# JERRY B. AGUILAR, PETITIONER, VS. THE COMMISSION ON ELECTIONS AND ROMULO R. INSOY, RESPONDENTS.

*G.R. No. 185140. June 30, 2009*

Ponente: NACHURA, J.

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**NACHURA, J.:**

This petition for certiorari under Rules 64 and 65, which stems from pertinent facts and proceedings narrated below, assails the issuances of the Commission on Elections (COMELEC) in EAC (BRGY) No. 211-2008.

In the October 2007 barangay elections, petitioner Aguilar won the chairmanship of Brgy. Bansarvil 1, Kapatagan, Lanao del Norte, over private respondent Insoy by a margin of one vote. Not conceding his defeat, Insoy timely instituted a protest docketed as Election Case No. 516 in the Municipal Trial Court (MTC) of Kapatagan.[1] On April 17, 2008, the MTC rendered its Decision[2] finding Insoy, who, during the revision garnered 265 votes as against Aguilar's 264 votes, as the duly elected punong barangay. The trial court consequently nullified the proclamation of Aguilar and directed him to vacate the office.

Aggrieved, Aguilar filed on April 21, 2008 his notice of appeal[3] and paid to the trial court the appeal fee of P1,000.00[4] in accordance with Rule 14, Sections 8 and 9 of the recently promulgated A.M. No. 07-4-15-SC or the Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials.[5]

When the COMELEC received the records elevated by the trial court, its First Division issued on July 31, 2008 the first assailed Order[6] which pertinently reads:

> Pursuant to Sections 3 and 4, Rule 40 of the COMELEC Rules of Procedure which provide for the payment of appeal fee in the amount of P/3,000.00 within the period to file the notice of appeal, and Section 9(a), Rule 22 of the same Rules, which provides that failure to pay the correct appeal fee is a ground for the dismissal of the appeal, the Commission (First Division) RESOLVED as it hereby RESOLVES to DISMISS the instant appeal for Protestant-Appellant's (sic) failure to pay the appeal fee as prescribed by the Comelec Rules of Procedure within the five-(5)-day reglementary period.
>
> SO ORDERED.[7]

Adversely affected, Aguilar moved for reconsideration, arguing that the newly promulgated A.M. No. 07-4-15-SC only requires the payment of P1,000.00 as appeal fee.[8] The COMELEC First Division, however, issued on September 4, 2008 the second assailed Order[9] stating—

> Acting on the "Motion for Reconsideration" filed by protestee-appellant Jerry B. Aguilar, through registered mail on 13 August 2008 and received by this Commission on 21 August 2008, seeking reconsideration of this Commission's (First Division) Order dated 31 July 2008, this Commission (First Division) RESOLVES to DENY the instant motion for movants' (sic) failure to pay the complete P700.00 motion fee.
>
> SO ORDERED.[10]

Unperturbed, Aguilar filed another motion for reconsideration, contending, among others, that the order was null and void because it was issued in violation of the rule that motions for reconsideration should be resolved by the COMELEC en banc. On October 6, 2008, the COMELEC First Division issued the third assailed Order,[11] which reads in part:

> Applying suppletorily Section 2, Rule 52 of the Rules of Court, the second motion for reconsideration filed by protestee-appellant Jerry Aguilar on 25 September 2008 is hereby DENIED for being a prohibited pleading. And considering that the Motion for Reconsideration filed by protestee-appellant was denied per Order dated 4 September 2008 by the Commission (First Division) for movant's failure to pay the complete motion fee, the Order dated 31 July 2008 is now final and executory.
>
> WHEREFORE, let entry of judgment be issued in the instant case. The Judicial Records Division-ECAD, this Commission, is hereby directed to remand within three (3) days from receipt hereof the entire records of this case to the court of origin for its proper disposition and return to the protestee-appellant the Postal Money Order representing her motion fee in the amount of one thousand one hundred pesos (P/1,100.00) pesos.
>
> SO ORDERED.[12]

On October 16, 2008, the COMELEC First Division issued the Entry of Judgment.[13]

Faced with imminent ouster from office, petitioner instituted the instant petition to assail the aforementioned issuances of the COMELEC First Division.

Readily discernable is that the challenged September 4 and October 6, 2008 Orders[14] were issued not by the COMELEC en banc but by one of its divisions, the First Division. Settled is the rule that it is the decision, order or ruling of the COMELEC en banc which, in accordance with Article IX-A, Section 7[15] of the Constitution, may be brought to this Court on certiorari.[16] But this rule should not apply when a division of the COMELEC arrogates unto itself, and deprives the en banc of the authority to rule on a motion for reconsideration, as in this case. Further, the rule is not ironclad; it admits of exceptions as when the decision or resolution sought to be set aside, even if it were merely a Division action, is an absolute nullity.[17]

The invalidity of the September 4 and October 6, 2008 Orders arises from the very fact that they were issued by a division of the COMELEC. The Constitution explicitly establishes, in Article IX-C, Section 3, the procedure for the resolution of election cases by the COMELEC, thus:

> Sec. 3. The Commission on Elections may sit en banc or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission en banc.[18]

The COMELEC Rules of Procedure,[19] complementing the constitutional provision, also details the course of action to be undertaken in the event motions for reconsideration are filed; thus, Rule 19, Sections 5 and 6 provide that—

> Sec. 5. How Motion for Reconsideration Disposed Of.— Upon the filing of a motion to reconsider a decision, resolution, order or ruling of a Division, the Clerk of Court concerned shall, within twenty-four (24) hours from the filing thereof, notify the Presiding Commissioner. The latter shall within two (2) days thereafter certify the case to the Commission en banc.
>
> Sec. 6. Duty of Clerk of Court of Commission to Calendar Motion for Reconsideration.— The Clerk of Court concerned shall calendar the motion for reconsideration for the resolution of the Commission en banc within ten (10) days from the certification thereof.[20]


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In this case, petitioner's motion for reconsideration of the order dismissing his appeal was not resolved by the COMELEC en banc, but by the COMELEC First Division, in obvious violation of the provisions of the Constitution and the COMELEC Rules of Procedure. Stated differently, the division, after dismissing petitioner's appeal, arrogated unto itself the en banc's function of resolving petitioner's motion for reconsideration. In Soriano, Jr. v. Commission on Elections,[21] we emphasized the rule that a motion to reconsider a decision, resolution, order or ruling of a COMELEC division, except with regard to interlocutory orders, shall be elevated to the COMELEC en banc. Here, there is no doubt that the order dismissing the appeal is not merely an interlocutory, but a final order.[22] It was, therefore, incumbent upon the Presiding Commissioner of the COMELEC First Division to certify the case to the COMELEC en banc within two days from notification of the filing of the motion.

This rule should apply whether the motion fee has been paid or not, as what happened in Olanolan v. Commission on Elections.[23] Indeed, Rule 40, Section 18[24] of the COMELEC Rules of Procedure gives discretion to the COMELEC, in this case, to the en banc and not to the division, either to refuse to take action until the motion fee is paid, or to dismiss the action or proceeding.[25]

The COMELEC First Division's unceremonious departure from this constitutionally mandated procedure in the disposition of election cases must have brought confusion to the parties, so much so, that petitioner filed a second motion for reconsideration raising this issue. Yet, the COMELEC First Division, in the further assailed October 6, 2008 Order, committed another obvious error when it again usurped the en banc's authority to resolve motions for reconsideration.

Being a violation of the Constitution and the COMELEC Rules of Procedure, the assailed September 4 and October 6, 2008 Orders are null and void. They were issued by the COMELEC First Division with grave abuse of discretion. By grave abuse of discretion is meant such capricious and whimsical exercise of judgment equivalent to lack of jurisdiction.Mere abuse of discretion is not enough. It must be grave, as when it is exercised arbitrarily or despotically by reason of passion or personal hostility.The abuse must be so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.[26] Clearly, by arrogating unto itself a power constitutionally lodged in the Commission en banc, the COMELEC First Division, in this case, exercised judgment in excess of, or without, jurisdiction.

However, instead of remanding this case to the COMELEC en banc for appropriate action on petitioner's motion for reconsideration, we will resolve the propriety of the appeal's dismissal, considering the urgent need for the resolution of election cases, and considering that the issue has, after all, been raised in this petition.

Sections 8 and 9, Rule 14 of A.M. No. 07-4-15-SC[27] provide for the following procedure in the appeal to the COMELEC of trial court decisions in election protests involving elective municipal and barangay officials:

> SEC. 8. Appeal. — An aggrieved party may appeal the decision to the Commission on Elections, within five days after promulgation, by filing a notice of appeal with the court that rendered the decision, with copy served on the adverse counsel or party if not represented by counsel.
>
> SEC. 9. Appeal fee. — The appellant in an election contest shall pay to the court that rendered the decision an appeal fee of One Thousand Pesos (P1,000.00), simultaneously with the filing of the notice of appeal.

Section 8 was derived from Article IX-C, Section 2(2)[28] of the Constitution and Rule 40, Section 3, par. 1[29] and Rule 41, Section 2(a)[30] of the Rules of Court.[31] Section 9 was taken from Rule 141,[32] Sections 7(l)[33] and 8(f)[34] of the Rules of Court.[35]

It should be noted from the afore-quoted sections of the Rule that the appeal fee of P1,000.00 is paid not to the

COMELEC but to the trial court that rendered the decision. Thus, the filing of the notice of appeal and the payment of the P1,000.00 appeal fee perfect the appeal, consonant with Sections 10 and 11 of the same Rule. Upon the perfection of the appeal, the records have to be transmitted to the Electoral Contests Adjudication Department of the COMELEC within 15 days. The trial court may only exercise its residual jurisdiction to resolve pending incidents if the records have not yet been transmitted and before the expiration of the period to appeal.[36]

With the promulgation of A.M. No. 07-4-15-SC, the previous rule that the appeal is perfected only upon the full payment of the appeal fee, now pegged at P3,200.00, to the COMELEC Cash Division within the period to appeal, as stated in the COMELEC Rules of Procedure, as amended,[37] no longer applies.

It thus became necessary for the COMELEC to clarify the procedural rules on the payment of appeal fees. For this purpose, the COMELEC issued on July 15, 2008, Resolution No. 8486,[38] which the Court takes judicial notice of. The resolution pertinently reads:

> WHEREAS, the Commission on Elections is vested with appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, and those involving elective barangay officials, decided by trial courts of limited jurisdiction;
>
> WHEREAS, Supreme Court Administrative Order No. 07-4-15 (Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials) promulgated on May 15, 2007 provides in Sections 8 and 9, Rule 14 thereof the procedure for instituting the appeal and the required appeal fees to be paid for the appeal to be given due course, to wit:
> Section 8. Appeal. - An aggrieved party may appeal the decision to the Commission on Elections, within five days after promulgation, by filing a notice of appeal with the court that rendered the decision, with copy served on the adverse counsel or party if not represented by counsel.
>
> Section 9. Appeal fee. - The appellant in an election contest shall pay to the court that rendered the decision an appeal fee of One Thousand Pesos (P1,000.00), simultaneously with the filing of the notice of appeal.

WHEREAS, payment of appeal fees in appealed election protest cases is also required in Section 3, Rule 40 of the COMELEC Rules of Procedure the amended amount of which was set at P3,200.00 in COMELEC Minute Resolution No. 02-0130 made effective on September 18, 2002.

WHEREAS, the requirement of these two appeal fees by two different jurisdictions had caused confusion in the implementation by the Commission on Elections of its procedural rules on payment of appeal fees for the perfection of appeals of cases brought before it from the Courts of General and Limited Jurisdictions.

WHEREAS, there is a need to clarify the rules on compliance with the required appeal fees for the proper and judicious exercise of the Commission's appellate jurisdiction over election protest cases.

WHEREFORE, in view of the foregoing, the Commission hereby RESOLVES to DIRECT as follows:

1. That if the appellant had already paid the amount of P1,000.00 before the Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court or lower courts within the five-day period, pursuant to Section 9, Rule 14 of the Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials (Supreme Court Administrative Order No. 07-4-15) and his Appeal was given due course by the Court, said appellant is required to pay the Comelec appeal fee of P3,200.00 at the Commission's Cash Division through the Electoral Contests Adjudication Department (ECAD) or by postal money order payable to the Commission on Elections through ECAD, within a period of fifteen days (15) from the time of the filing of the Notice of Appeal with the lower court. If no payment is made within the prescribed period, the appeal shall be dismissed pursuant

to Section 9(a) of Rule 22 of the COMELEC Rules of Procedure, which provides:

Sec. 9. Grounds for Dismissal of Appeal. The appeal may be dismissed upon motion of either party or at the instance of the Commission on any of the following grounds:

(a) Failure of the appellant to pay the correct appeal fee; x x x

2. That if the appellant failed to pay the P1,000.00 - appeal fee with the lower court within the five (5) day period as prescribed by the Supreme Court New Rules of Procedure but the case was nonetheless elevated to the Commission, the appeal shall be dismissed outright by the Commission, in accordance with the aforestated Section 9(a) of Rule 22 of the Comelec Rules of Procedure.

The Education and Information Department is directed to cause the publication of this resolution in two (2) newspapers of general circulation. This resolution shall take effect on the seventh day following its publication.

**SO ORDERED.[39]**

The foregoing resolution is consistent with A.M. No. 07-4-15-SC and the COMELEC Rules of Procedure, as amended. The appeal to the COMELEC of the trial court's decision in election contests involving municipal and barangay officials is perfected upon the filing of the notice of appeal and the payment of the P1,000.00 appeal fee to the court that rendered the decision within the five-day reglementary period. The non-payment or the insufficient payment of the additional appeal fee of P3,200.00 to the COMELEC Cash Division, in accordance with Rule 40, Section 3 of the COMELEC Rules of Procedure, as amended, does not affect the perfection of the appeal and does not result in outright or ipso facto dismissal of the appeal. Following, Rule 22, Section 9(a) of the COMELEC Rules, the appeal may be dismissed. And pursuant to Rule 40, Section 18[40] of the same rules, if the fees are not paid, the COMELEC may refuse to take action thereon until they are paid and may dismiss the action or the proceeding. In such a situation, the COMELEC is merely given the discretion to dismiss the appeal or not.[41]

Accordingly, in the instant case, the COMELEC First Division, may dismiss petitioner's appeal, as it in fact did, for petitioner's failure to pay the P3,200.00 appeal fee.

Be that as it may, the Court still finds that the COMELEC First Division gravely abused its discretion in issuing the order dismissing petitioner's appeal. The Court notes that the notice of appeal and the P1,000.00 appeal fee were, respectively, filed and paid with the MTC of Kapatagan, Lanao del Norte on April 21, 2008. On that date, the petitioner's appeal was deemed perfected. COMELEC issued Resolution No. 8486 clarifying the rule on the payment of appeal fees only on July 15, 2008, or almost three months after the appeal was perfected. Yet, on July 31, 2008, or barely two weeks after the issuance of Resolution No. 8486, the COMELEC First Division dismissed petitioner's appeal for non-payment to the COMELEC Cash Division of the additional P3,200.00 appeal fee.

Considering that petitioner filed his appeal months before the clarificatory resolution on appeal fees, petitioner's appeal should not be unjustly prejudiced by COMELEC Resolution No. 8486. Fairness and prudence dictate that the COMELEC First Division should have first directed petitioner to pay the additional appeal fee in accordance with the clarificatory resolution, and if the latter should refuse to comply, then, and only then, dismiss the appeal. Instead, the COMELEC First Division hastily dismissed the appeal on the strength of the recently promulgated clarificatory resolution--which had taken effect only a few days earlier. This unseemly haste is an invitation to outrage.

The COMELEC First Division should have been more cautious in dismissing petitioner's appeal on the mere technicality of non-payment of the additional P3,200.00 appeal fee given the public interest involved in election


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cases. This is especially true in this case where only one vote separates the contending parties. The Court stresses once more that election law and rules are to be interpreted and applied in a liberal manner so as to give effect, not to frustrate, the will of the electorate.[42]

WHEREFORE, premises considered, the petition for certiorari is GRANTED. The July 31, September 4 and October 6, 2008 Orders and the October 16, 2008 Entry of Judgment issued by the COMELEC First Division in EAC (BRGY) No. 211-2008 are ANNULLED and SET ASIDE. The case is REMANDED to the COMELEC First Division for disposition in accordance with this Decision.

**SO ORDERED.**

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

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[1] Rollo, p. 15.

[2] Id. at 26-40.

[3] Id. at 41.

[4] Id. at 4.

[5] Promulgated on April 24, 2007, and became effective on May 15, 2007.

[6] Rollo, p. 42.

[7] Id.

[8] Id. at 44-46.

[9] Id. at 51.

[10] Id.

[11] Id. at 59.

[12] Id.

[13] Id. at 60.

[14] Supra notes 9 and 11.

[15] The full text of the provision reads:

Sec. 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] Reyes v. RTC of Oriental Mindoro, G.R. No. 108886, May 5, 1995, 313 Phil. 727, 734, citing Ong, Jr. v. Commission on Elections, G.R. No. 105717, December 23, 1992, 216 SCRA 806 and Sarmiento v. Commission

on Elections, G.R. No. 105628, August 6, 1992, 212 SCRA 307.

[17] Blanco v. Commission on Elections, G.R. No. 180164, June 17, 2008, 554 SCRA 755, 761; Repol v. Commission on Elections, G.R. No. 161418, April 28, 2004, 428 SCRA 321, 330.

[18] Underscoring supplied. See Milla v. Balmores-Laxa, G.R. No. 151216, July 18, 2003, 454 Phil. 452, 462; Ambil, Jr. v. Commission on Elections, G.R. No. 143398, October 25, 2000, 398 Phil. 257, 275; and Soller v. Commission on Elections, G.R. No. 139853, September 5, 2000, 394 Phil. 197, 205, in which the Court stressed on the COMELEC's compliance to the constitutionally mandated procedure in resolving election cases.

[19] Approved on February 15, 1993.

[20] Underscoring supplied.

[21] G.R. No. 164496-505, April 2, 2007, 520 SCRA 88, 106.

[22] See Ang v. Grageda, G.R. No. 166239, June 8, 2006, 490 SCRA 424, 437. See, however, Salazar, Jr. v. Commission on Elections, G.R. No. 85742, April 19, 1990, 184 SCRA 433, 441, in which the Court declared that the resolution dismissing a pre-proclamation petition for lack of interest due to the failure of the petitioner or his counsel to appear for hearing, was not a decision nor of such a nature that a motion for reconsideration thereof would call for resolution by the COMELEC en banc. It should be noted, nevertheless, that in Salazar, the pre-proclamation petition raised issues that were appropriate for an election contest, and that the pre-proclamation controversy was no longer viable because proclamation had already been made.

[23] G.R. No. 165491, March 31, 2005, 454 SCRA 807, 812.

[24] Rule 40, Sec. 18 of the COMELEC Rules of Procedure provides:

Sec. 18. Non-payment of Prescribed Fees.--If the fees above prescribed are not paid, Commission may refuse to take action thereon until they are paid and may dismiss the action or the proceeding.

[25] Olanolan v. Commission on Elections, supra note 23, at 815-816; Jaramilla v. Commission on Elections, G.R. No. 155717, October 23, 2003, 460 Phil. 507, 514; Rodillas v. Commission on Elections, G.R. No. 119055, July 10, 1995, 315 Phil. 789, 794-795..

[26] Cantoria v. Commission on Elections, G.R. No. 162035, November 26, 2004, 486 Phil. 745, 751.

[27] Supra note 5.

[28] Article IX-C, Sec. 2(2) reads:

Section 2. The Commission on Elections shall exercise the following powers and functions:

x x x x

(2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

[29] Rule 40, Sec. 3, par. 1 of the Rules of Court reads:


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Sec. 3. How to appeal.--The appeal is taken by filing a notice of appeal with the court that rendered the judgment or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the judgment or final order or part thereof appealed from, and state the material dates showing the timeliness of the appeal.

x x x x

[30] Rule 41, Sec. 2(a) reads:

Sec. 2. Modes of Appeal.--

(a) Ordinary appeal.--The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

x x x x

[31] Rationale of the Proposed Rules of Procedure in Election Contests Before the Regular Courts Involving Elective Municipal and Barangay Officials, April 19, 2007, p. 19.

[32] As revised by A.M. No. 04-2-04-SC effective August 16, 2004.

[33] Rule 141, Sec. 7(l) reads:

Sec. 7. Clerks of Regional Trial Courts.--

x x x x

(l) For appeals from Regional Trial Courts to Court of Appeals, Sandiganbayan, or Supreme Court--THREE THOUSAND (P3,000.00) PESOS;

x x x x

[34] Rule 141, Sec. 8(f) reads:

Sec. 8. Clerks of Court of the First Level Courts.--

x x x x

(f) For appeals in all actions or proceedings, including forcible entry and detainer cases, taken from the courts of first level and petitions to the 2[nd] level courts--ONE THOUSAND (P1,000.00) PESOS;

x x x x

[35] Working Draft of the Rules of Procedure in Election Contests Before the Regular Courts Involving Elective Municipal and Barangay Officials, April 20, 2007, p. 32.

[36] Rule 14, Secs. 10 and 11 of A.M. No. 07-4-15-SC read:

> Sec. 10. Immediate transmittal of records of the case.--The clerk of court shall, within fifteen days from the filing of the notice of appeal, transmit to the Electoral Contests Adjudication Department, Commission on Elections, the complete records of the case, together with all the evidence, including the original and three copies of the transcript of stenographic notes of the proceedings.
>
> Sec. 11. Execution pending appeal.--On motion of the prevailing party with notice to the adverse party, the court, while still in possession of the original records, may, at its discretion, order the execution of the decision


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> in an election contest before the expiration of the period to appeal, subject to the following rules:
>
> a. There must be a motion by the prevailing party with three-day notice to the adverse party. Execution pending appeal shall not issue without prior notice and hearing. There must be good reasons for the execution pending appeal. The court, in a special order, must state the good or special reasons justifying the execution pending appeal. Such reasons must:
>
> 1. constitute superior circumstances demanding urgency that will outweigh the injury or damage should the losing party secure a reversal of the judgment on appeal; and
>
> 2. be manifest, in the decision sought to be executed, that the defeat of the protestee or the victory of the protestant has been clearly established.
>
> b. If the court grants an execution pending appeal, an aggrieved party shall have twenty working days from notice of the special order within which to secure a restraining order or status quo order from the Supreme Court or the Commission on Elections. The corresponding writ of execution shall issue after twenty days, if no restraining order or status quo order is issued. During such period, the writ of execution pending appeal shall be stayed.

[37] Zamoras v. Commission on Elections, G.R. No. 158610, November 12, 2004, 442 SCRA 397, 402-405; Villota v. Commission on Elections, G.R. No. 146724, August 10, 2001, 415 Phil. 87, 91-94; Reyes v. RTC of Oriental Mindoro, supra note 16, at 735-736.

[38] Entitled "In the Matter of Clarifying the Implementation of COMELEC Rules Re: Payment of Filing Fees for Appealed Cases Involving Barangay and Municipal Elective Positions From the Municipal Trial Courts, Municipal Circuit Trial Courts, Metropolitan Trial Courts and Regional Trial Courts;" http://www.comelec.gov.ph/resolutions/2008armm/res_8486.html (visited: May 21, 2009).

[39] Published on July 17, 2008 in Philippine Star, Manila Standard, and Today.

[40] Supra note 24.

[41] Jaramilla v. Commission on Elections, supra note 25, at 514.

[42] Rodriguez v. Commission on Elections, G.R. No. 61545, December 27, 1982, 204 Phil. 784, 796.

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