AKSYON MAGSASAKA-PARTIDO TINIG NG MASA (AKMA-PTM), PETITIONER, VS. COMMISSION ON ELECTIONS, RESPONDENT, ABANTE KATUTUBO (ABANTE KA), FROILAN M. BACUNGAN AND HERMENEGILDO DUMLAO,...

G.R. No. 207134. June 16, 2015

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

Before us is a petition[1] for certiorari and mandamus under Rule 65 in relation to Rule 64 of the 1997 Rules of Civil Procedure, as amended, with prayer for injunctive reliefs, assailing the respondent Commission on Elections (COMELEC) for alleged grave abuse of discretion in prematurely and erroneously allocating additional seats to certain party-list groups proclaimed as initial winners in the 2013 automated elections.

The Antecedents

Petitioner was among the accredited candidates for party-list representative during the national and local elections held on May 13, 2013.

On May 24, 2013, the COMELEC En Banc sitting as the National Board of Canvassers (NBOC), under NBOC Resolution No. 0006-13, proclaimed fourteen (14) party-list groups, which obtained at least 2% of the total votes cast for the party-list system and were thus entitled to one (1) guaranteed seat each, pursuant to Section 11 of Republic Act (R.A.) No. 7941.[2]

On May 28, 2013, COMELEC promulgated the assailed NBOC Resolution No. 0008-13,[3] which is hereunder reproduced:

> IN THE MATTER OF THE
> PROCLAMATION OF x x x
> ADDITIONAL WINNING
> PARTY-LIST GROUPS,
> ORGANIZATIONS AND
> COALITIONS IN CONNECTION
> WITH THE MAY 13, 2013
> AUTOMATED NATIONAL AND
> LOCAL ELECTIONS.
>
> Promulgated: May 28, 2013
>
> NBOC RESOLUTION NO. 0008-13
>
> WHEREAS, the Commission on Elections, sitting en banc as the National Board of Canvassers (NBOC) for the election of Senators of the Republic of the Philippines and Party-List representatives, had, as of May 28, 2013, officially canvassed, in open and public proceedings, the votes for the Party-List System of

Representation in connection with the May 13, 2013 automated national and local elections;

WHEREAS, on May 24, 2013, the NBOC issued Resolution No. 0006-13 partially proclaiming fourteen (14) party-list groups as initial winners in the party-list election of May 13, 2013 elections, without prejudice to the allocation of additional seats or the proclamation of other parties, organizations, or coalitions which may later on be established to be entitled to one guaranteed seat and/or additional seat;

WHEREAS, the Commission on Elections, in its Resolution of May 24, 2013 in SPP Cases Numbered 12-157 (PLM); 12-191 (PLM); 12-185 (PLM); 12-238 (PLM); 12-228 (PLM); and 12-202 (PLM), and also in its Resolution of May 27, 2013 in SPP Cases Numbered 12-161 (PLM); 12-263 (PLM); 12-292 (PLM); 12-256 (PLM); 12-229 (PLM); and 12-272 (PLM) considered the cancellation of registration of the following party-list groups as final and executory:

NAME OF PARTY-LIST

ACRONYM

VOTES GARNERED

1 Coalition of Associations of Senior Citizens in the Philippines, Inc.

SENIOR CITIZENS

677,642

2 Alliance for Nationalism and Democracy

ANAD

200,972

3

Abang Lingkod Party-List

ABANG-LINGKOD

260,215

4 Binhi Partido ng mga Magsasaka Para Sa Mga Magsasaka

BINHI

185,537

5 Cocofed-Philippine Coconut Producers Federation, Inc.

COCOFED

103,393

6 Atong Paglaum, Inc.

ATONG PAGLAUM

95,467

7 Kaagapay ng Nagkakaisang Agilang Pilipinong Magsasaka

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KAP

57,104

8 Aagapay ng Indigenous People Rights Alliance, Inc.

A-IPRA

28,240

9 Ang Galing Pinoy

AG

4,252

10

The True Marcos Loyalist (For God, Country & People) Association of the Philippines, Inc.

BANTAY

113,798

11 Social Movement for Active Reform and Transparency

SMART

83,033

TOTAL

1,809,653

WHEREAS, the total votes cast for the abovementioned party-list are considered "stray" and as such will not be included in the total votes cast for party-list;

WHEREAS, on the basis of Party-List Canvass Report No. 10, there is a total of 26,722,131 votes cast for party-list;

WHEREAS, there are fifty-eight (58) available seats for party-list;

WHEREAS, in view of the remaining uncanvassed results and special elections in some areas, not all of the fifty-eight (58) available party-list can be allocated in order not to prejudice the proclamation of other parties, organizations, or coalitions which may later on be established to be entitled to a seat or additional seats;

NOW, THEREFORE, by virtue of the powers vested in it under the Constitution, the Omnibus Election Code (Batas Pambansa Blg. 881), Republic Acts Numbered 9369, 8436, 7941, 7166, 6646, and other election laws, the Commission on Elections sitting en banc as the National Board of Canvassers for Party-List, RESOLVED, as it hereby RESOLVES, to PROCLAIM the following party-list groups as initial winners in the party list elections of May 13, 2013, involving a total of fifty-three (53) guaranteed and/or additional seats, without prejudice to the proclamation of other parties, organizations or coalitions which may later on be established to be entitled to one guaranteed seat and/or additional seat:

PARTY-LIST GROUP

GRAND TOTAL
28-May 1:52AM

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PERCENTAGE (%) OF VOTES GARNERED

Guaranteed Seat

Additional Seat
(2nd round)

Total Seats

BUHAY

1,265,992

4.74

1

2

3

A TEACHER

1,040,898

3.90

1

1

2

BAYAN MUNA

952,767

3.57

1

1

2

I-CARE

933,831

3.49

1

1

2

AKBAYAN

827,405

3.10

1

1

2

ABONO

767,645

2.87

1

1

2

AKB

763,103

2.86

1

1

2

OFW FAMILY

750,753

2.81

1

1

2

GABRIELA

713,492

2.67

1

1

2

COOP-NATCCO

641,355

2.40

1

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1

2

AGAP

592,069

2.22

1

1

2

CIBAC

583,768

2.18

1

1

2

MAGDALO

565,883

2.12

1

1

2

AN WARAY

540,906

2.02

1

1

2

ABAMIN

465,989

1.74

1

1

ACT TEACHERS

453,491

1.70

1

1

BUTIL

438,601

1.64

1

1

AMIN

376,932

1.41

1

1

ACT-CIS

376,175

1.41

1

1

KALINGA

371,610

1.39

1

1

LPGMA

370,360

1.39

1

1

TUCP

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368,883

1.38

1

1

YACAP

366,340

1.37

1

1

AGRI

365,516

1.37

1

1

ANGKLA

360,138

1.35

1

1

ABS

358,693

1.34

1

1

DIWA

341,443

1.28

1

1

KABATAAN

340,573

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1.27

1

1

ANAK PAWIS

321,110

1.20

1

1

ALAY BUHAY

316,947

1.19

1

1

AAMBIS-OWA

311,725

1.17

1

1

1-SAGIP

287,060

1.07

1

1

AVE

270,159

1.01

1

1

ATING KOOP

267,452

1.00

1

1

1-BAP

245,237

0.92

1

1

ABAKADA

243,994

0.91

1

1

AMA

243,551

0.91

1

1

ANG NARS

242,835

0.91

1

1

SO ORDERED.

(SGD.)
SIXTO S. BRILLANTES, JR.

Chairman

(SGD.)
LUCENITO N. TAGLE

(SGD.)
ELIAS R. YUSOPH

Member

Member

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(SGD.)
CHRISTIAN ROBERT S. LIM

(SGD.)
MARIA GRACIA CIELO M. PADACA

Member

Member

(On Official Business)
AL A. PARRENO

(SGD.)
LUIE TITO F. GUIA

Member

Member

The petition was filed with this Court on May 30, 2013. The Court did not issue a temporary restraining order. Subsequently, the Court admitted the petition-in-intervention[4] filed by Abante Katutubo (ABANTE KA), Froilan M. Bacungan and Hermenegildo Dumlao who claim to have "demonstrable, legal, moral and compelling interest in the outcome of the case and the controversy."[5]

Petitioner's Arguments

Petitioner contends that COMELEC's allocation of additional seats for those two-percenters and 38 other groups proclaimed as initial winners greatly prejudiced its interest and those other parties or organizations as potential winners. It points out that the proclamation of initial winners with additional seats on the second round was hasty and premature because at the time the canvassing for party-list was still ongoing, there were still uncanvassed and untransmitted results from Mindanao, as well as uncanvassed overseas and local absentee votes, and the results from special elections in several areas of the country had yet to be transmitted. Attached to the petition is a copy of Canvass Report No. 8,[6] COMELEC's Tally Sheet showing that as of May 23, 2013 petitioner had garnered 155,131 votes.

The projected figures of COMELEC such as the maximum total votes cast for party-list were also assailed as difficult and impractical, considering that, unlike in the May 10, 2010 elections there existed a considerable number of untransmitted results due to the breakdown, malfunctioning or glitches of the Precinct Count Optical Scan (PCOS) machines during the May 13, 2013 elections, a fact well-reported in the papers. Petitioner asserts that the proclamation of initial winners for party-list groups with additional seats was invalid, as it was based on an incomplete canvass/consolidation of only 110 Certificates of Canvass (COCs), some of which were not electronically transmitted in gross violation of Section 27, R.A. No. 8436 (as amended by Section 22, R.A. No. 9369). National Canvass Report No. 10[7] likewise did not state the total votes cast for party-list.[8]

Petitioner further argues that the allocation of additional seats did not conform to Section 11 of R.A. No. 7941 and this Court's ruling in Barangay Association for National Advancement and Transparency (BANAT) v. COMELEC[9]. It points out that the product of the percentage of votes obtained by the party-list group multiplied by the additional seats available is not an integer, such as the following figures found in the Table of party-list groups allocated with additional seats: 0.961, 0.932, 0.89, etc. Consequently, COMELEC seriously erred in computing the values and interpreting the results in the second round leading to the invalid and unjust allocation of additional seats to the two-percenters to the prejudice of other party-list groups such as petitioner.

Petitioners-in-intervention's Arguments

Petitioners-in-intervention join petitioner in the foregoing arguments. It reiterates the rule that an incomplete canvass of votes is illegal and cannot be the basis of a proclamation, citing Utto v. COMELEC[10]. In this case, only 110 out of 301 COCs had been canvassed or reported when COMELEC proclaimed the party-list winners. Like petitioner, the petitioners-in-intervention deplore the COMELEC'S alleged lack of transparency in the factual basis of the party-list election results. The proclamation of initial winners despite the incomplete canvass contravened Section 231 of the Omnibus Election Code requiring a COC to be prepared by the Board of Canvassers "supported by a statement of the votes received by each candidate in each polling place,"[11] Section 21 of R.A. No. 8436 requiring a completed canvass as a condition sine qua non to the printing of COCs, and therefore, proclamation of the elected officials; and Section 28 of the General Instructions for Special Board of Canvassers in the May 13, 2013 elections (COMELEC Resolution No. 9648), mandating the receipt and consolidation of "all expected" results from the precincts, municipalities, cities or provinces as the case may be, to generate and print COCs.

On the alleged irregularities or malfunctioning of the PCOS machines, petitioners-in-intervention expressed concern that up to now, there is still no acceptable guarantee that the scanners or PCOS machines read the votes in the ballots fed to them and that these were counted properly. It points out that Smartmatic, Inc., which provided the PCOS machines, did away with the security features provided under the Automated Election System law (R.A. No. 9369), which issue is the subject of a petition filed in this Court by civil society groups (G.R. No. 201413).

Another problem for COMELEC, according to petitioners-in-intervention, is the matter of disqualified party-list candidates, like the Atong Paglaum consolidated cases which have been ordered remanded by this Court for determination of their bona fide status under the new guidelines set in this Court's decision. In any event, petitioners-in-intervention believe that ABANTE KA and AKMA-PTM would get enough votes since AK1VIA-PTM had 155,090 votes and ABANTE KA had 110,690 votes as reflected in National Canvass Report[12]. They both wanted to know what happened to their votes and this Court should compel COMELEC to answer this question.

The Solicitor General's Comment

In his Consolidated Comment,[13] the Solicitor General asserts that COMELEC faithfully adhered to the procedure prescribed in BANAT in the allocation of party-list seats (14 guaranteed seats were first allocated to those who obtained 2% of the total votes cast for party-list and thereafter 44 additional seats were completely distributed). It was explained that party-list groups with products of less than one were still allocated seats depending on their rank and availability of seats. As to the uncanvassed votes at the time, COMELEC had reserved five "buffer" seats to accommodate possible changes in the ranking. Three of these "buffer" seats were distributed to ANAC-IP, AGBIAG! and APPEND, while the other two seats were reserved pursuant to this Court's directive in Senior Citizen's Party-List v. COMELEC[14].

The Solicitor General further contends that COMELEC's proclamation of initial winners under NBOC Res. No. 0008-13 is valid as the votes yet to be canvassed did not materially affect the results of the election. He cites the National Canvass Report No. 11[15] (as of July 18, 2013) reflecting a very minimal change in the ranking of party-list groups. The grand total of votes garnered by AKMA-PTM and ABANTE KA were 165,784 (0.58%) and 111,625 (0.39%), respectively, still insufficient to be entitled to an additional seat in the second round.

Issue

The sole issue to be addressed is whether the COMELEC gravely abused its discretion in allocating the additional seats for the 38 party-list candidates proclaimed as winners in the May 13, 2013 elections.

Our Ruling

We dismiss the petition and petition-in-intervention.

COMELEC is authorized by law to

proclaim winning candidates if the

remaining uncanvassed election

returns will not affect the result of

the elections

An incomplete canvass of votes is illegal and cannot be the basis of a subsequent proclamation. A canvass is not reflective of the true vote of the electorate unless the board of canvassers considers all returns and omits none. However, this is true only where the election returns missing or not counted will affect the results of the election.[16]

Section 233 of the Omnibus Election Code authorizes the board of canvassers to proclaim winning candidates in cases of delayed or lost election returns if the missing returns will not affect the results of the election. Said provision reads:

> SEC. 233. When the election returns are delayed, lost or destroyed. - x x x The board of canvassers, notwithstanding the fact that not all the election returns have been received by it, may terminate the canvass and proclaim the candidates elected on the basis of the available election returns if the missing election returns will not affect the results of the election.

In Barbers v. COMELEC[17] we dismissed a petition to annul the NBOC resolutions affirming the proclamation of COMELEC declaring Rodolfo G. Biazon (Biazon) as the duly elected 12[th] Senator in the May 10, 2004 national and local elections. On petitioner's argument that the proclamation was premature and void, we ruled that COMELEC did not commit grave abuse of discretion since the uncanvassed returns and the results of the special elections to be held would not materially affect the results of the elections.

In this case, COMELEC based its ruling on its national canvass reports for party-list. As of May 28, 2013, AKMA-PTM garnered 164,980 votes and ABANTE KA had 111,429 votes. In Party-List Canvass Report No. 11 as of July 18, 2013, AKMA-PTM's total votes slightly increased to 165,784 votes while ABANTE KA had a total of 111,625 votes. There was no significant change in the rankings as per the latest canvass and therefore COMELEC had sufficient basis for proclaiming the initial winners on May 28, 2013 and reserving only five buffer seats.

On the alleged irregularities and glitches in the PCOS machines resulting in non-transmittal of election returns, no competent evidence had been presented by petitioner in support of its allegations. It is a basic rule in evidence that each party must prove his affirmative allegation,[18] and that mere allegation is not evidence.[19]

Moreover, the factual question of the number of still uncanvassed votes at the time of the proclamation of initial winners should have been raised before the COMELEC because this Court is not a trier of facts.[20] On the basis of its official records, COMELEC had made a determination that the remaining uncanvassed votes will no longer materially affect the result of the party-list elections and that the five buffer seats were sufficient to accommodate additional winners. The COMELEC enjoys the presumption of good faith and regularity in the performance of

official duty.[21]

COMELEC's allocation of additional

seats for party-list in accordance with

our ruling in BANAT

Section 12 of R.A. No. 7941 provides for the procedure in allocating seats for the party-list system:

> SEC. 12. Procedure in Allocating Seats for Party-List Representatives. - The COMELEC shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received and allocate party-list representatives proportionately according to the percentage of votes obtained by each party, organization, or coalition as against the total nationwide votes cast for the party-list system.

In BANAT v. COMELEC,[22] we laid down the following procedure in determining the allocation of seats for party-list representatives under Section 11 of R.A. No. 7941:

> - The parties, organizations, and coalitions shall be ranked from the highest to the lowest based on the number of votes they garnered during the elections.
>
> - The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one guaranteed seat each.
>
> - Those garnering sufficient number of votes, according to the ranking in paragraph 1, shall be entitled to additional seats in proportion to their total number of votes until all the additional seats are allocated.
>
> - Each party, organization, or coalition shall be entitled to not more than three (3) seats.

As to the allocation of additional seats on the second round, after deducting the guaranteed one seat each, for those who obtained 2% of the total votes cast for party-list, from the number of available party-list seats, we further held in BANAT that -

> In computing the additional seats, the guaranteed seats shall no longer be included because they have already been allocated, at one seat each, to every two-percenter. Thus, the remaining available seats for allocation as "additional seats" are the maximum seats reserved under the Party List System less the guaranteed seats. Fractional seats are disregarded in the absence of a provision in R.A. No. 7941 allowing for a rounding off of fractional seats.
>
> In declaring the two percent threshold unconstitutional, we do not limit our allocation of additional seats in Table 3 below to the two-percenters. The percentage of votes garnered by each party-list candidate is arrived at by dividing the number of votes garnered by each party by 15,950,900, the total number of votes cast for party-list candidates. There are two steps in the second round of seat allocation. First, the percentage is multiplied by the remaining available seats, 38, which is the difference between the 55 maximum seats reserved under the Party-List System and the 17 guaranteed seats of the two-percenters. The whole integer of the product of the percentage and of the remaining available seats corresponds to a party's share in the remaining available seats. Second, we assign one party-list seat to each of the parties next in rank until all available seats are completely distributed. We distributed all of the remaining 38 seats in the second round of seat allocation. Finally, we apply the three-seat cap to determine the number of seats each qualified party-list candidate is entitled. Thus:
>
> Table 3. Distribution of Available Party-List Seats
>
> Rank

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Party

Votes Garnered

Votes Garnered over Total Votes for Party List, in %

(A)

Guaranteed Seat

(First Round)

(B)

Additional Seats

(Second Round)

(C)

(B) plus (C), in whole integers

(D)

Applying the three seat cap

(E)

1

BUHAY

1,169,234

7.33

1

2.79

3

N.A.

2

BAYAN MUNA

979,039

6.14

1

2.33

3

N.A.

3

CIBAC

755,686

4.74

1

1.80

2

N.A.

4

GABRIELA

621,171

3.89

1

1.48

2

N.A.

5

APEC

619,657

3.88

1

1.48

2

N.A.

6

A Teacher

490,379

3.07

1

1.17

2

N.A.

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7

AKBAYAN

466,112

2.92

1

1.11

2

N.A.

8

ALAGAD

423,149

2.65

1

1.01

2

N.A.

9[*]

COOP-NATCCO

409,883

2.57

1

1

2

N.A.

10

BUTIL

409,160

2.57

1

1

2

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N.A.

11

BATAS

385,810

2.42

1

1

2

N.A.

12

ARC

374,288

2.35

1

1

2

N.A.

13

ANAKPAWIS

370,261

2.32

1

1

2

N.A.

14

ABONO

339,990

2.13

1

1

2

N.A.

15

AMIN

338,185

2.12

1

1

2

N.A.

16

AGAP

328,724

2.06

1

1

2

N.A.

17

AN WARAY

321,503

2.02

1

1

2

N.A.

18

YACAP

310,889

1.95

0

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1

1

N.A.

19

FPJPM

300,923

1.89

0

1

1

N.A.

20

UNI-MAD

245,382

1.54

0

1

1

N.A.

21

ABS

235,086

1.47

0

1

1

N.A.

22

KAKUSA

228,999

1.44

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0

1

1

N.A.

23

KABATAAN

228,637

1.43

0

1

1

N.A.

24

ABA-AKO

218,818

1.37

0

1

1

N.A.

25

ALIF

217,822

1.37

0

1

1

N.A.

26

SENIOR CITIZENS

213,058

1.34

0

1

1

N.A.

27

AT

197,872

1.24

0

1

1

N.A.

28

VFP

196,266

1.23

0

1

1

N.A.

29

ANAD

188,521

1.18

0

1

1

N.A.

30

BANAT

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177,028

1.11

0

1

1

N.A.

31

ANG KASANGGA

170,531

1.07

0

1

1

N.A.

32

BANTAY

169,801

1.06

0

1

1

N.A.

33

ABAKADA

166,747

1.05

0

1

1

N.A.

34

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1-UTAK

164,980

1.03%

0

1

1

N.A.

35

TUCP

162,647

1.02%

0

1

1

N.A.

36

COCOFED

155,920

0.98%

0

1

1

N.A.

Total

17

55

[*] The product of the percentage and the remaining available seats of all parties ranked nine and below is less than one.

Applying the procedure of seat allocation as illustrated in Table 3 above, there are 55 party-list representatives from the 36 winning party-list organizations. All 55 available party-list seats are filled. The additional seats allocated to the parties with sufficient number of votes for one whole seat, in no case to exceed a total of three seats for each party, are shown in column (D).[23] (Emphasis and underscoring supplied)

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It is clear from the foregoing that party-list groups garnering less than 2% of the party-list votes may yet qualify for a seat in the allocation of additional seats depending on their ranking in the second round. As shown in Table 3, it was noted that the product of the percentage and the remaining available seats of all parties ranked 9 and below is less than one. This conflicts with the interpretation of petitioner that those party-list groups with product of the percentage less than one, and hence not an integer, are not entitled to one seat in the allocation of additional seats. Indeed, following petitioner's interpretation would result in the remaining party-list seats not being filled up. For that same reason, BANAT declared unconstitutional the continued operation of the two-percent threshold, as it was deemed "an unwarranted obstacle to the full implementation of Section 5(2), Article VI of the Constitution and prevents the attainment of the 'broadest possible representation of party, sectoral or group interests in the House of Representatives.'"[24] Apparently, petitioner mistakenly assumed that the statement in BANAT disallowing fractional seats insofar as the additional seats for the two-percenters in the second round should also apply to those party-list groups with less than 2% votes. But as demonstrated in BANAT, the 20% share in representation may never be filled up if the 2% threshold is maintained. In the same vein, the maximum representation will not be achieved if those party-list groups obtaining less than one percentage are disqualified from even one additional seat in the second round.

In sum, we hold that COMELEC did not commit grave abuse of discretion in allocating the party-list seats in the 2013 elections and proclaiming the winners after distributing the guaranteed and additional seats in accordance with our ruling in BANAT.

WHEREFORE, the petition and petition-in-intervention are both DISMISSED for lack of merit.

No pronouncement as to costs.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Bersamin, Del Castillo, Perez, Mendoza, Reyes, and Perlas-Bernabe, JJ., concur.

Jardeleza, J., no part.

Peralta and Leonen, JJ., on official leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on June 16, 2015 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on July 02, 2015 at 1:25 p.m.

Very truly yours,
(SGD.)
ENRIQUETA ESGUERRA-VIDAL
Clerk of Court

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[1] Rollo, pp. 3-10.

[2] AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM, AND APPROPRIATING FUNDS THEREFOR, approved on March 3, 1995.

[3] Rollo, pp. 12-14.

[4] Id. at 59-70.

[5] Id. at 59.

[6] Id. at 15-19.

[7] Id. at 126-127.

[8] Id. at 155.

[9] 604 Phil. 131 (2009).

[10] 426 Phil. 225, 241 (2002).

[11] Rollo, p. 62.

[12] Id. at 72-77.

[13] Id. at 108-117.

[14] G.R. Nos. 206844-45 & 206982, Resolution dated June 5, 2013.

[15] Rollo, pp. 128-137.

[16] Caruncho III v. Commission on Elections, 374 Phil. 308, 324 (1999), citing Samad v. Commission on Elections, G.R. Nos. 107854 & 108642, July 16, 1993, 224 SCRA 631, 642-643; Tiglao v. Commission on Elections, No. L-31566, February 18, 1970, 31 SCRA 719, 729; Mutuc v. Commission on Elections, 130 Phil. 663, 669 (1968); Demafiles v. Commission on Elections, 129 Phil. 792, 799 (1967); Duremdes v. Commission on Elections, 258-A Phil. 532, 546 (1989) further citing Sinsuat v. Pendatun, 144 Phil. 729 (1970).

[17] 499 Phil. 570 (2005).

[18] Aklan Electric Cooperative Inc. v. National Labor Relations Commission, 380 Phil. 225, 245 (2000).

[19] Luxuria Homes, Inc. v. Court of Appeals, 361 Phil. 989, 1000 (1999).

[20] See Caruncho III v. Commission on Elections, supra note 16, at 322-323.

[21] Barbers v. COMELEC, supra note 17, at 588.

[22] Supra note 9, at 162.

[23] Id. at 162-165.

[24] Id. at 162.

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