JOSE CONCEPCION, JR., PETITIONER, VS. COMMISSION ON ELECTIONS, RESPONDENT.

G.R. No. 178624. June 30, 2009

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-178624/

BRION, J.:

Before us is the petition for certiorari[1] filed by Jose Concepcion, Jr. (petitioner) "seeking to set aside the En Banc Resolution dated 02 April 2007 and Order dated 8 May 2007" of respondent Commission on Elections (COMELEC).[2]

The petition cites and quotes the assailed rulings, then recites that on January 5, 2007, the National Citizen's Movement for Free Elections (NAMFREL) filed a Petition for Accreditation to Conduct the Operation Quick Count with the COMELEC, docketed as SSP No. 07-001.[3] The present petitioner - then the incumbent Punong Barangay of Barangay Forbes Park, Makati City - was one of the signatories of the NAMFREL petition in his capacity as the National Chairman of NAMFREL.

On the same date, COMELEC promulgated Resolution No. 7798[4] (Resolution 7798) that reads in full -

> WHEREAS, Section 3 of Executive Order [EO] No. 94 dated March 2, 1987, provides as follows:
> Sec. 3. Prohibition on barangay officials. - No barangay official shall be appointed as member of the Board of Election Inspectors or as official watcher of each duly registered major political party or any socio-civic, religious, professional or any similar organization of which they may be members.

WHEREAS, the barangay is the smallest political unit of government and it is a widely accepted fact that barangay officials wield tremendous influence on their constituents or the residents in the barangay;

WHEREAS, the Boards of Election Inspectors [BEIs] are charged with the duty of maintaining the regularity and orderliness of the election proceedings in each precinct to the end that elections will be honest, orderly, peaceful and credible:

WHEREAS, records of past political exercises show that on election day, the Commission on Elections usually receive numerous complaints against barangay officials entering polling places and interfering in proceedings of the BEIs thereby causing not only delay in the proceedings, but also political tension among the BEIs, the voters and the watchers in the polling place;

NOW THEREFORE, to insure that elections are peaceful, orderly, regular and credible, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code [OEC], EO No. 94, and other election laws RESOLVED to prohibit, as it hereby RESOLVES to prohibit:

- The appointment of barangay officials which includes the Punong Barangay, Barangay Kagawad, Barangay Secretary, Barangay Treasurer, and Barangay Tanod, as Chairman/person and/or Member of the BEIs or as official watcher of any candidate, duly registered major political party, or any similar organization, or any socio-civic, religious, professional [sic], in the May 14, 2007 National and Local Elections. The prohibition

extends to barangay officials, employees and tanods, who are members of accredited citizens' arms.

- The barangay officials, employees and tanods from staying inside any polling place, except to cast their vote. Accordingly, they should leave the polling place immediately after casting their vote.

This Resolution shall take effect on the seventh day after the publication in two (2) newspapers of general circulation in the Philippines.

The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation and shall furnish copies thereof to all field officers of the Commission and the Department of Interior and Local Government, other deputies and heads of accredited political parties.

SO ORDERED. [Emphasis supplied.]

The COMELEC ruled on NAMFREL's petition for accreditation on April 2, 2007 in the assailed Resolution (April 2, 2007 Resolution), conditionally granting NAMFREL's petition in the following tenor: [5]

> Having already discussed above the reasons, both factual and legal, for the dismissal of the Verified Opposition, we find the instant petition for accreditation as the citizen's arm of the petitioner NAMFREL meritorious. Pursuant to Section 2(5), Article IX (C) of the 1987 Philippine Constitution and Section 52(k) of the Omnibus Election Code, as amended, this Commission en banc hereby resolves to accredit petitioner NAMFREL as its citizens' arm in the 14 May 2007 national and local elections, subject to its direct and immediate control and supervision.
>
> There is, however, one important condition that must be fulfilled by the petitioner before its accreditation as citizens' arm could legally take effect. Accordingly, Mr. Jose S. Concepcion, Jr., the National Chairman of NAMFREL, must first be removed both as a member and overall Chairman of said organization. As correctly pointed out by the oppositor, Mr. Concepcion, being the Barangay Chairman of Barangay Forbes Park, Makati City, cannot be a member much more the overall chairman of the citizens' arm such as NAMFREL. This is explicitly provided for in COMELEC Resolution No. 7798 promulgated on 5 January 2007, pertinent of which we quote:
> WHEREAS, Section 3 of Executive Order No. 94 dated March 2, 1987 provides as follows:
>
> Sec. 3. Prohibition on Barangay officials - No barangay official shall be appointed as member of the Board of Election Inspectors or as watcher of each duly registered major political party or any socio-civic, religious, professional or any similar organization of which they may be members.
>
> xxx xxx xxx

NOW THEREFORE, to insure that the elections are peaceful, orderly, regular and credible, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the OEC, EO No. 94, and other election laws, RESOLVED to prohibit, as it is hereby RESOLVES to prohibit:

- The appointment of barangay officials which include the Punong Barangay, Kagawad, Barangay Secretary, Barangay Treasurer, and Barangay Tanod, as Chairman / person and/or Members of the BEIs or as official watcher of any candidate, duly registered major political party, or any similar organization, or any socio-civic, religious, professional, in the May 14, 2007 National and Local Elections. The prohibition extends to the barangay officials, employees and tanods, who are members of the accredited citizens' arms.

x x x x

WHEREFORE, premises considered, this Commission en banc RESOLVED as it hereby RESOLVES, to grant the instant petition for accreditation finding it imbued with merit.

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

x x x x

The ACCREDITATION herein GRANTED is further SUBJECT TO THE FOLLOWING CONDITIONS:

- The petitioner is hereby enjoined and encouraged by the Commission to re-organize in accordance with its own internal rules and procedures as an independent organization, and to submit before election day a list of its responsible officers and members, deleting therefrom the names of any previous officer or member similarly situated with Mr. Jose S. Concepcion, Jr. who are disqualified to be part of the citizens' arm in view of the passage of COMELEC Resolution No. 7798 on 5 January 2007;

x x x x

- This accreditation shall be deemed automatically revoked in case petitioner violates any of the provisions and conditions set forth herein. [Italics supplied.]

Soon thereafter, NAMFREL filed a "Manifestation and Request for Re-Examination" that: (1) contains information regarding NAMFREL's reorganization and its new set of officers showing that the petitioner had stepped down as National Chair and had been replaced by a new Chair; (2) manifests NAMFREL's acceptance of the conditional grant of its petition for accreditation; and (3) includes NAMFREL's request for a re-examination without further arguments of the April 2, 2007 Resolution as it specifically affected the petitioner's membership with NAMFREL. In this Manifestation and Request for Re-examination, NAMFREL outlined its various objections and concerns on the legality or validity of Resolution 7798.

The COMELEC, in its Order of May 8, 2007, noted the information relating to NAMFREL's current officers, and denied the request to examine its (COMELEC's) interpretation of the April 2, 2007 Resolution prohibiting petitioner's direct participation as member and National Chairman of NAMFREL. The COMELEC reasoned out that the April 2, 2007 Resolution is clear, and NAMFREL had not presented any convincing argument to warrant the requested examination.

NAMFREL did not question the COMELEC's ruling.

THE PETITION

Instead of a direct reaction from NAMFREL, the petitioner filed the present petition, ostensibly questioning the COMELEC's April 2, 2007 Resolution, but actually raising issues with respect to Resolution 7798. To illustrate this point, the headings of the petitioner's cited grounds were as follows:

> COMELEC HAS ACTED WITHOUT JURISDICTION OR IN EXCESS OF ITS JURISDICTION WHEN IT ISSUED COMELEC RESOLUTION NO. 7798 WHICH HAS NO STATUTORY BASIS.[6]
>
> COMELEC SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION AMOUNTING TO LACK OF JURISDICTION OR IN EXCESS OF ITS JURISDICTION WHEN IT RETROACTIVELY APPLIED COMELEC RESOLUTION NO. 7798 TO NAMFREL'S PETITION.[7]
>
> NAMFREL CHAIRMAN JOSE CONCEPCION WAS NOT ACCORDED DUE PROCESS WHEN HE WAS NEITHER GIVEN THE OPPORTUNITY TO QUESTION COMELEC RESOLUTION NO. 7798 NOR THE OPPORTUNITY TO PRESENT HIS SIDE REGARDING THE PROHIBITION.[8]

The petitioner expounded on the invalidity of Resolution 7798 with the following arguments which, for brevity and ease of presentation, we summarize below:

- EO No. 94 - issued by then President Corazon Aquino on December 17, 1986 - prohibits the appointment of barangay officials as members of the BEI or as official watchers of each duly registered major political party or

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

any socio-civic, religious, professional or any similar organization of which they may be members. This law, according to the petitioner, could not however be the statutory basis of Resolution 7798 because:

- the prohibition under EO No. 94 applies only to the February 2, 1987 plebiscite. The restrictive application is evident from a reading of the EO's title[9] and of one of its whereas clauses.[10]

- nothing in EO No. 94 prohibits the petitioner's membership with NAMFREL or the petitioner's appointment as Chair or member of a duly accredited COMELEC's citizen arm. The petitioner, who then chaired NAMFREL, was never appointed as BEI member or as poll watcher.

- the underlying purpose of Resolution 7798 is to prevent barangay officials from wielding their influence during the voting and canvassing stages by entering polling places under the pretext of acting as poll watchers. The petitioner was not a poll watcher; the COMELEC could have therefore simply prohibited the appointment of barangay chairmen as BEI members or poll watchers, and would have already achieved its purpose.

- the COMELEC cannot, in the guise of regulation, go beyond or expand the mandate of a law because the COMELEC has no law-making powers.

- Resolution 7798 cannot be applied retroactively. Its effectivity clause provides that it shall be effective on the 7[th] day after its publication in a newspaper of general circulation, that is, only on January 14, 2007. Since NAMREL's petition was filed on January 5, 2007 (or before Resolution 7798's effectivity), it could not have applied to NAMFREL's petition.

- Resolution 7798 is an invalid implementing regulation, as it failed to comply with the following requisites for the validity of implementing rules and regulations:

- the rules and regulations must have been issued on the authority of law;

- the rules and regulations must be within the scope and purview of the law;

- the rules and regulations must be reasonable;

- the rules and regulations must not be contrary to laws or to the Constitution.

- On constitutional grounds, the petitioner objected to Resolution 7798 because:

- the Resolution is unreasonable, as it bears no relation to the very purpose of the law; its prohibition is harsh, oppressive, and serves no purpose at all.

- Resolution 7798 violates the petitioner's right to association through its enforced removal of the petitioner as member and Chair of NAMFEL.

- the COMELEC denied him of his right to procedural due process; he was not afforded the cardinal administrative due process right to a hearing,[11] as he was not given the opportunity to be heard or at least to comment on Resolution 7798 upon which his removal as National Chair and member of NAMFREL was based. He should have been heard since he was not a party to the petition for accreditation in his personal capacity. Thus, the April 2, 2007 Resolution conditionally granting NAMFREL's petition for accreditation should be nullified insofar as it required the petitioner's resignation from NAMFREL as a pre-condition for the effectivity of its accreditation.

THE OSG RESPONSE

The Office of the Solicitor General (OSG) defends the validity of Resolution 7798 with the following arguments:

- Resolution 7798 was issued by the COMELEC as a valid exercise of its quasi-legislative power to implement elections laws. Hence, notice and hearing are not required for its validity. The OSG cites Section 52 (c) of the OEC empowering the COMELEC to "promulgate rules and regulations implementing the provisions of this Code (the OEC) or other laws which the Commission is required to enforce and administer..." in relation with the settled principle [citing Central Bank v. Cloribel (44 SCRA 307 [1972])] that notice and hearing are not required when an administrative agency exercises its quasi-legislative power,[12] as opposed to quasi-judicial power which requires notice and hearing;[13] and

- EO No. 94 applies to the May 14, 2007 national and local elections. While EO No. 94 may have been issued primarily for the February 2, 1987 plebsicite, its spirit and intent find applicability and relevance to future elections. Thus, the COMELEC's reliance on EO No. 94 when it issued Resolution 7798 is certainly valid and proper;

- While the petitioner is not appointed as member of the BEI or as watcher, he nonetheless labors under a conflict of interest, given that a COMELEC-accredited citizens' arm is also entitled, under Section 180 of the OEC to appoint a watcher in every polling place. Additionally, the fact that the petitioner is a barangay chairman and at the same time the NAMFREL Chair clearly raises questions on his neutrality and non-partisanship; COMELEC non-partisanship may at the same time be compromised, as it is the COMELEC which accredits its citizens' arm.

The OSG - in arguing that Resolution 7798 was issued pursuant to the COMELEC's mandate and is not, therefore, tainted with grave abuse of discretion - also harks back at the extent of the power of the COMELEC under Section 2(1) of Article IX(C) of the Constitution that gives COMELEC the broad power to administer the conduct of an election, plebiscite, initiative, referendum and recall[14]; there can hardly be any doubt that the text and intent of the 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.

THE COURT'S RULING

We resolve to DISMISS the petition for blatant misuse of Rule 65 of the Rules of Court.

A primary consideration for us in looking at the petition is its thrust or focus. The petition mentions three legal instruments related with the case, namely: (1) EO No. 94 issued by then President Aquino; (2) COMELEC's April 2, 2007 Resolution conditionally granting NAMFREL's accreditation, subject to the conditions that the petitioner and similarly situated barangay officials shall not be included as members or officials of NAMFREL; and (3) COMELEC Resolution 7798, issued pursuant to EO No. 94 and which in turn is the basis for the April 2, 2007 Resolution.

We reiterate that the present petition, by its express terms, seeks to "set aside the En Banc Resolution dated 02 April 2007 and the Order dated 8 May 2007 of Respondent Comelec who, in grave abuse of discretion and in gross violation of Petitioner's right to due process of law, denied Petitioner's right to associate when the Respondent Comelec, as a condition of NAMFREL's accreditation as citizen arm, directed the removal of Petitioner as overall Chairman and member." In arguing for this objective, the petitioner directs his attention at Resolution 7798, not at the April 2, 2007 Resolution, as can be seen from the grounds summarized above. In the process, he likewise raises issues that call for the interpretation of Resolution 7798's underlying basis - EO No. 94.

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

Expressed in procedural terms, the petitioner now seeks to assail, in his individual capacity, a COMELEC adjudicatory resolution (i.e., the April 2, 2007 Resolution) for its adverse effects on him when he was not a party to that case. NAMFREL (the direct party to the case and who had accepted the COMELEC accreditation ruling), on the other hand, is not a party to the present petition. Its non-participation is apparently explained by the position it took with respect to the April 2, 2007 Resolution; in its Manifestation and Request for Examination, it asked for a re-examination of the April 2, 2007 Resolution, but interestingly stated that -

> - NAMFREL accepts the terms of the accreditation and further manifests that it has commenced full efforts into preparing for the performance of its duties and obligations as the Commission's citizen arm. [Emphasis supplied.]

Thus, the present petition is clearly the petitioner's own initiative, and NAMFREL, the direct party in the COMELEC's April 2, 2007 Resolution, has absolutely no participation.

Another unusual feature of this case is the focus of the petition. While its expressed intent is to assail the COMELEC's April 2, 2007 Resolution (an exercise of the COMELEC's quasi-judicial functions), its focus is on the alleged defects of Resolution 7798, a regulation issued by the COMELEC in the exercise of its rulemaking power.

The above features of the petition render it fatally defective. The first defect lies in the petitioner's personality to file a petition for certiorari to address an adjudicatory resolution of the COMELEC in which he was not a party to, and where the direct party, NAMFREL, does not even question the assailed resolution. It would have been another matter if NAMFREL had filed the present petition with the petitioner as intervenor because of his personal interest in the COMELEC ruling. He could have intervened, too, before the COMELEC as an affected party in NAMFREL's Manifestation and Request for Examination. As a last recourse, the petitioner could have expressly stated before this Court the procedural problems he faced and asked that we suspend the rules based on the unusual circumstances he could have pointed out. None of these actions, however, took place. Instead, the petitioner simply questioned the COMELEC's April 2, 2007 Resolution without explaining to this Court his reason for using Rule 65 as his medium, and from there, proceeded to attack the validity of COMELEC Resolution 7798. Under these questionable circumstances, we cannot now recognize the petitioner as a party-in-interest who can directly assail the COMELEC's April 2, 2007 Resolution in an original Rule 65 petition before this Court.

The requirement of personality or interest is sanctioned no less by Section 7, Article IX of the Constitution which provides that a decision, order, or ruling of a constitutional commission may be brought to this Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof.[15] This requirement is repeated in Section 1, Rule 65 of the Rules of Court, which applies to petitions for certiorari under Rule 64 of decisions, orders or rulings of the constitutional commissions pursuant to Section 2, Rule 64.[16] Section 1, Rule 65 essentially provides that a person aggrieved by any act of a tribunal, board or officer exercising judicial or quasi-judicial functions rendered without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction may file a petition for certiorari.

An aggrieved party under Section 1, Rule 65 is one who was a party to the original proceedings that gave rise to the original action for certiorari under Rule 65. We had occasion to clarify and explain the "aggrieved party" requirement in Tang v. Court of Appeals[17] where we said:

> Although Section 1 of Rule 65 provides that the special civil action of certiorari may be availed of by a "person aggrieved" by the orders or decisions of a tribunal, the term "person aggrieved" is not to be construed to mean that any person who feels injured by the lower court's order or decision can question the said court's disposition

> via certiorari. To sanction a contrary interpretation would open the floodgates to numerous and endless litigations which would undeniably lead to the clogging of court dockets and, more importantly, the harassment of the party who prevailed in the lower court.
>
> In a situation wherein the order or decision being questioned underwent adversarial proceedings before a trial court, the "person aggrieved" referred to under Section 1 of Rule 65 who can avail of the special civil action of certiorari pertains to one who was a party in the proceedings before the lower court. The correctness of this interpretation can be gleaned from the fact that a special civil action for certiorari may be dismissed motu proprio if the party elevating the case failed to file a motion for reconsideration of the questioned order or decision before the lower court. Obviously, only one who was a party in the case before the lower court can file a motion for reconsideration since a stranger to the litigation would not have the legal standing to interfere in the orders or decisions of the said court. In relation to this, if a non-party in the proceedings before the lower court has no standing to file a motion for reconsideration, logic would lead us to the conclusion that he would likewise have no standing to question the said order or decision before the appellate court via certiorari. (emphasis supplied)

More importantly, we had this to say in Development Bank of the Philippines v. Commission on Audit[18] - a case that involves a certiorari petition, under Rule 64 in relation with Rule 65, of a ruling of the Commission on Audit (a constitutional commission like COMELEC):

> The novel theory advanced by the OSG would necessarily require persons not parties to the present case - the DBP employees who are members of the Plan or the trustees of the Fund - to avail of certiorari under Rule 65. The petition for certiorari under Rule 65, however, is not available to any person who feels injured by the decision of a tribunal, board or officer exercising judicial or quasi-judicial functions. The "person aggrieved" under Section 1 of Rule 65 who can avail of the special civil action of certiorari pertains only to one who was a party in the proceedings before the court a quo, or in this case, before the COA. To hold otherwise would open the courts to numerous and endless litigations. Since DBP was the sole party in the proceedings before the COA, DBP is the proper party to avail of the remedy of certiorari.
>
> The real party in interest who stands to benefit or suffer from the judgment in the suit must prosecute or defend an action. We have held that "interest" means material interest, an interest in issue that the decision will affect, as distinguished from mere interest in the question involved, or a mere incidental interest.

The second fatal defect lies in the petition's thrust; it opened with and professed to be an express challenge to the COMELEC's adjudicatory April 2, 2007 Resolution, but in its arguments solely attacks and prays for the partial nullity of COMELEC Resolution 7798 issued in the exercise of the COMELEC's rule making power. This approach is fatally defective because the petition thereby converts an express challenge of an adjudicatory resolution - made without the requisite standing - into a challenge for the nullity of a regulation through an original Rule 65 petition for certiorari.

To be sure, a COMELEC adjudicatory action can be challenged on the basis of the invalidity of the law or regulation that underlies the action. But to do this, a valid challenge to the adjudicatory action must exist; at the very least, the petitioner must have the requisite personality to mount the legal challenge to the COMELEC adjudicatory action.[19] Where this basic condition is absent, the challenge is unmasked for what it really is - a direct challenge to the underlying law or regulation masquerading as a challenge to a COMELEC adjudicatory action.

What is significant in appreciating this defect in the petition is the legal reality that the petitioner was not without any viable remedy to directly challenge Resolution 7798. A stand-alone challenge to the regulation could have been made through appropriate mediums, particularly through a petition for declaratory relief with the appropriate Regional Trial Court under the terms of Rule 63 of the Rules of Court, or through a petition for prohibition under

Rule 65 to prevent the implementation of the regulation, as the petitioner might have found appropriate to his situation. As already mentioned, a challenge can likewise be made in the course of validly contesting an adjudicatory order of the COMELEC. Such challenge, however, cannot be made in an original petition for certiorari under Rule 65 dissociated from any COMELEC action made in the exercise of its quasi-judicial functions.

The petitioner's unusual approaches and use of Rule 65 of the Rules of Court do not appear to us to be the result of any error in reading Rule 65, given the way the petition was crafted. Rather, it was a backdoor approach to achieve what the petitioner could not directly do in his individual capacity under Rule 65. It was, at the very least, an attempted bypass of other available, albeit lengthier, modes of review that the Rules of Court provide. While we stop short of concluding that the petitioner's approaches constitute an abuse of process through a manipulative reading and application of the Rules of Court, we nevertheless resolve that the petition should be dismissed for its blatant violation of the Rules. The transgressions alleged in a petition, however weighty they may sound, cannot be justifications for blatantly disregarding the rules of procedure, particularly when remedial measures were available under these same rules to achieve the petitioner's objectives. For our part, we cannot and should not - in the name of liberality and the "transcendental importance" doctrine - entertain these types of petitions. As we held in the very recent case of Lozano, et al. vs. Nograles,[20] albeit from a different perspective, our liberal approach has its limits and should not be abused.

WHEREFORE, premises considered, the petition is DISMISSED.

Cost against the petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Quisumbing, Ynares-Santiago, Carpio, Corona, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Peralta, and Bersamin, JJ., concur.
Carpio Morales, J., on leave.

---

[1] Filed under Rule 65 of the Rules of Court.

[2] Rollo, p. 4.

[3] Id., p. 6.

[4] Id., pp. 67-69.

[5] Id., pp. 4-5.

[6] Id., p. 9.

[7] Id., p. 14.

[8] Id., p. 15.

[9]Amending Certain Provisions of the Omnibus Election Code of the Philippines for Purposes of the February 2, 1987 Plebiscite and For Other Purposes.

[10] WHEREAS, in the interest of free, orderly and honest conduct of the plebiscite, there is an immediate necessity to amend Section 52, paragraph (c) of the Omnibus Election Code of the Philippines, so as to empower the Commission on Elections to promulgate expeditiously rules and regulations for the plebiscite on February 2, 1987, considering the time element involved.

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

[11] Citing the cardinal due process rights under Ang Tibay v. Court of Industrial Relations, 69 Phil. 635 (1940).

[12] An action in the form of a general rule for the future to govern the public at large.

[13] An action which results from investigation, declaration and enforcement of liabilities as they stand on present or past facts and under existing laws.

[14] Pangandaman v. Comelec, G.R. No. 134340, November 25, 1999, 319 SCRA 283.

[15] Section 7. Each Commission shall decide by a majority vote of all its Members, any case or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof.

[16] SEC 2. Mode of review. - A judgment or final order or resolution of the Commission on Elections and the Commission on Audit may be brought by the aggrieved party to the Supreme Court on certiorari under Rule 65, except as hereinafter provided.

[17] G.R. No. 117204, February 11, 2000, 325 SCRA 394, 402-403

[18] G.R. No. 144516, February 11, 2004, 422 SCRA 459,

[19] See discussions on personality, at pages 11-14, this Decision

[20] G.R. Nos. 187883/187910, June 16. 2009

Study hands-free: podcast-style lessons with read-along highlighting - 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.