Constitution.

In the decision of 29 July 1992 in *Veloria vs. Commission on Elections*,^[3] this Court reiterated the *Garcia* and *Uy* doctrine.

In the challenged resolution at bench, the respondent COMELEC adhered to the affirmative view of the issue, citing as authority therefor its own decision of 29 July 1993 in *Dictado vs. Cosico* and the last paragraph of Section 50 of B.P. Blg. 697, which reads:

SEC. 50. Definition. —

x x x

The Commission is hereby vested with exclusive authority to hear and decide petitions for certiorari, prohibition, and mandamus involving election cases.(Italics supplied)

The petitioner herein pleads that this resolution be set aside and nullified for having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction. He contends that while the COMELEC's position is inherently compelling, it deserves scant consideration in view of *Garcia* and *Uy* and *Veloria* and the nature and purpose of B.P. Blg. 697 which was to govern solely the Batasan Pambansa election of 14 May 1984; hence, it

was a temporary statute which self-destructed after such election.

The antecedent facts that led to the filing of this action are uncomplicated and undisputed.

In the synchronized elections of 11 May 1992, the petitioner and private respondent Rosita Cumba were candidates for the position of Mayor in the municipality of Magallanes, Agusan del Norte. The latter was proclaimed the winning candidate, with a margin of only twenty-two votes over the former.

Unwilling to accept defeat, the petitioner filed an election protest with the Regional Trial Court (RTC) of Agusan del Norte, which was assigned to Branch 2 thereof in Butuan City.

On 29 June 1994, the trial court, per Judge Rosarito F. Dabalos, found the petitioner to have won with a margin of six votes over the private respondent and rendered judgment in favor of the petitioner as follows:

WHEREFORE, in view of the foregoing results, the court hereby declares the protestant as having won the mayoralty election and as duly elected Mayor of the Municipality of Magallanes, Agusan del Norte in the local election held on May 11, 1992, the protestant having obtained six (6) votes more than that of the protestee's votes.

Copies of the decision were sent to and received by the petitioner and the private respondent on 1 July 1994.

On 4 July 1994, the private respondent appealed the decision to the COMELEC by filing her notice of appeal and paying the appellate docket fees.

On 8 July 1994, the trial court gave due course to the appeal.

On 12 July 1994, the petitioner filed with the trial court a motion for execution pending appeal, which the private respondent opposed on 22 July 1994.

On 3 August 1994, the trial court granted the petitioner's motion for execution pending appeal. The corresponding writ of execution was forthwith issued. Thereafter, the private respondent filed a motion for a reconsideration of the order of execution and the sheriff held in abeyance the implementation of the writ. This motion was denied on 5 August 1994.

The private respondent then filed with the respondent COMELEC a petition for certiorari to annul the aforesaid order of the trial court granting the motion for execution pending appeal and the writ of execution. The petition was docketed as SPR No. 1-94.

On 9 February 1995, the COMELEC promulgated its resolution granting the petition.^[4] The dispositive portion thereof reads as follows:

WHEREFORE, premises considered, the Commission RESOLVES that is [sic] has exclusive authority to hear and decide petitions for certiorari, prohibition and mandamus in election cases as authorized by law, and therefore, assumes jurisdiction of the instant petition for certiorari which is hereby GRANTED. The Order of the court a quo of August 3, 1994 is hereby declared NULL and VOID and the Writ of Execution issued on August 4, 1994 LIFTED.

Accordingly, petitioner Rosita Cumba is ordered restored to her position as Municipal Mayor of Magallanes, Agusan del Norte, pending resolution of the appeal before this Commission in the case of Relampagos vs. Cumba in EAC No. 108-94.

In upholding its jurisdiction in certiorari, prohibition, and mandamus cases, the respondent COMELEC maintains that there is a special law granting it such jurisdiction, viz., Section 50 of B.P. Blg. 697, which remains in full force as it was not expressly repealed by the Omnibus Election Code (B.P. Blg. 881), and that it is not exactly

correct that this law self-destructed after the May 1984 election. It further reasoned out that in the performance of its judicial functions, the COMELEC is the most logical body to issue the extraordinary writs of certiorari, prohibition, and mandamus in election cases where it has appellate jurisdiction. It ratiocinated as follows:

It is therefore clear that if there is a law which specifically confers jurisdiction to issue the prerogative Writs, then the Commission has jurisdiction.

Such a law exists. Section 50, BP Blg. 697 is that law.

BP Blg. 697, approved on March 14, 1984, is entitled "AN ACT TO GOVERN THE ELECTION OF MEMBERS OF THE BATASANG PAMBANSA ON MAY 14, 1984 AND THE SELECTION OF SECTORAL REPRESENTATIVES THEREAFTER, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES." Section 50 provides:

"Section 50. Definition. -- 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, political party or coalition of political parties before the board or directly with the Commission.

The Commission on Elections shall be the sole judge and shall have exclusive jurisdiction over all pre-proclamation controversies.

The Commission is hereby vested with exclusive authority to hear and decide petitions for certiorari, prohibition and mandamus involving election cases." (Underscoring Supplied)

We have debated among ourselves whether Section 50, BP Blg. 697, has been repealed. We have come to the conclusion that it has not been repealed. The repealing provision in the Omnibus Election Code (BP Blg. 881, December 3, 1985), provides:

"SEC. 282. Repealing Clause. -- Presidential Decree No. 1296 otherwise known as the The 1978 Election Code, as amended, is hereby repealed. All other election laws, decrees, executive orders, rules and regulations or parts thereof, inconsistent with the provisions of this Code is hereby repealed, except Presidential Decree No. 1618 and Batas Pambansa Blg. 20 governing the election of the members of the Sangguniang Pampook of Regions IX and XII." (Underscoring supplied).

BP Blg. 697 has not been expressly repealed, and Section 50 thereof is not inconsistent with the provisions of the Omnibus Election Code. Besides, in the cited Garcia/Uy cases, as reiterated in the Veloria case, the Supreme Court itself said, reiterating previous cases, that implied repeal of statutes is frowned upon, thus:

"Just as implied repeal of statutes is frowned upon, so also should the grant of original jurisdiction by mere implication to a quasi-judicial body be tabooed." (Garcia/Uy/Veloria Cases: Underscoring supplied).

x x x

"It is equally clear that Executive Order No. 90 x x x did not modify or repeal, whether expressly or impliedly, Section 23 of P.D. No. 1752. It is commonplace learning that implied repeal are not favored in law and are not casually to be assumed. The first effort of a court must always be to reconcile or adjust the provisions of one statute with those of another so as to give sensible effect to both provisions (Jalandoni vs. Andaya, 55 SCRA 261 (1974); Villegas vs. Subido, 41 SCRA 190, 196-197 (1971); National Power Corporation vs. ARCA, 25 SCRA 931 (1968); U.S. vs. Palacios, 33 Phil. 208 (1916); and Iloilo Palay and Corn Planters Association, Inc. vs. Feliciano, 13 SCRA 377 (1965). Only when there is clear inconsistency and conflict between the provisions of two (2) statutes, may a court hold that the provisions later in point of time have impliedly repealed the earlier ones" (Philippine American Management Co., Inc. vs. Philippine American Management Employees Association, 49 SCRA 194 (1973); and Villegas vs. Subido, 41 SCRA 190 (1971). (Larga vs. Ranada, Jr., No.

L-7976, August 3, 1984, 164 SCRA 25).

It was even suggested that Batas Pambansa Blg. 697 self-destructed after the Batasang Pambansa elections of 1984, because of the provisions of Section 1 (Title and Applicability) which provides: "This act shall be known and cited as 'The Law on the 1984 Batasang Pambansa Election.' It shall govern the election for the regular Batasang Pambansa which shall be held on May 14, 1984, and the selection of sectoral representatives thereafter as provided by the Constitution."

While that may be true with most of its provisions which were applicable only for the particular election (like election and campaign periods, voting constituency, etc.) most if not all of the remaining provisions could be applicable to future elections. It is not lost to the Commission that BP Blg. 697 was passed also "for other purposes."

But the important consideration is that the authority granted to the Commission under BP Blg. 697 is not inconsistent with our election laws. It should be mentioned that the provisions of Republic Act No. 6636 which governed the local elections of January 18, 1988, as to the number of councilors in specified cities (Sec. 3) and the number of Sanggunian members in different provinces and cities (Sec. 4) are still applicable up to this day. In fact, it became one of the important controlling provisions which governed the May 11, 1992 elections. If provisions of Republic Act No. 6636 which are not inconsistent with the present election laws did not self-destruct, why should Section 50 of BP Blg. 697?

Another provision which did not self-destruct is that which provides "that any city or municipal judge, who includes or excludes any voter without any legal basis in inclusion and exclusion proceedings, shall be guilty of an election offense," although this provision is found in Section 10 of Executive Order No. 134 supposedly with limited application as the enabling act for the elections for Members of Congress on May 11, 1987 and for other purposes.

Clearly, the intent of the law was to give certiorari jurisdiction to the Commission on Elections because the Pimentel case said there was none, to fill a void in the law, and avoid an incongruous situation.

"A statute's clauses and phrases must not be taken separately but in its relation to the statute's totality. Each statute must, in fact, be construed as to 'harmonize it with the pre-existing body of laws.' Unless clearly repugnant, provisions of statutes must be reconciled. x x x" (Commissioner of Customs vs. ESSO Standard Eastern, Inc. L--28329, August 7, 1975, 66 SCRA 113).

x x x

The statutory construction rule is: "When the legislature enacts a provision, it is understood that it is aware of previous statutes relating to the same subject matter and that in the absence of any express repeal or amendment therein, the new provision should be deemed enacted pursuant to the Legislative policy embodied in the prior statutes." (Legaspi vs. Executive Secretary, L-36153, November 28, 1975, 68 SCRA 253).

The Commission is the most logical body whenever it performs judicial functions to take jurisdiction of petitions for certiorari, prohibition and mandamus because it has appellate jurisdiction in election cases granted by the Constitution itself. The Court of Appeals has no more appellate jurisdiction over such cases. And in the case of the Supreme Court, Justice de Castro in the Pimentel case pointed out, in his dissenting opinion, that under the Constitution the certiorari jurisdiction of the Supreme Court in election cases should properly be limited to decisions, orders or rulings of the Commission on Elections, not from lower courts.

It was of course different under the Election Code of 1971 (R.A. No. 6388, September 2, 1971) because the Supreme Court and the Court of Appeals then had appellate jurisdiction in election cases decided by the lower

courts.

In the Veloria case, it now appears that only the Supreme Court and the Court of Appeals have certiorari jurisdiction over election cases from the lower courts because after reiterating the ruling in the Garcia and Uy cases, the Supreme Court said:

"In view of this pronouncement, an original civil action of certiorari, prohibition or mandamus against a regional trial court in an election contest may be filed only in the Court of Appeals or in this Court, being the only courts given such original jurisdiction under the Constitution and the law." (Underscoring supplied).

While these two appellate Courts do have the jurisdiction under the Constitution and the law, it is most logical for the Commission whenever it performs judicial functions to have the authority to issue these prerogative writs...

...

In traversing the first issue, we are citing our decision laid down in the case of Antonio Dictado vs. Hon. Rodrigo N. Cosico, and Emilio Tiongco promulgated on July 29, 1993. In this case, the Commission en banc had occasion to rule on the question of whether or not the Commission has the authority to hear and decide petitions for certiorari in election cases.

The Commission En Banc, speaking through Hon. Commissioner Regalado E. Maambong, ruled that there is [a] law which grants the Commission the exclusive authority to issue special writs of certiorari, prohibition and mandamus in election cases, and there are also Supreme Court decisions, recent in fact, which declare that the Commission has no such authority precisely because, according to the decisions, there is no law granting such authority, and without any hint whatsoever of the existence of Sec. 50 of Batas Pambansa Blg. 697.

As gleaned from the case of Dictado, respondents were arguing that Sec. 50 of BP Blg. 697 was repealed by the Omnibus Election Code (BP Blg. 881, December 3, 1985). Furthermore, in their answer, respondents cited Supreme Court decisions where it was declared that, indeed, the Commission has no jurisdiction to issue special writs of certiorari, prohibition and mandamus in aid of its appellate jurisdiction.

It is still the position of this Commission that Sec. 50, BP Blg. 697 has not been repealed.

As defined in the Constitution, "Judicial power" includes the duty of the Courts of Justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government (Sec. 1, par. 2, Art. VII).

Since the COMELEC, in discharging its appellate jurisdiction pursuant to Sec. 2 (2), Art. IX-C, acts as a court of justice performing judicial power and said power includes the determination of whether or not there has been grave abuse of discretion amounting to lack or excess of jurisdiction, it necessarily follows that the Comelec, by constitutional mandate, is vested with jurisdiction to issue writs of certiorari in aid of its appellate jurisdiction.[5]

It set aside, for having been issued with grave abuse of discretion, the trial court's order of execution pending appeal and the writ of execution because

[a]t the time the Motion for Execution Pending Appeal was filed on July 12, 1994, the court a quo had already lost jurisdiction over the case for as early as July 8, 1994, it had already acknowledged through its order issued on that date, the perfection of the appeal of petitioner as in fact it ordered the elevation of the records of the case to this Honorable Commission.[6]

Aggrieved by the resolution, the petitioner filed the instant special civil action.

In the resolution of 21 February 1995, the Court required the respondents to comment on the petition and issued a temporary restraining order enjoining the respondent COMELEC to cease and desist from enforcing its challenged resolution.

As naturally expected, the private respondent, in her Comment, opposed the petition by invoking the very arguments adduced by the respondent COMELEC in its challenged resolution and the dissenting opinion in the Garcia and Uy cases.

In its comment filed by the Office of the Solicitor General, the respondent COMELEC postulates that it issued the said resolution after it had taken cognizance of the appeal interposed by the private respondent from the RTC decision, unlike in the Garcia and Uy cases, and therefore, in the exercise of its appellate jurisdiction, thus:

it cannot be gainsaid that [it] possesses inherent powers to employ means necessary to carry into effect the powers conferred upon it by law (Sec. 6, Rule 135 of the Revised Rules of Court) and verily, there was no need for any statutory grant for that purpose. Indeed, in annulling the Order of Execution of the Regional Trial Court, public respondent did not exceed its jurisdiction since its action in this regard was necessary to preserve the subject of the appeal and to maintain the status quo of the parties pending the final outcome of its review of the correctness of the appealed decision.[7]

It tried to show that in Pimentel and Garcia, the trial courts still had jurisdiction over the cases unlike in the instant case where the trial court had already given due course to the appeal and elevated the records of the case to the COMELEC which had taken cognizance of the appeal.

This Court resolved to give due course to this petition and to decide it on its merits.

The contention of the respondent COMELEC as advanced by the Office of the Solicitor General is unacceptable. It goes against its theory in the assailed resolution and is not supported by the facts. The challenged resolution involves a case which the COMELEC docketed as a special relief case (SPR No. 1-94). Under Rule 28 of its Rules of Procedure, the special relief cases are petitions for certiorari, prohibition, mandamus, and contempt proceedings. The ordinary appeal from the RTC decision was, as disclosed in the challenged resolution, docketed as EAC No. 108-94.[8] Clearly then, the COMELEC had recognized and taken cognizance of two cases: one, the ordinary appeal from the RTC decision (EAC No. 108-94), and two, the special civil action for certiorari docketed as SPR No. 1-94. The two cases were not consolidated. The dissimilarities between them need no further elaboration. Since it issued the challenged resolution under the latter case, it cannot now be heard to state that it issued it as an incident in the former, the ordinary appeal. This erroneous contention of the Office of the Solicitor General notwithstanding, the position taken by the COMELEC in its resolution now in question paves the way for a re-examination of this Court's pronouncement in the Garcia and Uy cases.

As earlier stated, in Garcia and Uy[9], and later, in Veloria,[10] this Court ruled that the COMELEC has no jurisdiction over the extraordinary writs of certiorari, prohibition, and mandamus because there is no specific constitutional or statutory conferment to it of such jurisdiction.

The respondent COMELEC, however, points out that Section 50 of B.P. Blg. 697 expressly granted it such jurisdiction. Indeed, it did. Nevertheless, considering that the said law was, per Section 1 thereof, "to govern the election for the regular Batasang Pambansa which shall be held on May 14, 1984, and the selection of sectoral representatives thereafter as provided by the Constitution," and in view of the passage of the Omnibus Election Code (B.P. Blg. 881) by the regular Batasang Pambansa,[11] this Court is then confronted with the twin issues of whether said B.P. Blg. 697 became functus officio after the 14 May 1984 election of members of the regular Batasang Pambansa or the selection thereafter of the sectoral representatives at the latest, and whether it was

repealed by the Omnibus Election Code.

The Court agrees with the respondent COMELEC that there are provisions in B.P. Blg. 697 whose lifetime go beyond the 14 May 1984 election or the subsequent selection of sectoral representatives. In fact, by the very wording of the last paragraph of its Section 50, to wit:

SEC. 50. Definition. --

x x x

The Commission is hereby vested with the exclusive authority to hear and decide petitions for certiorari, prohibition and mandamus involving election cases. (Underscoring supplied)

it is quite clear that the exercise of the power was not restricted within a specific period of time. Taken in the context of the conspicuous absence of such jurisdiction as ruled in *Pimentel vs. Commission on Elections*,^[12] it seems quite obvious that the grant was intended as a remedial legislation to eliminate the seeming incongruity or irrationality resulting in a splitting of jurisdiction pointed out in the dissenting opinion of Justice De Castro in the said case.

But did not the Omnibus Election Code (B.P. Blg. 881) repeal B.P. Blg. 697? The repealing clause of the latter reads as follows:

SEC. 282. Repealing clause. - Presidential Decree No. 1296, otherwise known as The 1978 Election Code, as amended, is hereby repealed. All other election laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Code are hereby repealed, except Presidential Decree No. 1618 and Batas Pambansa Blg. 20 governing the election of the members of the Sangguniang Pampook of Regions IX and XII.

The second sentence is in the nature of a general repealing clause. It has been said:

An express general repealing clause to the effect that all inconsistent enactments are repealed, is in legal contemplation a nullity. Repeals must either be expressed or result by implication. Although it has in some instances been held to be an express recognition that there are acts in conflict with the act in which it is included and as indicative of the legislative intent to repeal such acts, a general repealing clause cannot be deemed an express repeal because it fails to identify or designate any act to be repealed. It cannot be determinative of an implied repeal for it does not declare any inconsistency but conversely, merely predicates a repeal upon the condition that a substantial conflict is found under application of the rules of implied repeals. If its inclusion is more than mere mechanical verbiage, it is more often a detriment than an aid to the establishment of a repeal, for such clause is construed as an express limitation of the repeal to inconsistent acts.^[13]

This Court is not unaware of the equally settled rule in statutory construction that in the revision or codification of laws, all parts and provisions of the old laws that are omitted in the revised statute or code are deemed repealed, unless the statute or code provides otherwise expressly or impliedly.^[14]

By the tenor of its aforequoted Repealing Clause, it does not evidently appear that the Batasang Pambansa had intended to codify all prior election statutes and to replace them with the new Code. It made, in fact, by the second sentence, a reservation that all prior election statutes or parts thereof not inconsistent with any provisions of the Code shall remain in force. That sentence

predicates the intended repeal upon the condition that a substantial conflict must be found on existing and prior acts of the same subject matter. Such being the case, the presumption against implied repeals and the rule on strict construction regarding implied repeals apply *ex proprio vigore*. For the legislature is presumed to know the

existing laws so that, if repeal of particular or specific law or laws is intended, the proper step is to express it. The failure to add a specific repealing clause particularly mentioning the statute to be repealed indicates that the intent was not to repeal any existing law on the matter, unless an irreconcilable inconsistency and repugnancy exist in the terms of the new and the old laws.[15]

This being the case, the Court painstakingly examined the aforesaid last paragraph of Section 50 of the Omnibus Election Code to determine if the former is inconsistent with any of the provisions of the latter. It found none.

In the face of the foregoing disquisitions, the Court must, as it now does, abandon the ruling in the Garcia and Uy and Veloria cases. We now hold that the last paragraph of Section 50 of B.P. Blg. 697 providing as follows:

The Commission is hereby vested with exclusive authority to hear and decide petitions for certiorari, prohibition and mandamus involving election cases.

remains in full force and effect but only in such cases where, under paragraph (2), Section 1, Article IX-C of the Constitution, it has exclusive appellate jurisdiction. Simply put, the COMELEC has the authority to issue the extraordinary writs of certiorari, prohibition, and mandamus only in aid of its appellate jurisdiction.

The jurisdiction of the COMELEC having been settled, we now proceed to review the substance of the challenged resolution.

That the trial court acted with palpable and whimsical abuse of discretion in granting the petitioner's motion for execution pending appeal and in issuing the writ of execution is all too obvious. Since both the petitioner and the private respondent received copies of the decision on 1 July 1994, an appeal therefrom may be filed within five days[16] from 1 July 1994 or on or before 6 July 1994. Any motion for execution pending appeal must be filed before the period for the perfection of the appeal. Pursuant to Section 23 of the Interim Rules Implementing B.P. Blg. 129, which is deemed to have supplementary effect to the COMELEC Rules of Procedures pursuant to Rule 43 of the latter, an appeal would be deemed perfected on the last day for any of the parties to appeal,[17] or on 6 July 1994. On 4 July 1994, the private respondent filed her notice of appeal and paid the appeal fee. On 8 July 1994, the trial court gave due course to the appeal and ordered the elevation of the records of the case to the COMELEC. Upon the perfection of the appeal, the trial court was divested of its jurisdiction over the case.[18] Since the motion for execution pending appeal was filed only on 12 July 1994, or after the perfection of the appeal, the trial court could no longer validly act thereon. It could have been otherwise if the motion was filed before the perfection of the appeal.[19] Accordingly, since the respondent COMELEC has the jurisdiction to issue the extraordinary writs of certiorari, prohibition, and mandamus, then it correctly set aside the challenged order granting the motion for execution pending appeal and writ of execution issued by the trial court.

WHEREFORE, the instant petition is DENIED and the challenged resolution of 9 February 1995 of the Commission on Elections in SPR No.1-94 entitled "Rosita Cumba vs. Manuel M. Relampagos, et al." is AFFIRMED.

The temporary restraining order issued on 21 February 1995 is hereby LIFTED.

No pronouncement as to costs.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Romero, Bellosillo, Quiason, Puno, Vitug, and Mendoza, JJ., concur.

Regalado, J., in the result.

Melo, Kapunan, and Francisco, JJ., on leave.

[1] G.R. No. 88158 and G.R. Nos. 97108-09, respectively, 206 SCRA 779 [1992]. The voting was 7-6. Per Melencio-Herrera, J., with the concurrence of Cruz (who wrote a separate opinion), Padilla, Griño--Aquino, Regalado, Romero, and Nocon, JJ.; and with Bidin, J., dissenting, with whom Narvasa, C.J., Gutierrez, Jr., Feliciano, Medialdea, and Davide, Jr., JJ., concur. Paras, J., took no part.

[2] 101 SCRA 769 [1980].

[3] 211 SCRA 907 [1992].

[4] Annex "A" of Petition; Rollo, 20-43. By a 4-2 vote.

[5] Rollo, 25-30, 39-41.

[6] Id., 41.

[7] Rollo, 67 et seq.

[8] Dispositive portion of the Resolution; Rollo, 42. EAC is the docket designation for appealed cases, while SPR is for special relief cases (Section 4, Rule 7, COMELEC Rules of Procedure).

[9] Supra note 1.

[10] Supra note 3.

[11] Passed on 28 November 1985 and approved on 3 December 1985.

[12] Supra note 2.

[13] C. DALLAS SANDS, Sutherland, Statutes and Statutory Construction, § 23.08 (Vol. 1A, 4th ed. 1972).

[14] RUBEN E. AGPALO, Statutory Construction 284 [2nd ed. 1990], citing *People vs. Benuya*, 61 Phil. 208 [1935].

[15] AGPALO, op. cit., at 292, citing *Iloilo Palay and Corn Planters Assn., Inc. vs. Feliciano*, 13 SCRA 377 [1965]; *City of Naga vs. Agna*, 71 SCRA 176 [1976].

[16] Section 3, Rule 22, in relation to Section 20, Rule 35, COMELEC Rules of Procedure.

[17] *Bank of the Philippine Islands vs. Far East Molasses Corp.*, 198 SCRA 689 [1991].

[18] *Fortune Life & General Insurance Co., Inc. vs. Court of Appeals*, 224 SCRA 829 [1993].

[19] *Eudela vs. Court of Appeals*, 211 SCRA 546 [1992].

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