MA. AMELITA C. VILLAROSA, PETITIONER, VS. COMMISSION ON ELECTIONS, AND ATTY. DAN RESTOR, RESPONDENTS.

G.R. No. 133927. November 29, 1999

Ponente: GONZAGA-REYES, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-133927/

GONZAGA-REYES, J.:

For the Court's resolution is the instant petition for certiorari and prohibition assailing Resolution dated May 11, 1998 of the Commission on Elections (hereafter, "COMELEC" or "the Commission")[1] on Election Matter No. 98-044, disallowing the use by petitioner of the nickname "JTV" for the purpose of her candidacy in the May 11, 1998 elections, and the COMELEC Resolution, dated May 13, 1998,[2] denying reconsideration of the earlier Resolution.

Petitioner was a candidate for Representative of the lone district of Occidental Mindoro in the May 11, 1998 elections and was proclaimed duly elected thereto on May 27, 1998. On March 27, 1998, she filed her certificate of candidacy in which she stated, among others, that her nickname is "JTV". On April 20, 1998, private respondent Restor filed a letter-petition[3] addressed to COMELEC Chairman Bernardo Pardo through Atty. Jose Balbuena, Director of the COMELEC Law Department, asking for the invalidation or cancellation of "JTV" as the official nickname of petitioner as declared in her certificate of candidacy, and the nullification of all votes cast in the said nickname, on the ground that petitioner is not publicly known by that name. The letter-petition further averred that petitioner is publicly known in Occidental Mindoro as "Girlie" and that the appellation "JTV" actually pertains to the initials of her husband and former Congressman of Occidental Mindoro, Jose Tapales Villarosa.

On election day, May 11, 1998, the Commission, sitting en banc, issued a Resolution granting private respondent Restor's letter-petition on the ground that the nickname "JTV" is not one by which petitioner is popularly known.[4] Petitioner received a fax copy of this Resolution at 5:32 in the afternoon of May 11, 1998, at which time voting has ceased and canvassing of votes in some precincts has already gone underway.

On May 12, 1998, petitioner filed with the Commission an Urgent Manifestation and Motion to reconsider the aforesaid Resolution. Finding that no new matter has been raised therein, the Commission en banc issued another Resolution the next day, May 13, 1998, denying the above motion.

Thus, this petition raises the question of whether the Commission gravely abused its discretion in: (1) ruling on private respondent Restor's letter-petition without according notice and hearing to petitioner; (2) taking cognizance of the letter-petition which was not filed by a real party in interest; (3) resolving the letter-petition en banc, instead of first referring it to one of its Divisions; and finally, (4) disallowing petitioner's use of the nickname "JTV" and ordering the election officers of Occidental Mindoro to consider invalid all votes cast in that appellation.

The petition also impleads as a necessary respondent Ricardo Quintos, who ran opposite petitioner for the lone congressional post of Occidental Mindoro in the May 11, 1998 elections, in view of "confirmed reports" that he

will file an election protest before the House of Representatives Electoral Tribunal ("HRET") invoking the questioned resolutions. Private respondents validated this allegation when they declared that private respondent Quintos has in fact filed such an election protest case, docketed as HRET Case No. 98-030.[5]

In its Manifestation In Lieu of Comment, the Office of the Solicitor General observed that even if the letter-petition was treated as an "election matter" which may be properly heard firsthand by the Commission en banc, the Commission should have given notice to petitioner before resolving the issue therein, especially since the petitioner stands to be adversely affected should the petition be granted. On the issue of the validity of the use of "JTV" as petitioner's nickname, it opined that petitioner may validly use the same as she is in fact Mrs. Jose Tapales Villarosa, and hence, there is no misrepresentation. Moreover, no one among the other candidates had the same initials as to be prejudiced by her use of the same.

The petition is impressed with merit.

It stands uncontested that petitioner came to know of the letter-petition lodged against her by private respondent Restor only upon receipt of a copy of the COMELEC Resolution issued on May 11, 1998, which she received by fax at 5:32 in the afternoon of the same day. Under these circumstances, it is clear that the Commission passed upon the letter-petition without affording petitioner the opportunity to explain her side and to counter the allegations of private respondent Restor's letter-petition. Due process dictates that before any decision can be validly rendered in a case, the twin requirements of notice and hearing must be observed.[6] Evidently, the conclusion of the Commission in the assailed Resolution dated May 11, 1998, that "JTV" is not a nickname by which petitioner is generally or popularly known, was drawn purely from the allegations of the letter-petition and for this reason, the Commission acted in excess of its jurisdiction.

Interminably, we have declared that deprivation of due process cannot be successfully invoked where a party was given the chance to be heard on his motion for reconsideration.[7] However, we find the foregoing rule inapplicable to the circumstances of the case at bench.

As earlier narrated, petitioner filed an "Urgent Manifestation and Motion" with the Commission on May 12, 1998, which the Commission promptly denied the following day. By its own designation, the two-page pleading filed by petitioner is one part manifestation and one part motion. On the main, it enters appearance of petitioner, who was not impleaded in private respondent Restor's letter-petition, and communicates receipt of the May 11, 1998 Resolution. Even as it seeks reconsideration of the said resolution by invoking due process, it does not purport to embody petitioner's grounds and arguments for reconsideration. Rather, it states that "(petitioner) reserve(s) all rights and waive(s) none, including filing a supplemental motion for reconsideration, pending retaining additional counsel" as the lawyer representing petitioner at the time was saddled with other commitments.[8] In filing this "Urgent Manifestation and Motion" on the second day of canvassing of votes, and immediately after receipt of the contested resolution, it is obvious that petitioner's immediate concern for doing so was not mainly to exercise her right to be heard, but to have the Commission seasonably reconsider the May 11, 1998 Resolution while canvassing was still at the precinct or municipal level.

While the filing of a supplemental motion for reconsideration is not a matter of right, it is believed that the judicious thing for the Commission to have done, considering the obvious due process issues brought about by the May 11, 1998 Resolution, was to afford petitioner a chance to explain why she should be allowed to use the nickname "JTV", such as by requiring her to submit a supplemental motion for reconsideration. We consider this more in consonance with our rulings in Salonga and Rodriguez on opportunity to be heard on reconsideration. Thus, we find that respondent COMELEC acted imprudently and in excess of its jurisdiction in treating the "Urgent Manifestation and Motion" as petitioner's motion for reconsideration of the May 11, 1998 Resolution,

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

and in summarily dismissing the same.

Anent the second issue, petitioner contends that the Commission gravely abused its discretion when it took cognizance of the petition below, there being no showing that it was filed in the name of a real party in interest.

The argument is tenable. The COMELEC Rules of Procedure require that all actions filed with the Commission be prosecuted and defended in the name of the real party in interest.[9] The letter-petition does not allege that the protestant, herein private respondent Restor, is a candidate for any position in the May 11, 1998 elections, or a representative of a registered political party or coalition, or at the very least, a registered voter in the lone district of Occidental Mindoro --- as to stand to sustain any form of injury by petitioner's use of the nickname "JTV". Absent such essential allegation, the letter-petition stood defective and should have been dismissed outright for failure to state a cause of action.

The question of whether the Commission may decide cases en banc without first referring them to any of its divisions has been consistently answered in the negative since Sarmiento vs. COMELEC[10], which interpreted Section 3, Article IX(C) of the Constitution[11] as requiring all election cases to be first heard and decided by a division of the Commission, before being brought to the Commission en banc on reconsideration. Conformably, we hold that the Commission exceeded the bounds of its jurisdiction when it took cognizance of private respondent Restor's letter-petition at the first instance, thus rendering its May 11, 1998 Resolution void.

To the above rule, private respondents take exception by stating that the subject letter-petition posed issues which were administrative in character, and, thus, not subject to the requirement of referral to division which applies only in the Commission's exercise of its adjudicatory or quasi-judicial functions.

In the concurring opinion of Justice Antonio in University of Nueva Caceres vs. Martinez, 56 SCRA 148, he noted that

> (t)he term "administrative" connotes, or pertains, to "administration, especially management, as by managing or conducting, directing or superintending, the execution, application, or conduct of persons or things." It does not entail an opportunity to be heard, the production and weighing of evidence, and a decision or resolution thereon.

While a "quasi-judicial function" is

> a term which applies to the action, discretion, etc., of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action and to exercise discretion of a judicial nature.[12]

Thus, in Vigan Electric Light Co., Inc. vs. Public Service Commission, 10 SCRA 46,[13] we held that where the fixing of power rates, which are to apply exclusively to a particular party, is based upon a report of the General Auditing Office, and which fact is denied by the affected party, the making of such finding of fact by respondent administrative agency is a function partaking of a quasi-judicial character.

A directive by the Commission to disallow petitioner's use of the nickname "JTV" for purposes of her candidacy, on the basis of Resolution No. 2977[14], clearly necessitates a determination of whether petitioner is in fact not generally or popularly known as such in the locality of Occidental Mindoro. Indubitably, since it involved the application of law or rules to an ascertained set of facts, it called for the Commission's exercise of its adjudicatory powers and falls within the concept of an "election contest" in the sense contemplated by Section 3, Article IX(C) of the Constitution.

We cannot agree with the view advanced by private respondents that because the petition below cannot be

classified as a case falling under Rules 20 to 33 of the COMELEC Rules of Procedure[15], it is not a quasi-judicial matter and may thus be dealt with firsthand by the Commission en banc. Private respondent Restor's letter-petition clearly asks, not only for the invalidation of "JTV" as petitioner's authorized nickname, but also the nullification of all votes cast in that name.[16] We are hard put to treat the issue as administrative when petitioner stands to be so adversely affected by the relief asked for. That the petition below was in the form of a letter does not make the issues posed therein less substantial. As opined by the Office of the Solicitor General in its Manifestation in Lieu of Comment, "(t)o sustain the ruling of the COMELEC is to open venues for commission of fraud, as one simply needs to write a letter to the COMELEC asking that votes for a candidate be nullified on the ground that the nickname used is inappropriate or not valid."

The remaining issue pertains to the validity of votes cast in the name "JTV". In view of the fact that the election protest of private respondent Quintos is presently pending in the House of Representatives Electoral Tribunal, we resolve to leave this matter to the resolution of the said body as the sole judge of all contests respecting the election, returns and qualifications of its members.[17]

WHEREFORE, the petition is GRANTED and the COMELEC Resolutions dated May 11, 1998 and May 13, 1998, respectively, are hereby REVERSED and SET ASIDE. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Ynares-Santiago, and De Leon, Jr., JJ., concur.
Pardo, J., no part; was Comelec Chairman in the case below.

---

[1] Issued by the COMELEC en banc, signed by Commissioners Bernardo P. Pardo (Chairman), Julio F. Desamito, Evalyn I. Fetalino and Amado M. Calderon. Commissioner Teresita Dy-Liacco Flores dissented. Commissioners Manolo B. Gorospe and Japal M. Guiani were away on official business.

[2] Issued by the COMELEC en banc and signed by all the Commissioners. Commissioner Dy-Liacco Flores maintained her dissent.

[3] Annex "G" of Petition.

[4] Citing Section 2 (Contents of Certificate of Candidacy) of COMELEC Resolution No. 2977, which, in turn, is a reiteration of Rule 13, Section 211 of the Omnibus Election Code. Said Section 2, Resolution No. 2977 reads:

" x x x The person filing the certificate of candidacy may include one nickname or stage name by which he is generally or popularly known in the locality. x x x"

[5] Private Respondents' Motion to Resolve Case, 3-4.

[6] Salafranca vs. Philamlife Village Homeowners Association, G.R. No. 121791, December 23, 1998; Pascual vs. Court of Appeals, G.R. No. 120575, December 16, 1998; Autobus Workers Union vs. National Labor Relations Commission, G.R. No. 117453, June 26, 1998.

[7] Salonga vs. Court of Appeals, 269 SCRA 534; Rodriguez vs. Project 6 Market Service, 247 SCRA 528; Mendiola vs. Civil Service Commission, 221 SCRA 295.

[8] Urgent Manifestation and Motion, Annex "H" of Petition.

[9] Sec. 3, Rule 5, COMELEC Rules of Procedure.

[10] 212 SCRA 307. Reiterated in Ong vs. COMELEC, 216 SCRA 806; Ong vs. COMELEC, 221 SCRA 475; Reyes vs. Regional Trial Court of Oriental Mindoro, 244 SCRA 41; Borja vs. COMELEC, 260 SCRA 604; Ramirez vs. COMELEC, 270 SCRA 590; Garvida vs. COMELEC, 271 SCRA 767; Acosta vs. COMELEC, 293 SCRA 578.

[11] Section 3, Article IX(C) of the Constitution reads: "The Commission on Elections may sit en banc or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission en banc."

[12] Midland Insurance Corporation, 143 SCRA 458.

[13] Also cited in Philippine Consumers Foundation, Inc. vs. Education Secretary, 153 SCRA 622.

[14] See note 4.

[15] These Rules refer to particular actions or proceedings, i.e., ordinary actions - election protest and quo warranto; special actions - petition to deny due course or cancel certificate of candidacy, proceedings against nuisance candidates, postponement or suspension of elections; special cases - pre-proclamation controversies; special reliefs - certiorari, prohibition or mandamus in aid of the Commission's limited appellate jurisdiction over courts of general jurisdiction, contempt; provisional remedies - injunction; special proceedings - annulment of permanent list of voters, registration of political parties or organizations, which the Commission, sitting in Divisions, is required to hear and decide.

[16] Letter-Petition to COMELEC, Annex "G" of Petition.

[17] Sec. 17, Art. VI, Constitution.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.