

ROBERTO ALBAÑA, KATHERINE BELO, GENEROSO DERRAMAS, VICENTE DURAN, RICARDO ARAQUE, MERLINDA DEGALA, GABRIEL ARANAS, ERNESTO BITOON AND JUVIC DESLATE, PETITIONERS, VS. PIO JUDE S....*G.R. No. 158734. October 02, 2009*

Ponente: LEONARDO-DE CASTRO, J.

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The instant petition for review on certiorari which was filed under Rule 45 of the Rules of Court in relation to Rule 37[1] of the Commission on Elections (COMELEC) Rules of Procedure seeks to set aside and annul the Resolution[2] dated February 28, 2003 of the COMELEC En Banc in Election Offence (EO) Case No. 01-111, as well as the Resolution[3] dated June 3, 2003 denying petitioners' motion for reconsideration.

The above-mentioned COMELEC resolution found probable cause against petitioners for election offense, specifically for violation of Section 261(a) and (e) of the Omnibus Election Code[4] in relation to Sections 28 and 68 of Republic Act No. 6646,[5] respectively. The said resolution directed the filing of the necessary Information before a competent court. It also found basis to disqualify petitioners and ordered the assignment of the disqualification case to a COMELEC division.

At the outset, it must be stated that the instant case is related to *Albaña v. Commission on Elections*[6] decided by this Court on July 23, 2004. The case involved exactly the same set of facts and issues as in this case, except that what was challenged therein was the October 21, 2003 Resolution of the COMELEC, which annulled the proclamation of petitioners as the duly elected municipal officials of Panitan, Capiz during the May 14, 2001 elections. In the said case, this Court nullified and set aside the October 21, 2003 COMELEC Resolution and consequently, the proclamation of respondents as the elected Mayor, Vice-Mayor and Member of the Sangguniang Bayan (SB) was likewise nullified and set aside.

The facts of the case, as found in *Albaña v. Commission on Elections*, are as follows:

During the May 14, 2001 elections, the petitioners and private respondents ran for the positions of Mayor, Vice-Mayor and Members of the Sangguniang Bayan in the Municipality of Panitan, Capiz. On May 18, 2001, the petitioners were duly elected and proclaimed winners to the following positions:

- (a) Roberto Albaña - Mayor
- (b) Katherine Belo - Vice-Mayor
- (c) Generoso Derramas - Member of the Sang[g]uniang Bayan (SB)
- (d) Vicente Duran - Member of the SB
- (e) Ricardo Araque - Member of the SB
- (f) Lilia Aranas - Member of the SB
- (g) Merlinda Degala - Member of the SB
- (h) Gabriel Aranas - Member of the SB

(i) Ernesto Bito-on - Member of the SB

(j) Juvic Deslate - Member of the SB[7]

On June 23, 2001, the private respondents filed a complaint against the petitioners with the COMELEC Law Department, alleging that the latter committed acts of terrorism punishable by Section 261(e) of the Omnibus Election Code, and engaged in vote-buying, punishable under Section 261(a) of the Omnibus Election Code. The private respondents prayed that the petitioners be charged of the said crimes and disqualified from holding office under Section 68 of the said Code, and Section 6 of Republic Act No. 6646. The case was docketed as Election Offense Case No. 01-111.

The Law Department of the COMELEC found a prima facie case and issued a Resolution on January 15, 2002, recommending the filing of an Information against the petitioners for violation of Sections 261(e) and (a) of the Omnibus Election Code, in relation to Section 28 of Republic Act No. 6646. It, likewise, recommended the disqualification of all the petitioners from further holding office, and the reconvening of the Municipal Board of Canvassers (MBC) in order to proclaim the qualified candidates who obtained the highest number of votes.

Acting on the said resolution, the COMELEC En Banc issued, on February 28, 2003, a Resolution directing its Law Department to file the appropriate Information against the petitioners for violation of Section 261(e) of the Omnibus Election Code and directing the Clerk of the Commission to docket the electoral aspect of the complaint as a disqualification case. The dispositive portion reads:

IN VIEW OF THE FOREGOING, We DIRECT the LAW DEPARTMENT to FILE THE NECESSARY INFORMATION against ROBERTO ALBAÑA, KATHERINE BELO, GENEROSO DERRAMAS, VICENTE DURAN, RICARDO ARAQUE, LILIA ARANAS, MERLINDA DEGALA, GABRIEL ARANAS, ERNESTO BITO-ON and JUVIC DESLATE before a court of competent jurisdiction.

The Clerk of the Commission is likewise directed to docket the electoral aspect of the complaint as a disqualification case and immediately assign the same to a division which shall resolve the case on the basis of the recommendation of the Law Department.

The petitioners filed a motion for reconsideration thereon, alleging that the COMELEC did not make any findings of fact in its resolution, and that there was even no disquisition as to the merits of the affidavits of their witnesses and the evidence presented by them. The petitioners also alleged that the COMELEC erred in ordering the docketing of the electoral aspect of the complaint, in light of Section 2 of COMELEC Resolution No. 2050.

On June 3, 2003, the COMELEC issued a Resolution denying the said motion for lack of merit and for having been filed out of time. The Clerk of the Commission docketed the disqualification case against the petitioners as SPA No. 03-006

On October 21, 2003, the COMELEC First Division rendered the assailed resolution in SPA No. 03-006 annulling the petitioners' proclamation on the ground that they violated Section 261(a) and (e) of the Omnibus Election Code, and directing the election officer of Panitan to constitute a new municipal board of canvassers, thus:

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The petitioner's motion for reconsideration and supplement to the motion for reconsideration were denied by the COMELEC En Banc in the Resolution of May 5, 2004, declaring that the disqualification case was the result of the findings of the Commission En Banc. It also held that as an aftermath of petitioners' violation of Section 261(e) in relation to Section 68 of the Omnibus Election Code, they are considered disqualified candidates and, therefore, the votes they received are deemed stray votes. Commissioners Mehol K. Sadain and Florentino A.

Tuason, Jr. filed separate dissenting opinions.

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WHEREFORE, the petition is GRANTED. The COMELEC Resolutions dated October 21, 2003 and May 5, 2004 are hereby NULLIFIED AND SET ASIDE. As a necessary consequence, the proclamation of the private respondents on June 10, 2004 by the Municipal Board of Canvassers as the elected Mayor, Vice-Mayor and Members of the Sangguniang Bayan of the Municipality of Panitan, Capiz, respectively, is, likewise, NULLIFIED AND SET ASIDE. No costs.

SO ORDERED.

The herein petition assails the earlier Resolutions dated February 28, 2003 and June 3, 2003 of the COMELEC En Banc directing the filing of appropriate information against the herein petitioners and the docketing of the disqualification case against them. Petitioners filed the instant petition anchored on the following grounds:

I

THE COMELEC En Banc ERRED IN FINDING PROBABLE CAUSE TO PROSECUTE THE PETITIONERS FOR ELECTION OFFENSES WHERE THE AFFIDAVITS SUBMITTED ARE OF DUBIOUS CREDIBILITY, NOT OF THE PERSONAL KNOWLEDGE OF THE AFFIANTS, AND ARE NOT RELATED TO THE MAY 2001 ELECTIONS ITSELF.

II

THE COMELEC En Banc ERRED IN FINDING PROBABLE CAUSE AGAINST THE PETITIONERS FOR ELECTION OFFENSES WHEN THE EVIDENCE ON RECORD IS INDUBIATBLY INSUFFICIENT TO ESTABLISH THE DISPUTABLE PRESUMPTION UNDER THE ELECTION LAW.

III

THE COMELEC En Banc ERRED IN FINDING THAT THE PROCEEDINGS BELOW SUPPORT A COMPLAINT FOR DISQUALIFICATION WHEN IT IS NOT AN ISSUE THEREIN IN VIOLATION OF THE CONSTITUTIONAL RIGHTS OF THE PETITIONERS TO PROPER NOTICE AND DUE PROCESS.

IV

THE COMELEC En Banc ERRED IN ISSUING A RESOLUTION THAT DOES NOT CONFORM TO THE CONSTITUTIONAL REQUIREMENTS OF A RESOLUTION OR DECISION WHICH IS VOID THAT VIOLATES THE CONSTITUTIONAL RIGHTS OF THE PETITIONERS TO DUE PROCESS WHO WILL BE PREJUDICED BY SUACH A VOID RESOLUTION.

V

THE COMELEC En Banc ERRED IN HOLDING THAT THE APPLICABLE PERIOD WITHIN WHICH TO FILE MOTION FOR RECONSIDERATION IS FIVE (5) DAYS INSTEAD OF FIFTEEN (15) AGAINST A VOID RESOLUTION DATED FEBRUARY 28, 2003.[8]

Petitioners claim that there is no sufficient evidence to show that there is probable cause against them for the commission of election offenses under Section 261(a) and (e) of the Omnibus Election Code. The incidents of terrorism and vote-buying indicated in the affidavits of respondents and their witnesses were not election-related and were merely isolated incidents that were distorted in order to conform to a complaint for an election offense. Petitioners claim that the affidavits were hearsay and speculative, and that the allegations were just figments of imagination of the affiants.

Petitioners also contend that their constitutional rights to notice and due process were violated when the COMELEC passed upon the issue of disqualification and recommended that disqualification proceedings be filed against them despite the fact that the issue was never raised during the proceedings. According to petitioners, their right to due process was further transgressed when the assailed COMELEC resolution failed to state clearly the factual and legal bases for finding that there was probable cause to prosecute them for election offenses. The resolution merely alleged that a reign of terror was waged by the followers of petitioners during the election period without elucidating the reasons for such conclusion.

Lastly, petitioners aver that their motion for reconsideration of the February 28, 2003 resolution was timely filed in accordance with the COMELEC Rules of Procedure.

On the other hand, respondents maintain that the finding of the existence of probable cause was supported by substantial evidence, the quantum of proof required in administrative proceedings. The affidavits distinctly established that the fear instilled by the private army of petitioners prevented respondents' followers from taking part in the campaign and the election itself. It was also clearly shown in the affidavits that petitioners distributed bags of goodies to residents of nearly all the barangays of Panitan, Capiz and offered money in exchange for their votes.

Likewise, respondents assert that petitioners' claim of denial of due process is without basis, because the issue of disqualification was raised in the COMELEC proceedings as it was prayed for in the complaint filed with the Law Department. Respondents asseverate that the assailed resolution clearly set forth the factual and legal bases for the COMELEC's finding of probable cause. They also insist that petitioners' motion for reconsideration was filed out of time, and that the instant petition for review was intended to delay the filing of criminal charges and disqualification proceedings against them.

The Office of the Solicitor-General (OSG) also filed its Comment[9] on behalf of the COMELEC. It contends that the COMELEC correctly found the existence of probable cause to prosecute petitioners for election offenses. The circumstances of the case and the affidavits were sufficient to establish that terrorism and vote-buying marred the 2001 elections in Panitan, Capiz. The COMELEC also correctly passed upon the issue of disqualification, as it was prayed for by respondents in their complaint filed with the Law Department.

Parenthetically, private respondent Pio Jude Belo in his Memorandum[10] belatedly raises for the first time the argument that petitioner availed himself of the wrong remedy in filing a petition for review on certiorari under Rule 45 of the Rules of Court. Fair play, justice and due process dictate that this Court cannot now, for the first time on memorandum, pass upon this question. The parties have been warned in the Court's Resolution dated January 23, 2007 that no new issues may be raised by a party in his/its Memorandum.[11]

As stated at the onset, the Court, in *Albaña v. Commission on Elections*, G.R. No. 163302,[12] nullified the proclamation of respondents as the elected Mayor, Vice-Mayor and Member of the Sangguniang Bayan, respectively. It appears that pursuant to the directive of the COMELEC in the herein assailed resolution dated February 28, 2003, the Clerk of the Commission docketed the disqualification case against petitioners as SPA No. 03-006 and raffled the same to the First Division. On October 21, 2003, the COMELEC First Division rendered its resolution in SPA No. 03-006 annulling the petitioners' proclamation on the ground that they violated Section 261(a) and (e) of the Omnibus Election Code and directing the election officer of Panitan to constitute a new municipal board of canvassers. On June 10, 2004, the municipal board of canvassers proclaimed respondents as the winners in the May 14, 2001 elections with Pio Jude Belo as Mayor, Rodolfo Deocampo as Vice-Mayor and Lorencito Diaz as a Member of the Sanggunian Bayan. Petitioners thus filed a petition with this Court. In a decision promulgated on July 23, 2004, the Court, in the aforecited case *Albaña v. Commission on Elections*, G.R.

No.163302,[13] granted the said petition. We held in that case penned by Retired Associate Justice Romeo J. Callejo, Sr.:

[T]he petitioners aver that since they were proclaimed the duly-elected municipal officials of Panitan, Capiz, on May 18, 2001, the COMELEC should have dismissed the complaint for their disqualification which the private respondents filed only on June 23, 2001, more than a month after such proclamation. They aver that such dismissal was mandated by Section 2 of COMELEC Resolution No. 2050, adopted on November 3, 1988, which reads:

2. Any complaint for disqualification based on Section 68 of the Omnibus Election Code in relation to Section 6 of Republic Act No. 6646 filed after the election against a candidate who has already been proclaimed as winner shall be dismissed as a disqualification case. However, the complainant shall be referred for preliminary investigation to the Law Department of the commission.

Where a similar complaint is filed after election but before proclamation of the respondent candidate, the complaint shall, nevertheless, be dismissed as a disqualification case. However, the complaint shall be referred for preliminary investigation to the Law Department. If, before proclamation, the Law department makes a prima Facie finding of guilt and the corresponding information has been filed with the appropriate trial court, the complainant may file a petition for suspension of the proclamation of the respondent with the court before which the criminal case is pending and the said court may order the suspension of the proclamation if the evidence of guilt is strong. (Emphasis supplied)

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We rule for the petitioners.

Section 2 of COMELEC Resolution No. 2050 is as clear as day: the COMELEC is mandated to dismiss a complaint for the disqualification of a candidate who has been charged with an election offense but who has already been proclaimed as winner by the Municipal Board of Canvassers. COMELEC Resolution No. 2050 specifically mandates a definite policy and procedure for disqualification cases, hence, should be applied and given effect. In *Bagatsing v. Commission on Elections*,^[14] this Court ruled that a complaint for disqualification filed after the election against a candidate before or after his proclamation as winner shall be dismissed by the COMELEC, xxx.

It bears stressing that Resolution No. 2050 was approved precisely because of the variance in opinions of the members of the respondent COMELEC on matters of procedure in dealing with and evaluating cases for disqualification filed under Section 68 of the Omnibus Election Code in relation to Section 6 of Rep. Act No. 6646.

Under the said resolution, if a complaint is filed with the COMELEC against a candidate who has already been proclaimed winner, charging an election offense under Section 261 of the Omnibus Election Code, as amended by Rep. Act Nos. 6646 and 8436,^[15] and praying for the disqualification of the said candidate, the COMELEC shall determine the existence of probable cause for the filing of an Information against the candidate for the election offense charged. However, if the COMELEC finds no probable cause, it is mandated to dismiss the complaint for the disqualification of the candidate.

If the COMELEC finds that there is probable cause, it shall order its Law Department to file the appropriate Information with the Regional trial court (RTC) which has territorial jurisdiction over the offense, but shall, nonetheless, order the dismissal of the complaint for disqualification, without prejudice to the outcome of the criminal case. If the trial court finds the accused guilty beyond reasonable doubt of the offense charged, it shall order his disqualification pursuant to Section 264 of the Omnibus Election Code, as amended by Section 46 of

Rep. Act No. 8189[16] which reads:

SEC. 46. Penalties. - Any person found guilty of any election offense under this Act shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. xxx. (Emphasis supplied)

In this case, the petitioners were proclaimed winners on May 18, 2001, the private respondents filed their complaint for violation of Section 261 (a) and (e) of the Omnibus Election Code and for the disqualification of the petitioners only on June 23, 2001. The COMELEC found probable cause against the respondents for the offense charged and directed its Law Department to file the appropriate Information against the petitioners. Patently then, the COMELEC committed a grave abuse of its discretion amounting to excess of lack of jurisdiction in issuing its assailed resolutions disqualifying the petitioners from the positions they were respectively elected, in defiance of Resolution No. 2050.[17]

The foregoing ruling lays to rest the issue concerning the propriety of the COMELEC's recommendation and directive in its February 28, 2003 resolution for the filing of disqualification proceedings against petitioners. It is a basic legal principle that whatever is once irrevocably established as the controlling legal rule or decision between the same parties in the case continues to be the law of the case, whether correct on general principles or not, so long as the facts on which such decision was predicated continue to be the facts of the case before the court.[18] We, thus, agree with petitioners that the COMELEC erred in ordering the docketing of the electoral aspect of the complaint as a disqualification case.

This Court, in *Albaña v. Commission on Elections*, G.R. No.163302, ruled only on the electoral aspect of the disqualification made by COMELEC. We shall now discuss the criminal aspect of the case and resolve the issue of whether the COMELEC correctly found the existence of probable cause to justify the filing of a criminal Information against the petitioners for violation of Section 261 (a) and (e) of the Omnibus Election Code.[19]

In *Baytan v. Commission on Elections*,[20] we held:

It is also well-settled that the finding of probable cause in the prosecution of election offenses rests in the COMELEC's sound discretion. The COMELEC exercises the constitutional authority to investigate and, where appropriate, prosecute cases for violation of election laws, including acts or omissions constituting election frauds, offenses and malpractices. Generally, the Court will not interfere with such finding of the COMELEC absent a clear showing of grave abuse of discretion. This principle emanates from the COMELEC's exclusive power to conduct preliminary investigation of all election offenses punishable under the election laws and to prosecute the same, except as may otherwise be provided by law.[21]

A preliminary investigation, as the term connotes, is essentially the means to discover who may be charged with a crime, its function being merely to determine probable cause. All that is required in the preliminary investigation is the determination of probable cause to justify the holding of petitioners for trial. By definition, probable cause is -

x x x a reasonable ground of presumption that a matter is, or may be, well founded x x x such a state of facts in the mind of the prosecutor as would lead a person of ordinary caution and prudence to believe or entertain an honest or strong suspicion that a thing is so. The term does not mean 'actual or positive cause' nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Thus, a finding of probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged. Precisely, there is a trial for the reception of evidence of the prosecution in support of the charge.[22]

In the present case, the determination by the COMELEC of the existence of probable cause was based on the affidavits of respondents and their witnesses. In their sworn statements, they categorically declared that the May 14, 2001 elections in Panitan, Capiz were tainted with widespread vote-buying, intimidation and terrorism committed before, during and after the voting. The alleged prohibited acts committed by petitioners and their supporters such as the distribution of bags of goodies to residents of different barangays and offering of money to some voters in exchange for their votes, preventing respondent's supporters from voting by blocking the road leading to the election precincts and by harassing them, and the carrying of firearms by petitioner Belo himself and the members of the Civilian Volunteer Organization (CVO) were supported by evidence on record that sufficiently established probable cause - that certain irregularities marred the elections in Panitan, Capiz.[23] Petitioners' alleged acts of terrorism and of giving money to influence and induce the voters and to further their chances of victory are clear grounds for election offense under Section 261 of the Omnibus Election Code. Indeed, questions of vote-buying, terrorism and similar acts should be resolved in a full-blown hearing before a regular court.[24] Accordingly, the COMELEC was correct in finding that there was probable cause and in recommending the filing of the necessary criminal Information against the petitioners.

Moreover, petitioners' claims of denial of due process, fabrication, hearsay evidence and revenge, as motive for the complaint against them, are matters of defense best ventilated in the trial proper rather than at the preliminary investigation. The established rule is that a preliminary investigation is not the occasion for the full and exhaustive display of the parties' evidence. It is for the presentation of only such evidence as may engender a well-grounded belief that an offense has been committed, and the accused is probably guilty thereof.[25] There is sufficient evidence to establish that the acts committed by petitioners constituted an election offense, and that there is probable cause to hold them for trial.

To repeat, probable cause merely implies probability of guilt and should be determined in a summary manner. Preliminary investigation is not a part of a trial and it is only in a trial where an accused can demand the full exercise of his rights, such as the right to confront and cross-examine his accusers to establish his innocence.[26]

Petitioners also argue that the February 28, 2003 resolution of the COMELEC violates Article VIII, Section 14 of the Constitution, which states that "no decision shall be rendered by any court without expressing clearly and distinctly the facts and the law on which it is based." The COMELEC allegedly made generalizations without detailing the basis for its findings.

The assailed resolution substantially complied with the constitutional mandate of Article VIII, Section 14 of the Constitution. The resolution detailed the evidence presented by the parties. Thereafter, it weighed the respective pieces of evidence submitted by the prosecution and the defense and chose the one that deserved credence. It contained findings of facts as well as an application of case law. The resolution states, thus:

We affirm the recommendation of the Law Department. As succinctly stated in the Resolution, (t)here is no reason...for all the witnesses to have concocted their claim nor was there any evidence to show that they were improperly motivated to falsify the truth especially on the charge of vote-buying wherein the names of the respondents Mayor Robert Albaña and Vice Mayor Katherine Belo were directly implicated as distributing goods in exchange for their votes last May 11, 2001 right in the house of Mayor Albaña in Maluboglibog, Panitan, Capiz. The reign of terror during the campaign period up to election day was waged by armed followers of Mayor Albaña to harass and threaten the sympathizers of complainant Jude Belo. Exhibit J details how the armed Civilian Volunteer Organization (CVO) and Barangay Health workers (BHW) were effectively used by respondents to enhance their chances of winning.

The presumption is that if witnesses are not so actuated by any improper motive, their testimonies are entitled to full faith and credence.[27]

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The instant complaint involves an election offense case with a prayer for disqualification. The Law Department thus conducted an investigation both as regards the criminal and electoral aspect of the case. Respondents were fully apprised that the investigation would determine whether or not there is basis for the disqualification because they were furnished a copy of the complaint.[28]

The purpose of Article VIII, Section 14 of the Constitution is to inform the person reading the decision, especially the parties, of how it was reached by the court after a consideration of the pertinent facts and an examination of the applicable laws. The losing party is entitled to know why he lost, so he may appeal to a higher court, if permitted, if he believes that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is especially prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. Thus, a decision is adequate if a party desiring to appeal therefrom can assign errors to it.[29]

The petitioners in this case cannot feign denial of due process and pretend that they were unable to understand the basis for the COMELEC's recommendation as, in fact, they were able to assign specific errors to the COMELEC's resolution and discuss them. In fine, the COMELEC's resolution substantially complies with the mandate of Article VIII, Section 14 of the Constitution.

Finally, petitioners' contention that their motion for reconsideration should not have been denied by the COMELEC in its resolution dated June 3, 2003 because it was timely filed deserves scant consideration. The denial of their motion for reconsideration was not based on technicality alone but more on the lack of merit of their arguments which were the same arguments already passed upon by the COMELEC in its resolution of February 28, 2003.

WHEREFORE, the petition is PARTIALLY GRANTED. The assailed COMELEC Resolution of February 28, 2003 is MODIFIED as follows:

- The order to docket the electoral aspect of the complaint as a disqualification case is hereby ANNULLED and SET ASIDE, pursuant to the decision in *Albaña v. Commission on Elections*; and
- The order to file the criminal Information against the petitioners before the regular court is hereby AFFIRMED.

SO ORDERED.

Puno, C.J., Ynares-Santiago, Carpio, Corona, Carpio Morales, Chico-Nazario, Velasco, Jr., Nachura, Peralta, Bersamin, Del Castillo, and Abad, JJ., concur.

Quisumbing, J., on official leave.

Brion, J., on leave.

[1] Review of the Decisions of the Commission

Sec. 1. Petition for Certiorari; and Time to File - Unless otherwise provided by law, or by any specific provisions in these Rules, any decision, order or ruling of the Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty (30) days from its promulgation.

[2] Rollo, pp. 24-47.

[3] Id. at 57-60.

- [4] Batas Pambansa Blg. 881.
- [5] Otherwise known as "The Electoral Reforms Law of 1987."
- [6] G.R. No. 163302, July 23, 2004, 435 SCRA 98.
- [7] Rollo, p. 131.
- [8] Rollo, pp. 10-11.
- [9] Id. at 83-96.
- [10] Id. at 197-206.
- [11] Id. at 152-153.
- [12] Supra note 6.
- [13] Ibid.
- [14] G.R. No. 134047, December 15, 1999, 320 SCRA 817.
- [15] Entitled, "An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National or Local Elections and in Subsequent National and Local Electoral Exercises, Providing Funds Therefor and for Other Purposes."
- [16] Otherwise known as "The Voter's Registration Act of 1996."
- [17] Supra note 15 at 105-108.
- [18] Cucueco v. Court of Appeals, G.R. No. 139278, October 25, 2004, 441 SCRA 290, 301.
- [19] In Albaña v. Commission on Elections, it was mentioned that a criminal case for violation of Section 261(a) and (e) of the Omnibus Election Code is pending in the Regional Trial Court of Capiz, 435 SCRA 98, 108-109.
- [20] G.R. No. 153945, February 4, 2003, 396 SCRA 703.
- [21] Id. at 711.
- [22] Allado v. Diokno, G.R. No. 113630, May 5, 1994, 232 SCRA 192, 200.
- [23] Rollo, pp. 27-41.
- [24] Sec. 268, Omnibus Election Code. Jurisdiction of Courts. The regional trial court shall have the exclusive jurisdiction to try and decide any criminal action or proceeding for violation of this Code, except those relating to the offense of failure to register or failure to vote, which shall be under the jurisdiction of the metropolitan or municipal trial courts. From the decision of the courts, appeal will lie as in other criminal cases.
- [25] Cruz, Jr. v. People, G.R. No. 110436, June 27, 1994, 233 SCRA 439, 458.
- [26] Tuliao v. Ramos, A.M. No. MTJ-95-1065, January 20, 1998, 284 SCRA 378, 386-387.
- [27] Rollo, pp. 43-44.
- [28] Id. at 46.
- [29] People v. Orbita, G.R. No. 136591, July 11, 2002, 384 SCRA 393, 403.

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