

JOSE L. ATIENZA, JR., MATIAS V. DEFENSOR, JR., RODOLFO G. VALENCIA, DANILO E. SUAREZ, SOLOMON R. CHUNGALAO, SALVACION ZALDIVAR-PEREZ, HARLIN CAST-ABAYON, MELVIN G. MACUSI AND EL...

G.R. No. 188920. February 16, 2010

Ponente: ABAD, J.

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ABAD, J.:

This petition is an offshoot of two earlier cases already resolved by the Court involving a leadership dispute within a political party. In this case, the petitioners question their expulsion from that party and assail the validity of the election of new party leaders conducted by the respondents.

Statement of the Facts and the Case

For a better understanding of the controversy, a brief recall of the preceding events is in order.

On July 5, 2005 respondent Franklin M. Drilon (Drilon), as erstwhile president of the Liberal Party (LP), announced his party's withdrawal of support for the administration of President Gloria Macapagal-Arroyo. But petitioner Jose L. Atienza, Jr. (Atienza), LP Chairman, and a number of party members denounced Drilon's move, claiming that he made the announcement without consulting his party.

On March 2, 2006 petitioner Atienza hosted a party conference to supposedly discuss local autonomy and party matters but, when convened, the assembly proceeded to declare all positions in the LP's ruling body vacant and elected new officers, with Atienza as LP president. Respondent Drilon immediately filed a petition^[1] with the Commission on Elections (COMELEC) to nullify the elections. He claimed that it was illegal considering that the party's electing bodies, the National Executive Council (NECO) and the National Political Council (NAPOLCO), were not properly convened. Drilon also claimed that under the amended LP Constitution,^[2] party officers were elected to a fixed three-year term that was yet to end on November 30, 2007.

On the other hand, petitioner Atienza claimed that the majority of the LP's NECO and NAPOLCO attended the March 2, 2006 assembly. The election of new officers on that occasion could be likened to "people power," wherein the LP majority removed respondent Drilon as president by direct action. Atienza also said that the amendments^[3] to the original LP Constitution, or the Salonga Constitution, giving LP officers a fixed three-year term, had not been properly ratified. Consequently, the term of Drilon and the other officers already ended on July 24, 2006.

On October 13, 2006, the COMELEC issued a resolution,^[4] partially granting respondent Drilon's petition. It annulled the March 2, 2006 elections and ordered the holding of a new election under COMELEC supervision. It held that the election of petitioner Atienza and the others with him was invalid since the electing assembly did not convene in accordance with the Salonga Constitution. But, since the amendments to the Salonga Constitution had

not been properly ratified, Drilon's term may be deemed to have ended. Thus, he held the position of LP president in a holdover capacity until new officers were elected.

Both sides of the dispute came to this Court to challenge the COMELEC rulings. On April 17, 2007 a divided Court issued a resolution,[5] granting respondent Drilon's petition and denying that of petitioner Atienza. The Court held, through the majority, that the COMELEC had jurisdiction over the intra-party leadership dispute; that the Salonga Constitution had been validly amended; and that, as a consequence, respondent Drilon's term as LP president was to end only on November 30, 2007.

Subsequently, the LP held a NECO meeting to elect new party leaders before respondent Drilon's term expired. Fifty-nine NECO members out of the 87 who were supposedly qualified to vote attended. Before the election, however, several persons associated with petitioner Atienza sought to clarify their membership status and raised issues regarding the composition of the NECO. Eventually, that meeting installed respondent Manuel A. Roxas II (Roxas) as the new LP president.

On January 11, 2008 petitioners Atienza, Matias V. Defensor, Jr., Rodolfo G. Valencia, Danilo E. Suarez, Solomon R. Chungalao, Salvacion Zaldivar-Perez, Harlin Cast-Abayon, Melvin G. Macusi, and Eleazar P. Quinto, filed a petition for mandatory and prohibitory injunction[6] before the COMELEC against respondents Roxas, Drilon and J.R. Nereus O. Acosta, the party secretary general. Atienza, et al. sought to enjoin Roxas from assuming the presidency of the LP, claiming that the NECO assembly which elected him was invalidly convened. They questioned the existence of a quorum and claimed that the NECO composition ought to have been based on a list appearing in the party's 60th Anniversary Souvenir Program. Both Atienza and Drilon adopted that list as common exhibit in the earlier cases and it showed that the NECO had 103 members.

Petitioners Atienza, et al. also complained that Atienza, the incumbent party chairman, was not invited to the NECO meeting and that some members, like petitioner Defensor, were given the status of "guests" during the meeting. Atienza's allies allegedly raised these issues but respondent Drilon arbitrarily thumbed them down and "railroaded" the proceedings. He suspended the meeting and moved it to another room, where Roxas was elected without notice to Atienza's allies.

On the other hand, respondents Roxas, et al. claimed that Roxas' election as LP president faithfully complied with the provisions of the amended LP Constitution. The party's 60[th] Anniversary Souvenir Program could not be used for determining the NECO members because supervening events changed the body's number and composition. Some NECO members had died, voluntarily resigned, or had gone on leave after accepting positions in the government. Others had lost their re-election bid or did not run in the May 2007 elections, making them ineligible to serve as NECO members. LP members who got elected to public office also became part of the NECO. Certain persons of national stature also became NECO members upon respondent Drilon's nomination, a privilege granted the LP president under the amended LP Constitution. In other words, the NECO membership was not fixed or static; it changed due to supervening circumstances.

Respondents Roxas, et al. also claimed that the party deemed petitioners Atienza, Zaldivar-Perez, and Cast-Abayon resigned for holding the illegal election of LP officers on March 2, 2006. This was pursuant to a March 14, 2006 NAPOLCO resolution that NECO subsequently ratified. Meanwhile, certain NECO members, like petitioners Defensor, Valencia, and Suarez, forfeited their party membership when they ran under other political parties during the May 2007 elections. They were dropped from the roster of LP members.

On June 18, 2009 the COMELEC issued the assailed resolution denying petitioners Atienza, et al.'s petition. It noted that the May 2007 elections necessarily changed the composition of the NECO since the amended LP Constitution explicitly made incumbent senators, members of the House of Representatives, governors and

mayors members of that body. That some lost or won these positions in the May 2007 elections affected the NECO membership. Petitioners failed to prove that the NECO which elected Roxas as LP president was not properly convened.

As for the validity of petitioners Atienza, et al.'s expulsion as LP members, the COMELEC observed that this was a membership issue that related to disciplinary action within the political party. The COMELEC treated it as an internal party matter that was beyond its jurisdiction to resolve.

Without filing a motion for reconsideration of the COMELEC resolution, petitioners Atienza, et al. filed this petition for certiorari under Rule 65.

The Issues Presented

Respondents Roxas, et al. raise the following threshold issues:

1. Whether or not the LP, which was not impleaded in the case, is an indispensable party; and
2. Whether or not petitioners Atienza, et al., as ousted LP members, have the requisite legal standing to question Roxas' election.

Petitioners Atienza, et al., on the other hand, raise the following issues:

3. Whether or not the COMELEC gravely abused its discretion when it upheld the NECO membership that elected respondent Roxas as LP president;
4. Whether or not the COMELEC gravely abused its discretion when it resolved the issue concerning the validity of the NECO meeting without first resolving the issue concerning the expulsion of Atienza, et al. from the party; and
5. Whether or not respondents Roxas, et al. violated petitioners Atienza, et al.'s constitutional right to due process by the latter's expulsion from the party.

The Court's Ruling

One. Respondents Roxas, et al. assert that the Court should dismiss the petition for failure of petitioners Atienza, et al. to implead the LP as an indispensable party. Roxas, et al. point out that, since the petition seeks the issuance of a writ of mandatory injunction against the NECO, the controversy could not be adjudicated with finality without making the LP a party to the case.[7]

But petitioners Atienza, et al.'s causes of action in this case consist in respondents Roxas, et al.'s disenfranchisement of Atienza, et al. from the election of party leaders and in the illegal election of Roxas as party president. Atienza, et al. were supposedly excluded from the elections by a series of "despotic acts" of Roxas, et al., who controlled the proceedings. Among these acts are Atienza, et al.'s expulsion from the party, their exclusion from the NECO, and respondent Drilon's "railroading" of election proceedings. Atienza, et al. attributed all these illegal and prejudicial acts to Roxas, et al.

Since no wrong had been imputed to the LP nor had some affirmative relief been sought from it, the LP is not an indispensable party. Petitioners Atienza, et al.'s prayer for the undoing of respondents Roxas, et al.'s acts and the reconvening of the NECO are directed against Roxas, et al.

Two. Respondents Roxas, et al. also claim that petitioners Atienza, et al. have no legal standing to question the election of Roxas as LP president because they are no longer LP members, having been validly expelled from the party or having joined other political parties.[8] As non-members, they have no stake in the outcome of the action.

But, as the Court held in *David v. Macapagal-Arroyo*,^[9] legal standing in suits is governed by the "real parties-in-interest" rule under Section 2, Rule 3 of the Rules of Court. This states that "every action must be prosecuted or defended in the name of the real party-in-interest." And "real party-in-interest" is one who stands to be benefited or injured by the judgment in the suit or the party entitled to the avails of the suit. In other words, the plaintiff's standing is based on his own right to the relief sought. In raising petitioners Atienza, et al.'s lack of standing as a threshold issue, respondents Roxas, et al. would have the Court hypothetically assume the truth of the allegations in the petition.

Here, it is precisely petitioners Atienza, et al.'s allegations that respondents Roxas, et al. deprived them of their rights as LP members by summarily excluding them from the LP roster and not allowing them to take part in the election of its officers and that not all who sat in the NECO were in the correct list of NECO members. If Atienza, et al.'s allegations were correct, they would have been irregularly expelled from the party and the election of officers, void. Further, they would be entitled to recognition as members of good standing and to the holding of a new election of officers using the correct list of NECO members. To this extent, therefore, Atienza, et al. who want to take part in another election would stand to be benefited or prejudiced by the Court's decision in this case. Consequently, they have legal standing to pursue this petition.

Three. In assailing respondent Roxas' election as LP president, petitioners Atienza, et al. claim that the NECO members allowed to take part in that election should have been limited to those in the list of NECO members appearing in the party's 60th Anniversary Souvenir Program. Atienza, et al. allege that respondent Drilon, as holdover LP president, adopted that list in the earlier cases before the COMELEC and it should thus bind respondents Roxas, et al. The Court's decision in the earlier cases, said Atienza, et al., anointed that list for the next party election. Thus, Roxas, et al. in effect defied the Court's ruling when they removed Atienza as party chairman and changed the NECO's composition.^[10]

But the list of NECO members appearing in the party's 60th Anniversary Souvenir Program was drawn before the May 2007 elections. After the 2007 elections, changes in the NECO membership had to be redrawn to comply with what the amended LP Constitution required. Respondent Drilon adopted the souvenir program as common exhibit in the earlier cases only to prove that the NECO, which supposedly elected Atienza as new LP president on March 2, 2006, had been improperly convened. It cannot be regarded as an immutable list, given the nature and character of the NECO membership.

Nothing in the Court's resolution in the earlier cases implies that the NECO membership should be pegged to the party's 60th Anniversary Souvenir Program. There would have been no basis for such a position. The amended LP Constitution did not intend the NECO membership to be permanent. Its Section 27^[11] provides that the NECO shall include all incumbent senators, members of the House of Representatives, governors, and mayors who were LP members in good standing for at least six months. It follows from this that with the national and local elections taking place in May 2007, the number and composition of the NECO would have to yield to changes brought about by the elections.

Former NECO members who lost the offices that entitled them to membership had to be dropped. Newly elected ones who gained the privilege because of their offices had to come in. Furthermore, former NECO members who passed away, resigned from the party, or went on leave could not be expected to remain part of the NECO that convened and held elections on November 26, 2007. In addition, Section 27 of the amended LP Constitution expressly authorized the party president to nominate "persons of national stature" to the NECO. Thus, petitioners Atienza, et al. cannot validly object to the admission of 12 NECO members nominated by respondent Drilon when he was LP president. Even if this move could be regarded as respondents Roxas, et al.'s way of ensuring their election as party officers, there was certainly nothing irregular about the act under the amended LP

Constitution.

The NECO was validly convened in accordance with the amended LP Constitution. Respondents Roxas, et al. explained in details how they arrived at the NECO composition for the purpose of electing the party leaders.[12] The explanation is logical and consistent with party rules. Consequently, the COMELEC did not gravely abuse its discretion when it upheld the composition of the NECO that elected Roxas as LP president.

Petitioner Atienza claims that the Court's resolution in the earlier cases recognized his right as party chairman with a term, like respondent Drilon, that would last up to November 30, 2007 and that, therefore, his ouster from that position violated the Court's resolution. But the Court's resolution in the earlier cases did not preclude the party from disciplining Atienza under Sections 29[13] and 46[14] of the amended LP Constitution. The party could very well remove him or any officer for cause as it saw fit.

Four. Petitioners Atienza, et al. lament that the COMELEC selectively exercised its jurisdiction when it ruled on the composition of the NECO but refused to delve into the legality of their expulsion from the party. The two issues, they said, weigh heavily on the leadership controversy involved in the case. The previous rulings of the Court, they claim, categorically upheld the jurisdiction of the COMELEC over intra-party leadership disputes.[15]

But, as respondents Roxas, et al. point out, the key issue in this case is not the validity of the expulsion of petitioners Atienza, et al. from the party, but the legitimacy of the NECO assembly that elected respondent Roxas as LP president. Given the COMELEC's finding as upheld by this Court that the membership of the NECO in question complied with the LP Constitution, the resolution of the issue of whether or not the party validly expelled petitioners cannot affect the election of officers that the NECO held.

While petitioners Atienza, et al. claim that the majority of LP members belong to their faction, they did not specify who these members were and how their numbers could possibly affect the composition of the NECO and the outcome of its election of party leaders. Atienza, et al. has not bothered to assail the individual qualifications of the NECO members who voted for Roxas. Nor did Atienza, et al. present proof that the NECO had no quorum when it then assembled. In other words, the claims of Atienza, et al. were totally unsupported by evidence.

Consequently, petitioners Atienza, et al. cannot claim that their expulsion from the party impacts on the party leadership issue or on the election of respondent Roxas as president so that it was indispensable for the COMELEC to adjudicate such claim. Under the circumstances, the validity or invalidity of Atienza, et al.'s expulsion was purely a membership issue that had to be settled within the party. It is an internal party matter over which the COMELEC has no jurisdiction.

What is more, some of petitioner Atienza's allies raised objections before the NECO assembly regarding the status of members from their faction. Still, the NECO proceeded with the election, implying that its membership, whose composition has been upheld, voted out those objections.

The COMELEC's jurisdiction over intra-party disputes is limited. It does not have blanket authority to resolve any and all controversies involving political parties. Political parties are generally free to conduct their activities without interference from the state. The COMELEC may intervene in disputes internal to a party only when necessary to the discharge of its constitutional functions.

The COMELEC's jurisdiction over intra-party leadership disputes has already been settled by the Court. The Court ruled in *Kalaw v. Commission on Elections*[16] that the COMELEC's powers and functions under Section 2, Article IX-C of the Constitution, "include the ascertainment of the identity of the political party and its legitimate officers responsible for its acts." The Court also declared in another case[17] that the COMELEC's power to register political parties necessarily involved the determination of the persons who must act on its behalf.

Thus, the COMELEC may resolve an intra-party leadership dispute, in a proper case brought before it, as an incident of its power to register political parties.

The validity of respondent Roxas' election as LP president is a leadership issue that the COMELEC had to settle. Under the amended LP Constitution, the LP president is the issuing authority for certificates of nomination of party candidates for all national elective positions. It is also the LP president who can authorize other LP officers to issue certificates of nomination for candidates to local elective posts.[18] In simple terms, it is the LP president who certifies the official standard bearer of the party.

The law also grants a registered political party certain rights and privileges that will redound to the benefit of its official candidates. It imposes, too, legal obligations upon registered political parties that have to be carried out through their leaders. The resolution of the leadership issue is thus particularly significant in ensuring the peaceful and orderly conduct of the elections.[19]

Five. Petitioners Atienza, et al. argue that their expulsion from the party is not a simple issue of party membership or discipline; it involves a violation of their constitutionally-protected right to due process of law. They claim that the NAPOLCO and the NECO should have first summoned them to a hearing before summarily expelling them from the party. According to Atienza, et al., proceedings on party discipline are the equivalent of administrative proceedings[20] and are, therefore, covered by the due process requirements laid down in *Ang Tibay v. Court of Industrial Relations*. [21]

But the requirements of administrative due process do not apply to the internal affairs of political parties. The due process standards set in *Ang Tibay* cover only administrative bodies created by the state and through which certain governmental acts or functions are performed. An administrative agency or instrumentality "contemplates an authority to which the state delegates governmental power for the performance of a state function." [22] The constitutional limitations that generally apply to the exercise of the state's powers thus, apply too, to administrative bodies.

The constitutional limitations on the exercise of the state's powers are found in Article III of the Constitution or the Bill of Rights. The Bill of Rights, which guarantees against the taking of life, property, or liberty without due process under Section 1 is generally a limitation on the state's powers in relation to the rights of its citizens. The right to due process is meant to protect ordinary citizens against arbitrary government action, but not from acts committed by private individuals or entities. In the latter case, the specific statutes that provide reliefs from such private acts apply. The right to due process guards against unwarranted encroachment by the state into the fundamental rights of its citizens and cannot be invoked in private controversies involving private parties. [23]

Although political parties play an important role in our democratic set-up as an intermediary between the state and its citizens, it is still a private organization, not a state instrument. The discipline of members by a political party does not involve the right to life, liberty or property within the meaning of the due process clause. An individual has no vested right, as against the state, to be accepted or to prevent his removal by a political party. The only rights, if any, that party members may have, in relation to other party members, correspond to those that may have been freely agreed upon among themselves through their charter, which is a contract among the party members. Members whose rights under their charter may have been violated have recourse to courts of law for the enforcement of those rights, but not as a due process issue against the government or any of its agencies.

But even when recourse to courts of law may be made, courts will ordinarily not interfere in membership and disciplinary matters within a political party. A political party is free to conduct its internal affairs, pursuant to its constitutionally-protected right to free association. In *Sinaca v. Mula*, [24] the Court said that judicial restraint in internal party matters serves the public interest by allowing the political processes to operate without undue

interference. It is also consistent with the state policy of allowing a free and open party system to evolve, according to the free choice of the people.[25]

To conclude, the COMELEC did not gravely abuse its discretion when it upheld Roxas' election as LP president but refused to rule on the validity of Atienza, et al.'s expulsion from the party. While the question of party leadership has implications on the COMELEC's performance of its functions under Section 2, Article IX-C of the Constitution, the same cannot be said of the issue pertaining to Atienza, et al.'s expulsion from the LP. Such expulsion is for the moment an issue of party membership and discipline, in which the COMELEC cannot intervene, given the limited scope of its power over political parties.

WHEREFORE, the Court DISMISSES the petition and UPHOLDS the Resolution of the Commission on Elections dated June 18, 2009 in COMELEC Case SPP 08-001.

SO ORDERED.

Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

Puno, C.J., in the result.

Carpio, J., concur but the comelec's jurisdiction over leadership dispute of political parties is merely for purposes of determining whether they should be registered.

Corona, J., no part.

[1] Docketed as COMELEC Case SPP 06-002.

[2] The original LP Constitution was known as the "Salonga Constitution." It was amended several times under the party leadership of Senators Raul Daza and Franklin M. Drilon. The amended LP Constitution came to be known as the "Daza/Drilon Constitution."

[3] Referred to as the Daza-Drilon amendments.

[4] Rollo, pp. 91-107.

[5] The Court did not render a full-blown decision but, instead, issued a resolution to which was appended the individual opinions of Justices Antonio T. Carpio, Dante O. Tinga and Cancio C. Garcia.

[6] Docketed as COMELEC Case SPP 08-001.

[7] Rollo, pp. 756-757.

[8] Id. at 757-761.

[9] G.R. No. 171396, May 3, 2006, 489 SCRA 160, 216.

[10] Rollo, pp. 27-31.

[11] SECTION 27. COMPOSITION. - The National Executive Council (NECO) shall be composed of the following members:

- The Party Chairperson;
- The Party Vice-Chairperson;
- The Party President;

- The Party Executive Vice-President;
- The Party Vice-Presidents for Policy, Platform and Advocacy, External Affairs, Luzon, Visayas, Mindanao, the National Capital Region and Sectors;
- The Party Secretary General;
- The Party Deputy Secretary General;
- The Party Treasurer;
- The Party Deputy Treasurer;
- The Party Legal Counsel;
- The Party Spokesperson;
- The Party Deputy Spokesperson;
- The Party Director General;
- All incumbent Senators and members of the House of Representatives who are members of the Party in good standing for at least six (6) months;
- All incumbent Governors of Provinces who are members of the Party in good standing for at least six (6) months;
- All incumbent Mayors of Cities who are members in good standing for at least six (6) months;
- All former Presidents and Vice-Presidents of the Republic who are members of the Party in good standing for at least six (6) months;
- All Past Presidents of the Party;
- The National Presidents of all established Allied Sectoral Groups (Youth, Women, Urban Poor, Labor, etc.);
- Such other persons of National Stature nominated by the Party President and approved by the National Directorate.

Interim vacancies for these offices shall be filled by the NECO but only for the remaining portion of the term.

[12] Rollo, pp. 750-754.

[13] SECTION 29. TENURE.- All Party officers and members of the NECO shall hold office for three (3) years and until their successors shall have been duly elected and qualified or unless sooner removed for cause.

[14] SECTION 46. DISCIPLINARY ACTIONS.- Any officer of the Party may be removed or suspended on the following grounds:

- Commission of any act antagonistic to the Party objectives or inimical to its interests, or for violation of or deliberate failure to support any of its fundamental decisions;
- Membership in another political party, either by act or deed;
- Dishonesty, oppression or misconduct while in office, gross negligence, abuse of authority or dereliction of duty; and
- Failure to attend two (2) consecutive Party meetings or at least ½ of the meetings duly convened within a

calendar year of the appropriate committee or Party organ.

Any officer of the Party may be subjected to disciplinary actions, including suspension from effective exercise of his Party rights for a period of one year or less for the same or less serious cause as may be established by the National Executive Council or the national Political Council.

[15] Rollo, pp. 33-38.

[16] G.R. No. 80218, Minute Resolution dated November 5, 1987.

[17] *Palmares v. Commission on Elections*, G.R. Nos. 86177-78, Minute Resolution dated August 31, 1989.

[18] Section 51 of the amended LP Constitution reads:

"SECTION 51. CERTIFICATES OF NOMINATION - Certificates shall be issued by the Party President or the General Secretary upon authorization by the former, for candidates for President, Vice- President, Senators and members of the House of Representatives.

The Party President or the General Secretary may authorize in writing other Party officers to issue Certificates of Nomination to candidates for local elective positions.

Certificates of Nomination as guest candidates may only be issued by the Party President or the General Secretary, upon the latter's authorization."

[19] In *Laban ng Demokratikong Pilipino v. Commission on Elections*, 468 Phil. 70, 83 (2004), the Court cited the rights and privileges of political parties and its official candidates as follows:

"x x x The dominant majority party, the dominant minority party as determined by the COMELEC, for instance, is entitled to a copy of the election returns. The six (6) accredited major political parties may nominate the principal watchers to be designated by the Commission. The two principal watchers representing the ruling coalition and the dominant opposition coalition in a precinct shall, if available, affix their signatures and thumbmarks on the election returns for that precinct. Three (3) of the six accredited major political parties are entitled to receive copies of the certificate of canvass. Registered political parties whose candidates obtained at least ten percent (10%) of the total votes cast in the next preceding senatorial election shall each have a watcher and/or representative in the procurement and watermarking of papers to be used in the printing of election returns and official ballots and in the printing, numbering, storage and distribution thereof. Finally, a candidate and his political party are authorized to spend more per voter than a candidate without a political party." (Citations omitted)

[20] Rollo, pp. 41-43.

[21] 69 Phil. 635 (1940).

[22] *Administrative Law, Law on Public Officers and Election Law*, 2005 Edition, Ruben E. Agpalo, pp. 3-4, citing *Luzon Development Bank v. Association of Luzon Development Bank Employees*, 319 Phil. 262 (1995).

[23] *City of Manila v. Hon. Laguio, Jr.*, 495 Phil. 289, 311 (2005).

[24] 373 Phil. 896, 912 (1999).

[25] Section 6, Article IX-C of the Constitution.

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