LININDING PANGANDAMAN, PETITIONER, VS. COMMISSION ON ELECTIONS, PROVINCIAL BOARD OF CANVASSERS OF LANAO DEL SUR, MAHED MUTILAN, ALEEM, AMERRODIN SARANGANI AND NARRA ABDUL JABBAR...

G.R. No. 134340. November 25, 1999

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Recently, this Court emphatically stated that "[U]pholding the sovereignty of the people is what democracy is all about. When the sovereignty of the people expressed thru the ballot is at stake, it is not enough for this Court to make a statement but it should do everything to have that sovereignty obeyed by all. Well done is always better than well said."[1] Corollarily, laws and statutes governing election contests especially the appreciation of ballots must be liberally construed to the end that the will of the electorate in the choice of public officials may not be defeated by technical infirmities.[2] These standards will be the legal matrix within which this controversy will be adjudged.

Challenged in this petition for certiorari and prohibition with prayer for temporary restraining order and preliminary injunction is the Omnibus Order of the Commission on Elections (COMELEC) en banc dated July 14, 1998,[3] the dispositive portion of which reads as follows:

> "WHEREFORE, premises considered, special elections for the municipalities, namely
>
> Butig
>
> Lumbayabague
>
> Kapatagan
>
> Sultan Dumalondong
>
> Maguing
>
> Sultan Gumander
>
> Masiu
>
> Marawi City

Lumbabayabao

shall be held on 18 July 1998.

Special elections shall also be held on July 25, 1998 for the municipalities of

Ganassi

Lumbatan

Malabang

Pagayawan

Marantao

Tubaran

There shall be machine counting and consolidation of votes for all municipalities except Maguing and those precincts where ballots for manual count will be used.

The Education and Information Department, the Acting PES of Lanao del Sur and the Election Officers in these municipalities are hereby directed to cause the immediate publication of this Omnibus Order in their respective municipality (sic).

Schedule for special elections in the municipalities of Madalum and Tugaya is temporarily withheld pending unresolved issues before the Commission.

Let the Executive Director for Operation[s] of the Commission execute this order with dispatch.

SO ORDERED."

The COMELEC's challenged Omnibus Order summarizes the relevant facts of the controversy thus:

"The instant cases were filed by petitioners praying that the Commission declare [a] failure of elections in their respective municipalities and to hold special elections thereafter. The petitions were reinforced by reports received by the Commission from its field officers and deputies. A pre-trial for all cases in Lanao del Sur involving failure of elections was set and parties, their counsels, and the election officers of concerned municipalities appeared.

During the pre-trial of the above cases, it was shown and admitted by the parties that total failure of election[s] took place in the following municipalities:

1. Butig
2. Kapatagan
3. Lumbatan
4. Lumba Bayabao
5. Lumbayanague
6. Madalum

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7. Maguing

8. Masiu

9. Sultan Dumalondong

10. Sultan Gumander

11. Tubaran

12. Tugaya

No precinct in the above towns was able to function on election day.

It was also shown and admitted by the parties that in the following municipalities, partial failure of election[s] took place as follows:

1. Ganassi

2. Malabang

3. Marantao

4. Pagayawan

5. Marawi City

TOTAL FAILURE OF ELECTIONS

It was found that the cause of failure of election[s] in the twelve municipalities where there was total failure of election[s] as follows:

1. BUTIG - armed confrontation of opposing political groups and vehement disagreement on the clustering of precincts.

+ Acting election officer reported that all election paraphernalia are available except for 200 ballots for precinct 5A.

2. KAPATAGAN - allegedly, Camad Benito, husband of mayoralty candidate Bailo Benito, terrorized the Acting Municipal Treasurer Okuo Macaumbas thus preventing the distribution of ballots and other election paraphernalia to the members of the Board of Election Inspectors (BEIs for brevity). Similarly, there were only twenty two (22) public school teachers who were available as BEIs and eighteen (18) of them were disqualified to act due to relationship to candidates within the prohibited degree.

In Election Case No. 571, the Municipal Circuit Trial Court of Kapatagan, Lanao del Sur issued an order dated April 30, 1998 ordering the Election Officer of Kapatagan, Lanao del Sur to delete, erase, and cancel all Voters Registration Records with serial numbers 3676001 to 3676500 after finding that said VRRs were received only on December 15, 1998 by EA Camal Calandada from Atty. Muslemin Tahir. And yet, said VRRs appeared to be filled up, used and dated 14 December 1997. A copy of said order was received on 10 May 1998 by the Election Officer. The court having found by implication that said VRRs were irregularly/unlawfully issued, and its order having become final, this Commission in compliance with said court order hereby orders the Election Officer of Kapatagan to delete from the records said VRRs with serial nos. from 36767001 to 3676500.

Pursuant to said order, the Law Department is directed to conduct a joint investigation - administrative and preliminary investigation for election offenses - against Camal Calandada and Muslemin Tahir to determine their criminal and administrative liability and to submit to the Commission its findings and recommendation

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within sixty (60) days from receipt of this Order.

The PNP, thru the Criminal Investigation Group in Region XII is similarly directed to initiate an investigation on the conduct of Camad Benito in contributing to the failure of election[s] in Kapatagan.

+ All election paraphernalia are available.

3. LUMBATAN - all the members of the different Board of Inspectors are disqualified to act as such by reason of relationship either by consanguinity or affinity, within the prohibited degree.

+ All election paraphernalia for 39 precincts are intact and available.

4. LUMBABAYABAO - candidates could not agree on the venue of the distribution of the election supplies and there was vehement disagreement on the clustering of precincts.

+ All election paraphernalia for fifty nine (59) precincts are available.

5. LUMBAYANAGUE - there was non-completion of the composition of the BEIs in all precincts because almost all appointed members of [the] BEI are disqualified by reason of relationship either by affinity or consanguinity, within the prohibitive degree.

+ All election paraphernalia for the 35 precincts are available.

6. MADALUM - the twenty (20) appointed teachers to act as members of the different BEIs did not arrive on election day.

The issue on the existence of alleged ghost barangays/precincts is not yet resolved by the Commission considering that the alleged ghost precincts are being investigated and an ocular inspection is being made by an investigating team. The issue being factual and the findings determinative of a clean, honest and credible elections, it is the desire of the Commission that the issue on ghost precincts be resolved first before a special election in Madalum shall be scheduled.

+ All election paraphernalia are available.

7. MAGUING - no members of the different Boards of Election Inspectors arrived in all precincts.

+ There is a need to print new ballots for all forty-nine (49) precincts and other election forms due to the inadvertent non inclusion of a candidate's name in the original ballots.

8. MASIU - the Municipal Treasurer did not get the election paraphernalia from the Provincial Treasurer. Neither could the Municipal Treasurer be located on election day. Hence, there was nothing to distribute to the BEIs on election day. Similarly, the Acting Election Officer, EA Cayansalam Benaning, on her admission during the pre-trial hearing on June 25, 1998, arrived only at 7:00 A.M. of election day thus preventing the distribution of election paraphernalia from her office. Some parties claim in fact that she was only seen at noontime of election day while she was in the house of the incumbent mayor of Masiu.

+ All election paraphernalia for eighty (80) precincts are available.

9. SULTAN DUMALONDONG - Municipal Treasurer did not appear on May 10 & 11, 1998 at the office of the Provincial Treasurer to receive the ballots and other election paraphernalia for distribution to the BEIs so there was no election supplies for distribution on election day.

+ All election paraphernalia for 16 precincts are available.

10. SULTAN GUMANDER - no BEIs appeared on election day because most of them are disqualified by law to act as such; the remaining 12 who are not disqualified also did not appear; there was also disagreement on the venue of distribution of election supplies.

+ All election paraphernalia for 51 precincts are available.

11. TUBARAN - non-appearance of all the members of the different BEIs due to intense rivalry among the opposing candidates.

+ All election supplies are intact and available.

12. TUGAYA - widespread terrorism causing intimidation of the electorate to cast their vote. The order of inclusion by the Municipal Court of Tugaya, covering 4,075 voters, will be the subject of a petition to declare its nullity to be filed by the Law Department of the Commission before the Regional Trial Court in Marawi City. It is the desire of the Commission to put to rest the issue on the controversy surrounding the 4,075 voters to allow honest election in this municipality. After the controversy is put to rest, then the special election shall be scheduled.

PARTIAL FAILURE OF ELECTION

In the following municipalities and City of Marawi, there was partial failure of election in the specified precincts due to the following reasons:

1. GANASSI - members of the BEIs for nine precincts as herein below enumerated did not appear thus election supplies were not distributed on election day for the following precincts:

Barangay Name

Precinct No.

1. Poblacion

1A2

1A3/1A4

2. Baya

8A

3. Linuk

14A

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14A1

14A2

4. Macaguiling

18A

18A1

18A2

There was also failure of election in precinct 1A1 and 17A1 due to ballot box snatching. The ballot box containing official ballots and other election paraphernalia for precinct 17A1, Brgy. Macabao whose polling place was at Ganassi Central Elementary School was snatched allegedly by the incumbent mayor of Ganassi, Maning Diangka and his armed escorts.

In precinct 2A in Brgy. Bagoingud, failure of election is declared and special election shall be held considering that the ballot box, official ballots and other election paraphernalia were illegally brought to a private dwelling in said barangay and voting irregularly took place therein despite the fact that the designated polling place was Gadungan Elementary School at Gadungan. This could not take place unless the BEIs assigned in Precinct 2A cooperated in these acts.

The acts complained of against Ex-Mayor Maning Diangka shall be referred to the Provincial Prosecutor of Lanao del Sur for possible prosecution. Similarly, the Election Officer of Ganassi is directed to inform the Commission of the identity of the BEIs for precinct 2A for possible prosecution.

Considering the charge of Maimona Diangka in SPA 98-404 that Baguio Macapodi, candidate for Vice Mayor of the Ompia Party and his cohort Bai Sa Ganassi terrorized registered voters in Precincts 32, 32A, 32A1, and 32A2 in Barangay Taliogan, Ganassi and that they were allegedly aided by the Barangay Chairman therein, said acts shall be referred immediately to the office of the Provincial Prosecutor of Lanao del Sur for investigation.

During the special election, the members of the Municipal Board of Canvassers of Ganassi are hereby directed to suspend the proclamation of Baguio Macapodi for vice mayor, if winning, until further orders from this Commission.

+ All election paraphernalia for the nine (9) precincts where there was non-appearance of BEIs are available. The Commission shall cause the printing of ballots and other election forms for precincts 1A1 (Poblacion), 17A1 (Brgy. Macabao), and 2A (Brgy. Bagoingud) for use in the special election since the snatched ballot box were not recovered.

2. MALABANG - twenty three (23) precincts failed to function due to shooting incidents. Ballot boxes containing election paraphernalia for five precincts out of these 23 precincts were snatched and never recovered. The following are the precincts that failed to function on election day or whose ballot boxes were snatched:

Barangay Name

Precinct No.

1. Banday

4A2

2. Betayan

5A/5A1

3. BPS Billage

7A2/7A3

4. Bunkhouse <

8A1

5. Calumbog

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11A/11A1

6. Campo Muslim <

12A2

7. Chinatown

13A

8. - do -

9. Curahab

14A

10. Diamaru

15A

11. - do -

15A1

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12. Matampay <

26A

13. Pasir <

29A

14. - do -

29A1

15. - do -

29A2

16. Sumbagarogong

33A

17. - do -

33A1

18. Tacub <

34A

19. Tiongcop

36A

20. - do -

36A1/36A2

21. Tubok

37A2

22. - do -

37A5

23. - do -

37A6

< ballot box snatched

+ All election paraphernalia for eighteen precincts are intact and available. The Commission will cause the printing of 1,000 ballots and other election forms for five precincts (8A1, 12A2, 26A, 34A).

3. MARANTAO - thirty-five (35) precincts failed to function due to terrorism in the area. Out of these 35, eight (8) precincts lost to armed groups their ballot boxes, ballots and other election paraphernalia. These eight are:

Name of Barangay

Precinct No.

1. Daana Ingud Proper

3A

2. - do -

3A1/3A2

3. Tuca Kialdan

7A

4. - do -

7A1

5. Banga Pantar

22A/22A-1

6. Inudaran Campong

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29A

7. - do -

29A-2

8. Mapantao Goo

34A-2

Ballots are to be printed for these precincts by the Commission. Canvassing forms and other paraphernalia shall also be provided. In Precincts No. 12A, 24A and 24A-1, ballots were cast but were not yet counted due to complaints that their integrity had been violated. There being no proof that the integrity of the ballots had been violated in these precincts, the members of the Municipal Board of Canvassers of Marantao are directed to include the same in the canvass.

4. PAGAYAWAN - casting of votes was aborted due to widespread terrorism. Fifteen (15) precincts failed to function.

+ All election paraphernalia are available. However, in precinct 5A/5A1, some commotion took place. Eleven voters out of two hundred and sixty-eight (268) have already cast their votes at the time but only one ballot was found inside the ballot box after the commotion. The Commission deems it proper that the casting of votes by the eleven voters be annulled and a special election shall be conducted therein.

5. Marawi City - there was partial failure of election in sixteen precincts (16), namely --

Name of Barangay

Precinct No.

1. Brgy. Banggolo

6A2

2. - do -

6A3

3. Brgy. Lilod Madaya

42A-4

4. Brgy. South Madaya

85A

5. Brgy. Sangkai Dansalan

83A-3

6. Brgy. Raya Madaya I

74A-6

7. Brgy. Bacolod Chico

3A

8. - do -

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3A-1

9. - do -

3A-2

10. Brgy. Raya Saduc

76A

11. Brgy. Guimba

38A

12. - do -

38A-1/38A-2

13. Brgy. Lolod Saduc

73A-5

14. Brgy. Bangco

5A-5A-1

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15. Brgy. Timbangalan

88A

16. - do -

88A-1/88A-2

due to non-appearance of the BEIs. All election paraphernalia are in order and available except for one ballot box intended for Precinct 5A/5A-1 in Brgy. Banco which is missing or undelivered or without ballots contained therein.

The petition for declaration of failure of election in the municipality of Calanogas, Lanao del Sur will be covered by a different resolution.

To avoid the risk of another failure of elections and to encourage public trust in the process and results of the special elections, the following changes shall be undertaken:

- Only elements of the Armed Forces of the Philippines and the Philippine National Police who are assigned to the affected areas shall serve as members of the Board of Election Inspectors (BEIs). The Acting Provincial Election Supervisor (PES) of Lanao del Sur, Atty. Suharto Ambolodto, shall ensure that said BEIs are given adequate briefing for this task;

Considering that under-aged persons succeeded in registering voters, a complaint that is common in many areas in Lanao del Sur, the BEIs are given explicit authority to prevent from voting all those registered voters who are visibly under-aged and shall reflect their names and VRR numbers in the Minutes of Voting for future prosecution.

For this purpose, all poll watchers are encouraged to provide themselves with camera and provide indubitable proof of under-aged voters.

- Election officers from areas outside of Lanao del Sur shall be tapped to act as Election Officers, while the regular election officers in Lanao del Sur shall perform such duties as directed by the Acting PES;

- The special election in the municipality of Madalum shall be scheduled only after the Investigating Team aforementioned has finished its investigation of alleged ghost precincts therein and the Commission has acted on their findings of facts and recommendation(s);

- The special election in the municipality of Tugaya shall be scheduled after the controversy on the four thousand and seventy-five (4,075) voters shall have been settled;

- Considering the complaints received by the Commission against certain actuations of the Provincial Board of Canvassers, the same shall be replaced with a new Provincial Board of Canvassers whose members shall be designated by the Commission;

- The PNP, thru the Criminal Investigation Group in Region XII and the Prosecution Offices in Lanao del Sur shall actively help in the filing of criminal complaint for election offenses committed during the election period."

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Petitioner asserts that the COMELEC acted with grave abuse of discretion amounting to lack of jurisdiction in issuing the assailed Omnibus Order -

> 1.] By insisting on holding special elections on July 18 and 25, 1998 more than thirty (30) days after the failure to elect, in certain municipalities, in contravention of the clear and explicit provisions of Section 6 of the Omnibus Election Code;
>
> 2.] By failing to declare a total failure of elections in the entire province of Lanao del Sur and to certify the same to the President of the Philippines and Congress so that the necessary legislation may be enacted for the holding of a special election;
>
> 3.] By ordering only elements of the Armed Forces of the Philippines and the Philippine National Police who are not assigned to the affected areas as members of the Board of Election Inspectors, in contravention of Sections 166, 170, 175 and 176 of the Omnibus Election Code;
>
> 4.] By insisting on machine counting despite the proven unreliability and undependability of the counting of votes with use of computer machines.

In support of his cause, petitioner insists on a strict compliance with the holding of special elections not later than thirty (30) days after failure to elect pursuant to Section 6 of the Omnibus Election Code which provides that:

> "SEC. 6. Failure of elections. - 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, or had been suspended before the hour fixed by law for the closing of the voting, or after the voting and during the preparation and transmission of the election returns or in the custody or canvass thereof, such election results in a failure to elect, 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, suspended or which resulted in a failure to elect on a date reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause of such postponement or suspension of the election or failure to elect."

Petitioner argues that the above-quoted provision is mandatory because of the word "shall." He further asserts that the prescribed time frame actually `delimits' COMELEC's authority to call for a special election and that instead, the power to call for a special election after the 30[th] day now resides in Congress.

The provision invoked can not be construed in the manner as argued by petitioner for it would defeat the purpose and spirit for which the law was enacted.

It is a basic precept in statutory construction that a statute should be interpreted in harmony with the Constitution and that the spirit, rather than the letter of the law determines its construction; for that reason, a statute must be read according to its spirit and intent.[4] Thus, a too literal interpretation of the law that would lead to absurdity prompted this Court to -

> "...[a]dmonish against a too-literal reading of the law as this is apt to constrict rather than fulfill its purpose and defeat the intention of its authors. That intention is usually found not in `the letter that killeth but in the spirit that vivifieth' xxx"[5]

Section 2 (1) of Article IX (C) of the Constitution gives the COMELEC the broad power to "enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall." There can hardly be any doubt that the text and intent of this constitutional provision is to give COMELEC all the necessary and incidental powers for it to achieve the objective of holding free, orderly, honest, peaceful and credible elections.

Pursuant to this intent, this Court has been liberal in defining the parameters of the COMELEC's powers in conducting elections. As stated in the old but nevertheless still very much applicable case of Sumulong v. COMELEC:[6]

> "Politics is a practical matter, and political questions must be dealt with realistically - not from the standpoint of pure theory. The Commission on Elections, because of its fact-finding facilities, its contacts with political strategists, and its knowledge derived from actual experience in dealing with political controversies, is in a peculiarly advantageous position to decide complex political questions xxx. There are no ready made formulas for solving public problems. Time and experience are necessary to evolve patterns that will serve the ends of good government. In the matter of the administration of laws relative to the conduct of election xxx we must not by any excessive zeal take away from the Commission on Elections that initiative which by constitutional and legal mandates properly belongs to it."

More pointedly, this Court recently stated in Tupay Loong v. COMELEC, et al.,[7] that "[O]ur elections are not conducted under laboratory conditions. In running for public offices, candidates do not follow the rules of Emily Post. Too often, COMELEC has to make snap judgments to meet unforeseen circumstances that threaten to subvert the will of our voters. In the process, the actions of COMELEC may not be impeccable, indeed, may even be debatable. We cannot, however, engage in a swivel chair criticism of these actions often taken under very difficult circumstances."

The purpose of the governing statutes on the conduct of elections -

> `... [i]s to protect the integrity of elections to suppress all evils that may violate its purity and defeat the will of the voters. The purity of the elections is one of the most fundamental requisites of popular government. The Commission on Elections, by constitutional mandate, must do everything in its power to secure a fair and honest canvass of the votes cast in the elections. In the performance of its duties, the Commission must be given a considerable latitude in adopting means and methods that will insure the accomplishment of the great objective for which it was created - to promote free, orderly, and honest elections. The choice of means taken by the Commission on Elections, unless they are clearly illegal or constitute grave abuse of discretion, should not be interfered with."[8]

Guided by the above-quoted pronouncement, the legal compass from which the COMELEC should take its bearings in acting upon election controversies is the principle that "clean elections control the appropriateness of the remedy."[9]

In fixing the date for special elections the COMELEC should see to it that: 1.] it should not be later than thirty (30) days after the cessation of the cause of the postponement or suspension of the election or the failure to elect; and, 2.] it should be reasonably close to the date of the election not held, suspended or which resulted in the failure to elect. The first involves a question of fact. The second must be determined in the light of the peculiar circumstances of a case.[10] Thus, the holding of elections within the next few months from the cessation of the cause of the postponement, suspension or failure to elect may still be considered "reasonably close to the date of the election not held."[11]

In this case, the COMELEC can hardly be faulted for tardiness. The dates set for the special elections were actually the nearest dates from the time total/partial failure of elections was determined, which date fell on July 14, 1998, the date of promulgation of the challenged Omnibus Order. Needless to state, July 18 and 25, the dates chosen by the COMELEC for the holding of special elections were only a few days away from the time a total/partial failure of elections was declared and, thus, these were `dates reasonably close' thereto, given the prevailing facts herein. Furthermore, it bears stressing that in the exercise of the plenitude of its powers to protect the integrity of elections, the COMELEC should not and must not be straitjacketed by procedural rules in the

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exercise of its discretion to resolve election disputes.[12]

Petitioner's argument that respondent COMELEC gravely abused its discretion by failing to declare a total failure of elections in the entire province of Lanao del Sur and to certify the same to the President and Congress so that the necessary legislation may be enacted for the holding of a special election, likewise fails to persuade.

No less than petitioner himself concedes that there was total failure of elections in twelve (12) municipalities and partial failure in eleven (11). Yet he now insists a total failure of elections should have been declared in the entire province of Lanao del Sur. Suffice it to state that the propriety of declaring whether or not there has been a total failure of elections in the entire province of Lanao del Sur is a factual issue which this Court will not delve into considering that the COMELEC, through its deputized officials in the field, is in the best position to assess the actual conditions prevailing in that area. Absent any showing of grave abuse of discretion, the findings of fact of the COMELEC or any administrative agency exercising particular expertise in its field of endeavor, are binding on the Court.[13] There is no cogent reason to depart from the general rule in this case.

The insistence of petitioner that the COMELEC violated Sections 166, 170, 175 and 176 of the Omnibus Election Code when it ordered elements of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) who are not assigned to the affected areas as members of the Board of Election Inspectors (BEIs) is likewise unconvincing vis-à-vis the underlying reason of the public respondent to have an effective and impartial military presence "to avoid the risk of another failure of elections."

So too must fall the argument that machine counting being allegedly "undependable and unreliable" should not be resorted to as the reasoning of petitioner, by itself, invokes the answer. If the COMELEC saw it fit to order a machine counting of votes in the municipalities enumerated, it could only mean that the decree of R.A. No. 8436 could be implemented without the interference of the claimed "unreliability, inaccuracy and undependability" of the computer sets. The absence of any satisfactory proof to support petitioner's allegations to the contrary reduces them to mere self-serving claims.

Be that as it may, we agree with the Solicitor General that the petition has been rendered moot by supervening events. For one, it seeks to enjoin the holding of special elections scheduled for July 18 and 25, 1998. However, petitioner himself admits that special elections were "conducted on a staggered basis" on July 4, 18 and 25, 1998.[14] For another, the petition questions the membership of the Board of Election Inspectors for being composed of elements of the Armed Forces of the Philippines and the Philippine National Police as well as the machine counting of the votes when these events have been superseded by the recent issuance of the Certificates Of Canvass Of Votes And Proclamation Of The Winning Candidates For Provincial Offices dated August 7, 1998.[15] In face of these supervening events, the arguments proffered by the petitioner to seek the annulment of the challenged Omnibus Order rings hollow. Verily -

> "At balance, the question really boils down to a choice of philosophy and perception of how to interpret and apply laws relating to elections; literal or liberal; the letter or the spirit; the naked provision or its ultimate purpose; legal syllogism or substantial justice; in isolation or in the context of social conditions; harshly against or gently in favor of the voter's obvious choice. In applying election laws, it would be far better to err in favor of popular sovereignty than to be right in complex but little understood legalisms."[16]

Indeed, to embark upon the costly electoral exercise insisted upon by petitioner in terms of time and taxpayer's money is an unwarranted imposition on the people of the affected areas and is an unacceptable option to the judicial conscience.

WHEREFORE, in view of all the foregoing, the petition is DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza,Quisumbing Purisima, Buena, Gonzaga-Reyes, and De Leon, Jr., JJ., concur.
Panganiban, J., in the result.
Pardo, J., no part.

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[1] Tupay Loong v. COMELEC, et al., G.R. No. 133676, 14 August 1999, p. 36.

[2] Punzalan v. COMELEC, 289 SCRA 702 [1998].

[3] Rollo, p. 47; Annex C, Petition.

[4] Paras v. COMELEC, 264 SCRA 49 [1996], citing PLDT v. Collector of Internal Revenue, 90 Phil. 674 [1952].

[5] Paras v. COMELEC, supra, p. 55, citing People v. Salas, 143 SCRA 163 [1986].

[6] 73 Phil. 288 [1941].

[7] See note no. 1.

[8] Cauton v. COMELEC, 19 SCRA 911 [1967].

[9] Pacis v. COMELEC, 25 SCRA 377 [1968].

[10] Lucero v. COMELEC, 234 SCRA 280 [1994].

[11] Ibid., p. 297.

[12] See Nolasco v. COMELEC, 275 SCRA 762 [1997].

[13] Cordero v. COMELEC, GR No. 134826, 6 July 1999, p. 12, citing Grego v. COMELEC, 274 SCRA 481 [1997]; Philippine Savings Bank v. NLRC, 261 SCRA 409 [1996]; Navarro v. COMELEC, 228 SCRA 596 [1993].

[14] Rollo, p. 79.

[15] Rollo, p. 88, Annex D, Supplemental Manifestation and Motion.

[16] Frivaldo v. COMELEC, 257 SCRA 7272 [1996].

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