

**ARSENIO ALVAREZ, PETITIONER, VS. COMMISSION ON ELECTIONS
AND LA RAINNE ABAD-SARMIENTO, RESPONDENTS.***G.R. No. 142527. March 01, 2001*

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-142527/>**QUISUMBING, J.:**

This petition for certiorari assails the Resolution of the Commission on Elections En Banc, denying the Motion for Reconsideration of herein petitioner and affirming the Resolution of the Second Division of the COMELEC that modified the decision dated December 4, 1997 of the Metropolitan Trial Court, Br. 40, of Quezon City in Election Case No. 97-684. Said decision declared herein private respondent La Rainne Abad-Sarmiento the duly elected Punong Barangay of Barangay Doña Aurora, Quezon City during the May 12, 1997 elections; directed the herein petitioner to vacate and turnover the office of Punong Barangay to private respondent upon the finality of the resolution; and directed the Clerk of the COMELEC to notify the appropriate authorities of the resolution upon final disposition of this case, in consonance with the provisions of Section 260 of B.P. Blg. 881 otherwise known as the Omnibus Election Code, as amended.[1]

The facts of the case are as follows:

On May 12, 1997, petitioner was proclaimed duly elected Punong Barangay of Doña Aurora, Quezon City. He received 590 votes while his opponent, private respondent Abad-Sarmiento, obtained 585 votes. Private respondent filed an election protest claiming irregularities, i.e. misreading and misappreciation of ballots by the Board of Election Inspectors. After petitioner answered and the issues were joined, the Metropolitan Trial Court ordered the reopening and recounting of the ballots in ten contested precincts. It subsequently rendered its decision that private respondent won the election. She garnered 596 votes while petitioner got 550 votes after the recount.[2]

On appeal, the Second Division of the COMELEC ruled that private respondent won over petitioner. Private respondent, meanwhile, filed a Motion for Execution pending appeal which petitioner opposed. Both petitioner's Motion for Reconsideration and private respondent's Motion for Execution pending appeal were submitted for resolution. The COMELEC En Banc denied the Motion for Reconsideration and affirmed the decision of the Second Division.[3] It granted the Motion for Execution pending appeal.

Petitioner brought before the Court this petition for Certiorari alleging grave abuse of discretion on the part of the COMELEC when:

- (1) it did not preferentially dispose of the case;
- (2) it prematurely acted on the Motion for Execution pending appeal; and
- (3)

it misinterpreted the Constitutional provision that "decisions, final orders, or rulings of the Commission on Election contests involving municipal and barangay officials shall be final, executory and not appealable".

First, petitioner avers that the Commission violated its mandate on "preferential disposition of election contests" as mandated by Section 3, Article IX-C, 1987 Constitution as well as Section 257, Omnibus Election Code that the COMELEC shall decide all election cases brought before it within ninety days from the date of submission. He points out that the case was ordered submitted for resolution on November 15, 1999[4] but the COMELEC En Banc promulgated its resolution only on April 4, 2000,[5] four months and four days after November 14, 1999.

We are not unaware of the Constitutional provision cited by petitioner. We agree with him that election cases must be resolved justly, expeditiously and inexpensively. We are also not unaware of the requirement of Section 257 of the Omnibus Election Code that election cases brought before the Commission shall be decided within ninety days from the date of submission for decision.[6] The records show that petitioner contested the results of ten (10) election precincts involving scrutiny of affirmation, reversal, validity, invalidity, legibility, misspelling, authenticity, and other irregularities in these ballots. The COMELEC has numerous cases before it where attention to minutiae is critical. Considering further the tribunal's manpower and logistic limitations, it is sensible to treat the procedural requirements on deadlines realistically. Overly strict adherence to deadlines might induce the Commission to resolve election contests hurriedly by reason of lack of material time. In our view this is not what the framers of the Code had intended since a very strict construction might allow procedural flaws to subvert the will of the electorate and would amount to disenfranchisement of voters in numerous cases.

Petitioner avers the COMELEC abused its discretion when it failed to treat the case preferentially. Petitioner misreads the provision in Section 258 of the Omnibus Election Code. It will be noted that the "preferential disposition" applies to cases before the courts[7] and not those before the COMELEC, as a faithful reading of the section will readily show.

Further, we note that petitioner raises the alleged delay of the COMELEC for the first time. As private respondent pointed out, petitioner did not raise the issue before the COMELEC when the case was pending before it. In fact, private respondent points out that it was she who filed a Motion for Early Resolution of the case when it was before the COMELEC. The active participation of a party coupled with his failure to object to the jurisdiction of the court or quasi-judicial body where the action is pending, is tantamount to an invocation of that jurisdiction and a willingness to abide by the resolution of the case and will bar said party from later impugning the court or the body's jurisdiction.[8] On the matter of the assailed resolution, therefore, we find no grave abuse of discretion on this score by the COMELEC.

Second, petitioner alleges that the COMELEC En Banc granted the Motion for Execution pending appeal of private respondents on April 2, 2000 when the appeal was no longer pending. He claims that the motion had become obsolete and unenforceable and the appeal should have been allowed to take its normal course of "finality and execution" after the 30-day period. Additionally, he avers it did not give one good reason to allow the execution pending appeal.

We note that when the motion for execution pending appeal was filed, petitioner had a motion for reconsideration before the Second Division. This pending motion for reconsideration suspended the execution of the resolution of the Second Division. Appropriately then, the division must act on the motion for reconsideration. Thus, when the Second Division resolved both petitioner's motion for reconsideration and private respondent's motion for execution pending appeal, it did so in the exercise of its exclusive appellate jurisdiction. The requisites for the grant of execution pending appeal are: (a) there must be a motion by the prevailing party with notice to the adverse party; (b) there must be a good reason for the execution pending appeal; and (c) the good reason must be stated in a special order.[9] In our view, these three requisites were present. In its motion for execution, private respondent cites that their case had been pending for almost three years and the remaining portion of the contested term was just two more years. In a number of similar cases and for the same good reasons, we upheld the

COMELEC's decision to grant execution pending appeal in the best interest of the electorate.[10] Correspondingly, we do not find that the COMELEC abused its discretion when it allowed the execution pending appeal.

Third, petitioner contends that the COMELEC misinterpreted Section 2 (2), second paragraph, Article IX-C of the 1987 Constitution. He insists that factual findings of the COMELEC in election cases involving municipal and barangay officials may still be appealed. He cites jurisprudence stating that such decisions, final orders or rulings do not preclude a recourse to this Court by way of a special civil action for certiorari,[11] when grave abuse of discretion has marred such factual determination,[12] and when there is arbitrariness in the factual findings.[13]

We agree with petitioner that election cases pertaining to barangay elections may be appealed by way of a special civil action for certiorari. But this recourse is available only when the COMELEC's factual determinations are marred by grave abuse of discretion. We find no such abuse in the instant case. From the pleadings and the records, we observed that the lower court and the COMELEC meticulously pored over the ballots reviewed. Because of its fact-finding facilities and its knowledge derived from actual experience, the COMELEC is in a peculiarly advantageous position to evaluate, appreciate and decide on factual questions before it. Here, we find no basis for the allegation that abuse of discretion or arbitrariness marred the factual findings of the COMELEC. As previously held, factual findings of the COMELEC based on its own assessments and duly supported by evidence, are conclusive on this Court, more so in the absence of a grave abuse of discretion, arbitrariness, fraud, or error of law in the questioned resolutions.[14] Unless any of these causes are clearly substantiated, the Court will not interfere with the COMELEC's findings of fact.

WHEREFORE, the instant petition is DISMISSED, and the En Banc Resolution of the Commission on Election is AFFIRMED. Costs against petitioner.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

[1] Rollo, pp. 77-78.

[2] Id. at 53.

[3] Id. at 91-92.

[4] Rollo, p. 136.

[5] Id. at 79.

[6] Sec. 257. Decision in the Commission. - The commission shall decide all election cases brought before it within ninety days from the date of their submission for decision. The decision of the Commission shall become final thirty days after receipt of judgment. (Art. XII, C, Sec. 3, Const.; Art. XVIII, Sec. 193, 1978 EC).

[7] Sec. 258. Preferential disposition of cases in courts. The courts, in their respective cases, shall give preference to election contests over all other cases, except those of habeas corpus, and shall without delay, hear and, within thirty days from the date of their submission for decision, but in every case within six months after filing, decide the same. (Art. XVIII, Sec. 197, 1978 EC).

[8] ABS-CBN Supervisor Employees Union Members vs. ABS-CBN Broadcasting Corporation, 304 SCRA 489, 497 (1999).

- [9] Maceda Jr. v. Development Bank of the Philippines, 313 SCRA 233, 242 (1999).
- [10] Gutierrez vs. COMELEC, 270 SCRA 413, 419 (1997); Ramas vs. COMELEC, 286 SCRA 189 (1998); Garcia vs. De Jesus, 206 SCRA 779 (1992).
- [11] Galido vs. COMELEC, 193 SCRA 78, 84 (1991).
- [12] Rivera vs. COMELEC, 199 SCRA 178, 185 (1991).
- [13] Paredes vs. COMELEC, 127 SCRA 653, 660 (1984).
- [14] Mohammad vs. Commission on Elections, 320 SCRA 258, 270 (1999); Trinidad vs. Commission on Elections, 315 SCRA 175 (1999); Domingo, Jr., vs. Commission on Elections, 313 SCRA 311 (1999).

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.