

BIBIANO C. RIVERA AND LUIS K. LOKIN, JR., PETITIONERS, VS. COMMISSION ON ELECTIONS (COMELEC), THE SECRETARY-GENERAL OF THE HOUSE OF REPRESENTATIVES, SHERWIN N. TUGNA AND CINCHON...

G.R. No. 210273. April 19, 2016

Ponente: REYES, J.

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REYES, J.:

Before the Court are two petitions assailing the legitimacy of Citizens' Battle Against Corruption (CIBAC) Party-List's representation. One is a petition for certiorari[1] under Rule 64 in relation to Rule 65 of the Rules of Court, docketed as G.R. No. 210273, filed by Bibiano C. Rivera (Rivera) and Luis K. Lokin, Jr. (Luis), alleged lawful nominees of the CIBAC Party-List, against the Commission on Elections (COMELEC). The second is a petition for quo warranto[2] under Rule 66 of the Rules of Court, docketed as G.R. No. 213069, filed by CIBAC Foundation, Inc. against the CIBAC National Council and COMELEC. Upon the recommendation of the Clerk of Court en banc in its Memorandum[3] dated February 15, 2016, the Court in a Resolution dated February 23, 2016 resolved to consolidate[4] the petitions.

Antecedent Facts

On February 10, 2001, CIBAC was registered as a multi-sectoral party with the COMELEC under Republic Act (R.A.) No. 7941, otherwise known as the Party-List System Act.[5]

On April 18, 2012, Emmanuel Joel J. Villanueva (Villanueva), CIBAC National Council's Chairman and President, submitted to COMELEC a "Manifestation of Intent to Participate in the Party-List System of Representation in the May 13, 2013 Elections" as well as a "Certificate of Nomination" containing the following nominees to represent CIBAC in the House of Representatives:[6]

- Sherwin N. Tugna
- Cinchona C. Cruz-Gonzales
- Armi Jane R. Borje
- Virginia S. Jose, and
- Stanley Clyde C. Flores

On May 31, 2012, CIBAC Foundation, headed by Maria Blanca Kim Bernardo-Lokin (Maria Blanca), who claimed to be CIBAC's President, also submitted a "Manifestation of Intent to Participate in the Party-List System of Representation in the May 13, 2013 Elections"[7] and a "Certificate of Nomination"[8] of the following persons as CIBAC's nominees:

- Luis K. Lokin, Jr.

- Bibiano C. Rivera, Jr.
- Antonio P. Manahan, Jr.
- Teresita F. Planas, and
- Jesus Emmanuel L. Vargas

On September 3, 2012, the COMELEC conducted a summary hearing, pursuant to its Resolution No. 9513 dated August 2, 2012, to settle the issue of whose nominees should represent CIBAC in the 2013 elections.[9] Villanueva's group filed a Motion for Clarificatory Judgment,[10] dated April 30, 2013, claiming that Maria Blanca was neither CIBAC's President nor a member of its National Council; and that it was CIBAC National Council which, on March 28, 2012, resolved to authorize its President or Secretary-General to sign and submit all necessary documents to signify its participation in the May 2013 elections.[11]

Maria Blanca's group filed its Comment/Opposition[12] on May 29, 2013, insisting that: (1) CIBAC National Council has been superseded by the Board of Trustees (BOT) of the CIBAC Foundation, following the latter's registration with the Securities and Exchange Commission (SEC) as a non-stock foundation in 2003; (2) since CIBAC National Council is now non-existent, CIBAC's true and legitimate President who has been duly authorized by its BOT to file its Certificate of Nomination for the May 2013 elections is Maria Blanca and not Villanueva; and (3) Pia B. Derla (Derla), CIBAC's Secretary-General, was duly authorized to file the Manifestation of Intent to Participate in the Party-List System of Representation in the May 2013 elections.

On June 5, 2013, CIBAC was proclaimed as one of the winning party-list groups in the May 2013 elections and was given two seats in the House of Representatives.[13] Consequently, CIBAC National Council nominees Sherwin N. Tugna[14] (Tugna) and Cinchona C. Cruz-Gonzales[15] (Gonzales) were sworn in by House Speaker Feliciano Belmonte, Jr. as party-list members of the House of Representatives representing CIBAC.

In the meantime, the COMELEC issued the National Board of Canvassers (NBOC) Resolution No. 0011-13[16] dated June 5, 2013 recognizing as CIBAC's nominees those names listed in its Certificate of Nomination dated April 18, 2012, without expressly resolving Villanueva's clarificatory motion. Thereafter, the COMELEC issued, on July 10, 2013, the second assailed NBOC Resolution No. 0013-13[17] ruling as moot the "Manifestation and Motion for Proclamation as First Nominee of CIBAC" filed by Luis.

G.R. No. 210273

On December 20, 2013, Rivera and Luis filed a petition for certiorari,[18] docketed as G.R. No. 210273, seeking to nullify the assailed COMELEC resolutions. They claimed that they were served a certified copy of NBOC Resolution No. 0011-13 only on November 21, 2013, after they had requested the COMELEC for a copy thereof on November 14 2013.

Rivera and Luis argued that: (1) the registration of CIBAC with the SEC as CIBAC Foundation was precisely intended to forestall questions raised in the past as to its qualification to participate in the party-list election as a multi-sectoral party;[19] (2) CIBAC National Council has become "defunct", having been replaced by the BOT of CIBAC Foundation since its registration with the SEC in 2003;[20] (3) pursuant to Section 6(7) of R.A. No. 7941, CIBAC National Council has lost its authority to represent CIBAC in the COMELEC;[21] and (4) it was, in fact, the SEC-registered CIBAC which had been participating in the 2004 and 2007 party-list elections, and not the CIBAC National Council.[22]

To support their petition, Rivera and Luis invoke the consolidated cases of Lokin, Jr. v. COMELEC, et al.[23] (consolidated Lokin case), where the Court annulled the proclamation of Gonzales, nominated by Villanueva's

group as a CIBAC party-list representative in the 15[th] Congress, and ordered the proclamation of Luis as its legitimate second nominee. They also cited the case of *Amoves v. House of Representatives Electoral Tribunal, et al.*,^[24] where the Court declared that Villanueva, CIBAC National Council's President, was ineligible to hold office as a member of the House of Representatives representing the CIBAC Party-list.

Thus, Rivera and Luis sought to nullify the following resolutions of the COMELEC en banc in connection with the May 2013 elections:

- NBOC Resolution No. 0011-13^[25] dated June 5, 2013, ordering the issuance of a Certificate of Canvass and Proclamation to the CIBAC Party-List, and recognizing its legitimate nominees as follows:

- Sherwin N. Tugna,
- Cinchona C. Cruz-Gonzales,
- Armi Jane R. Borje,
- Virginia S. Jose, and
- Stanley Clyde C. Flores

- NBOC Resolution No. 0013-13^[26] dated July 10, 2013, where the COMELEC considered as moot the Manifestation and Motion for Proclamation as first nominee of CIBAC filed by Luis.

G.R. No. 213069

CIBAC Foundation filed a petition for quo warranto,^[27] posted on June 30, 2014, docketed as G.R. No. 213069, arguing in the main that the CIBAC National Council lost its legal existence following the registration of CIBAC with the SEC as CIBAC Foundation by reason of which it is now governed by a BOT. By recognizing the nominees of CIBAC National Council, CIBAC Foundation insists that the COMELEC unlawfully deprived it of its right and authority to represent CIBAC in Congress.

Thus, CIBAC Foundation raised the issue of whether they are the rightful and legitimate representatives of CIBAC Party-List in the 16[th] Congress.

Ruling of the Court

As a factual backdrop, Villanueva's group, representing CIBAC National Council, first sought registration in November 2000 with the COMELEC as a multi-sectoral party-list organization for the May 2001 elections. Under its Constitution and By-Laws,^[28] the CIBAC National Council is the governing body empowered to formulate the policies, plans, and programs of CIBAC and to issue decisions and resolutions binding on party members and officers.^[29]

CIBAC's registration, participation in the May 2001 elections, and eventual proclamation as a winner, was hounded by controversy after the COMELEC ruled that it did not belong to any marginalized sectoral group. In *Ang Bagong Bayani-OFW Labor Party v. COMELEC*,^[30] the Court issued a Temporary Restraining Order (TRO) directing the COMELEC to refrain from proclaiming the winners in the May 2001 party-list elections, which included CIBAC. In the subsequent Decision^[31] dated June 26, 2001, the Court reiterated the TRO but ordered the COMELEC to immediately conduct summary evidentiary hearings on the qualifications of the party-list participants in light of the guidelines laid down therein.^[32]

In its first compliance report, the COMELEC excluded CIBAC from the qualified party-list groups. The Court, however, issued a Resolution dated January 29, 2002, qualifying CIBAC and lifted the TRO to enable the COMELEC to proclaim CIBAC, whose nominee was Villanueva, as one of the party-list winners. This was reiterated in the Court's Resolution^[33] dated June 25, 2003 as follows:

[W]e accept Comelec's submission, per the OSG, that APEC and CIBAC have sufficiently met the 8-point guidelines of this Court and have garnered sufficient votes to entitle them to seats in Congress. Since these issues are factual in character, we are inclined to adopt the Commission's findings, absent any patent arbitrariness or abuse or negligence in its action. There is no substantial proof that CIBAC is merely an arm of JIL, or that APEC is an extension of PHILRECA. The OSG explained that these are separate entities with separate memberships. Although APEC's nominees are all professionals, its membership is composed not only of professionals but also of peasants, elderly, youth and women. Equally important, APEC addresses the issues of job creation, poverty alleviation and lack of electricity. Likewise, CIBAC is composed of the underrepresented and marginalized and is concerned with their welfare. CIBAC is particularly interested in the youth and professional sectors.[34]

The Court also subsequently lifted the TRO against the proclamation of CIBAC's additional nominee since it garnered 4.96% of the votes cast, entitling it to two seats in the House of Representatives.[35]

Interestingly, the present case is a virtual reprise of *Lokin, Jr., et al. v. COMELEC, et al.*, [36] which was invoked by the COMELEC in the assailed NBOC Resolution No. 0011-13.[37]

By way of background, the same two contending entities as above, each claiming to represent CIBAC, filed with the COMELEC a "Manifestation of Intent to Participate in the Party-List System of Representation in the May 10, 2010 Elections." The first Manifestation,[38] filed on November 20, 2009, was signed by Derla, who claimed to be CIBAC's acting Secretary-General, according to an authority granted by the BOT of CIBAC Foundation. However, at 1:30 p.m. of the same day, another Manifestation was submitted by Gonzales and Virginia Jose (Jose), CIBAC's Vice-President and Secretary-General, respectively, by authority of the CIBAC National Council.[39]

Claiming that the nomination of Luis and Teresita F. Planas was unauthorized, Villanueva's group filed with the COMELEC a Petition to Expunge From The Records And/Or For Disqualification, seeking to nullify the Certificate of Nomination filed by Derla. They contended that: (1) Derla misrepresented herself as "acting secretary-general" since she was not even a member of CIBAC; (2) the Certificate of Nomination and other documents she submitted were unauthorized by the party; and (3) it was Villanueva who was duly authorized to file the Certificate of Nomination on its behalf.[40]

The COMELEC First Division granted the petition, ordered the Certificate of Nomination filed by Derla expunged from the records, and declared Villanueva's group's nominees as the legitimate nominees of CIBAC.[41] On motion for reconsideration, the COMELEC en banc in a per curiam Resolution[42] dated August 31, 2010 affirmed the First Division's findings, reiterating that Derla was unable to prove her authority to file the said Certificate, whereas Villanueva presented overwhelming evidence that CIBAC Secretary General Jose was duly deputized to submit the Certificate of Nomination pursuant to CIBAC's Constitution and by-laws.[43]

On petition for certiorari to this Court, Maria Blanca's group insisted that it was CIBAC Foundation which participated in the party-list elections in the 2004 and 2007, not the CIBAC National Council, which had become defunct since 2003, the year when CIBAC Foundation was registered with the SEC. Villanueva's group countered that CIBAC Foundation was established solely for the purpose of acting as CIBAC's legal and financial arm, as provided in the party's Constitution and by-laws, and never to substitute for, or oust CIBAC, the party-list itself.[44]

The Court affirmed the COMELEC's ruling that the nominees of Villanueva's group were the legitimate CIBAC nominees. The Court's decision became final and executory on October 20, 2012, thereby settling with finality the question of who are the true nominees of CIBAC Party-List. Significantly, the Court expressly ruled that the BOT of CIBAC Foundation and its acting Secretary-General Derla, were not affiliated with the CIBAC multi-sectoral

party, which is registered with COMELEC, viz:

[Derla], who is not even a member of CIBAC, is thus a virtual stranger to the party-list, and clearly not qualified to attest to petitioners [Luis and Teresita F. Planas] as CIBAC nominees, or certify their nomination to the COMELEC. Petitioners cannot use their registration with the SEC as a substitute for the evidentiary requirement to show that the nominees, including Derla, are bona fide members of the party. Petitioners Planas and [Luis] have not even presented evidence proving the affiliation of the so-called [BOT] to the CIBAC Sectoral Party that is registered with COMELEC.

Petitioners cannot draw authority from the [BOT] of the SEC-registered entity, because the Constitution of CIBAC expressly mandates that it is the National Council, as the governing body of CIBAC, that has the power to formulate the policies, plans, and programs of the Party, and to issue decisions and resolutions binding on party members and officers. Contrary to petitioners' allegations, the National Council of CIBAC has not become defunct, and has certainly not been replaced by the [BOT] of the SEC-registered entity. The COMELEC carefully perused the documents of the organization and outlined the process followed by the National Council before it complied with its task of choosing the party's nominees. This was based on the "Minutes of Meeting of CIBAC Party-List National Council" held on 12 November 2009, which respondents attached to their Memorandum.[45] (Citations omitted and emphasis and underscoring ours)

The Court also reiterated that the COMELEC's jurisdiction to settle the struggle for leadership within the party is well established, emanating from one of its constitutional functions, under Article IX-C, Section 2, Paragraph 5, of the 1987 Constitution, which is to "register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government," and that this singular power of COMELEC to rule upon questions of party identity and leadership is an incident to its enforcement powers.[46]

The Court reiterates, then, that: (1) the petitioners have shown no evidence of the affiliation of the BOT of CIBAC Foundation to the CIBAC sectoral party which is registered with the COMELEC; (2) it is the CIBAC National Council, the COMELEC-registered governing body of CIBAC under its Constitution, which is empowered to formulate its policies, plans, and programs, and to issue decisions and resolutions binding on party members and officers; and (3) the CIBAC National Council alone can authorize the party's participation in party-list elections and the submission of its nominees. Thus, in view of CIBAC's subsisting registration with the COMELEC as a multi-sectoral organization, CIBAC National Council has not become defunct or non-existent, nor replaced by the BOT of the SEC-registered entity, CIBAC Foundation, whose registration with the SEC will not per se dispense with the evidentiary requirement under R.A. No. 7941 that its nominees must be bona fide members and nominees of the party.

The petitioners erred in citing the consolidated Lokin Case.[47] In the said case, CIBAC manifested its intent to participate in the May 2007 synchronized national and local elections through Villanueva, and submitted a Certificate of Nomination containing five nominees for representatives, namely: Villanueva, Luis, Gonzales, Tugna and Emil L. Galang (Galang). However, Villanueva filed a "Certificate of Nomination, Substitution and Amendment" whereby CIBAC withdrew the nominations of Luis, Tugna and Galang and substituted Armi Jane R. Borje (Borje) as its third and last nominee. With CIBAC having won two seats, Villanueva transmitted to then COMELEC Chairman Benjamin Abalos the signed petitions of 81% of CIBAC members confirming the withdrawal of the nomination of Luis, Tugna and Galang and the substitution of Borje. The COMELEC en bane accepted CIBAC's amended list of nominees, and Gonzales took her oath of office as CIBAC's second party-list representative.

Thus, what was at issue in the consolidated Lokin case was not whether the CIBAC National Council, headed by Villanueva, could no longer represent CIBAC in the COMELEC for purposes of party-list elections, but whether

the withdrawal by Villanueva, as CIBAC President, of the nomination of Luis in favor of a new list of nominees was valid. The Court ruled that: (1) Villanueva's act was contrary to Section 8[48] of R.A. No. 7941, which requires the submission, not later than 45 days before the election, of a list of not less than five (5) nominees; and (2) Section 13 of Resolution No. 7804, containing the Implementing Rules and Regulations of R.A. No. 7941 issued by the COMELEC, invalidly expanded the exceptions in Section 8 of R.A. No. 7941 for the substitution of nominees.

Lastly, the petitioners invoke Amores,[49] where it was declared that Villanueva was ineligible to hold office as a member of the House of Representatives representing the youth sector of CIBAC. The subject of the case was NBOC Resolution No. 07-60 dated July 9, 2007, where the COMELEC partially proclaimed CIBAC as a winner in the May 2007 elections, along with other party-list organizations. The Court found that at the time of the filing of his certificates of nomination and acceptance, Villanueva was already 31 years old and beyond the age limit of 30 provided under Section 9 of R.A. No. 7941, and that his change of affiliation from CIBAC's youth sector to its overseas Filipino workers and their families sector was not effected at least six months prior to the May 2007 elections, in violation of Section 15 of R.A. No. 7941.

Nonetheless, the Court also clarified that NBOC Resolution No. 07-60 was not a proclamation of Villanueva himself, but of CIBAC as one of the party-list winners, since Section 13 of R.A. No. 7941 separately provides that, "[p]arty-list representatives shall be proclaimed by the COMELEC based on the list of names submitted by the respective parties, organizations, or coalitions to the COMELEC according to their ranking in said list."

Concerning now the quo warranto petition, G.R. No. 213069, of CIBAC Foundation, the Court reminds the petitioners that under Section 17 of Article IV of the 1987 Constitution, the sole judge of all contests relating to the election, returns and qualifications of the Members of the House of Representatives is the House of Representatives Electoral Tribunal (HRET). Section 17 reads:

Section 17. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members, x x x.

Because the nominees of CIBAC National Council, Tugna and Gonzales, assumed their seats in Congress on June 26, 2013 and July 22, 2013, respectively, G.R. No. 213069 should be dismissed for lack of jurisdiction. It should be noted that since they had been already proclaimed, the jurisdiction to resolve all election contests lies with the HRET as it is the sole judge of all contests relating to the election, returns, and qualifications of its Members.

In a long line of cases[50] and more recently in Reyes v. COMELEC, et al.,[51] the Court has held that once a winning candidate has been proclaimed, taken his oath, and assumed office as Member of the House of Representatives, the COMELEC's jurisdiction over election contests relating to his election, returns, and qualifications ends, and the HRET's own jurisdiction begins. Since the nominees of CIBAC National Council have already assumed their seats in Congress, the quo warranto petition should be dismissed for lack of jurisdiction.

WHEREFORE, premises considered, the petitions are DISMISSED.

SO ORDERED.

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

Velasco, Jr., J., pls. see concurring opinion.

Leonen, J., see separate concurring and dissenting opinion.

Jardeleza, J., no part prior action Sol Gen.
Caguioa, J., no part due to relationship to a party.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on April 19, 2016 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 June 20, 2016 at 3:00 p.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] Rollo (G.R. No. 210273), pp. 3-49.

[2] Rollo (G.R. No. 213069), pp. 3-34.

[3] Id. at 449-455.

[4] Internal Rules of the Supreme Court, Rule 9, Section 5 provides:

Section 5. Consolidation of cases. - The Court may order the consolidation of cases involving common questions of law or of act. The Chief Justice shall assign the consolidated cases to the Member-in-Charge to whom the case having the lower or lowest docket number has been raffled, subject to equalization of case load by raffle. The Judicial Records Office shall see to it that (a) the rollos of the consolidated cases are joined together to prevent the loss, misplacement or detachment of any of them; and (b) the cover of each rollo indicates the G.R. or UDK number of the case with which the former is consolidated.

The Member-in-Charge who finds after study that the cases do not involve common questions of law or of fact may request the Court to have the case or cases returned to the original Member-in-Charge.

[5] Rollo (G.R. No. 213069), p. 49.

[6] Rollo (G.R. No. 210273), p. 539.

[7] Rollo (G.R. No. 213069), pp. 114-115.

[8] Id. at 116-117.

[9] Rollo (G.R. No. 210273), pp. 65-66.

[10] Id. at 65-88.

[11] Id. at 75-76.

[12] Id. at 89-113.

[13] Rollo (G.R. No. 213069), pp. 299-300.

[14] Id. at 328.

- [15] Id. at 329.
- [16] Rollo (G.R. No. 210273), pp. 50-54.
- [17] Id. at 55-60.
- [18] Id. at 3-49.
- [19] Id. at 25-32.
- [20] Id. at 22-24. Id.
- [22] Id. at 25-26.
- [23] 635 Phil. 372(2010).
- [24] 636 Phil. 600(2010).
- [25] Rollo (G.R. No. 210273), pp. 50-54.
- [26] Id. at 55-60.
- [27] Rollo (G.R. No. 213069), pp. 3-30.
- [28] Id. at 301-318.
- [29] Id. at 310.
- [30] G.R. Nos. 147589 and 147613, May 9, 2001.
- [31] Ang Bagong Bayani-OFW Labor Party v. COMELEC, 412 Phil. 308 (2001).
- [32] Id. at 346-347.
- [33] Ang Bagong Bayani-OFW Labor Party v. COMELEC, 452 Phil. 899 (2003).
- [34] Id. at 908-909.
- [35] Resolution dated November 20, 2003.
- [36] 689 Phil. 200(2012).
- [37] Rollo (G.R. No. 210273), p. 52.
- [38] Rollo (G.R. No. 213069), pp. 79-80.
- [39] Lokin, Jr., et al. v. COMELEC, et al, supra note 36.
- [40] Id.
- [41] Rollo (G.R. No. 213069), pp. 273-282.
- [42] Id. at 283-291.
- [43] Lokin, Jr., et al. v. COMELEC, et al., supra note 36.
- [44] Id.
- [45] Id. at 216.
- [46] Id.

[47] Supra note 23.

[48] Section 8. Nomination of Party-List Representatives-Each registered party, organization or coalition shall submit to the COMELEC not later than forty-five (45) days before the election a list of names, not less than five (5), from which party-list representatives shall be chosen in case it obtains the required number of votes.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate of any elective office or a person who has lost his bid for an elective office in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitute nominee shall be placed last in the list. Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.

[49] Supra note 24.

[50] Please see *Lazatin v. COMELEC*, G.R. No. L-80007, January 25, 1988, 157 SCRA 337; *Guerrero v. COMELEC*, 391 Phil. 344 (2000).

[51] 720 Phil. 174(2013).

CONCURRING OPINION

VELASCO, JR., J.:

This treats the consolidated petitions for certiorari and quo warranto, docketed as G.R. Nos. 210273 and 213069, respectively.

Res Judicata by conclusiveness of judgment bars the re-litigation of the central issue in G.R. No. 210273

The certiorari petition seeks to nullify COMELEC NBOC Resolution No. 0011-13, which recognized as nominees of Citizen's Battle Against Corruption (CIBAC) party-list those names submitted by respondent Emmanuel Joel Villanueva, CIBAC National Council's Chairman and President. It is petitioners' contention that the CIBAC National Council has become defunct, having been replaced by the Board of Trustees (BOT) of the CIBAC Foundation, Inc. registered with the SEC. They then argue that it is CIBAC Foundation's own list that ought to be considered by the COMELEC as CIBAC party-list's nominees.

I agree with the ponencia that the extant case is but a reprise of G.R. No. 193808, which the Court had resolved on June 26, 2012.¹ Petitioners are, therefore, estopped by res judicata from re-litigating in G.R. No. 210273 the settled facts and issues in G.R. No. 193808.

Res judicata embraces two concepts: bar by prior judgment^[2] and by conclusiveness of judgment.^[3] For the legal principle to apply, the following elements must concur: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action. Anent the fourth element, res judicata in the concept of conclusiveness of judgment only requires the identity of parties and issues, not necessarily of the causes of action.^[4]

The doctrine of conclusiveness of judgment prescribes that a fact or question settled by final judgment or order binds the parties to that action, persons in privity with them, and their successors-in-interest, and continues to bind them while the judgment or order remains standing and unreversed by proper authority. The conclusively settled fact or question cannot again be litigated in any future or other action between those bound by the final judgment, either for the same or for a different cause of action.[5]

As aptly observed by the ponencia, the Court resolved in G.R. No. 193808 which between the CIBAC Foundation, Inc. and CIBAC National Council is authorized to field nominees in behalf of CIBAC party-list for the party-list elections. The Court held therein that it is CIBAC National Council, the COMELEC-registered governing body of the CIBAC party-list, that is empowered to formulate the policies, plans, and programs of the party, and to issue decisions and resolutions binding on party members and officers.[6] This ruling, which has long attained finality, was issued pursuant to the Court's valid exercise of its jurisdiction to review rulings of the COMELEC. It is, therefore, binding on substantially the same parties and bars them from re-litigating the same issue.

Needless to state, the case at bench involves parties privy to the Court's ruling in G.R. No. 193808, albeit raising a different cause of action.[7] Petitioner Luis K. Lokin as well as respondents Sherwin C. Tugna and Cinchona C. Cruz-Gonzales directly participated in the proceedings in G.R. No. 193808. The involvement of CIBAC National Council and CIBAC Foundation, Inc. in the case cannot also be disclaimed.

Verily, all the elements for res judicata by conclusiveness of judgment obtain herein. The instant petition for certiorari which substantially raised the same issues as those in G.R. No. 193808, should, thus, be dismissed.

The controversy in G.R. No. 213069
falls within the jurisdiction of the
House of Representatives Electoral
Tribunal

I likewise concur with the ponencia that the quo warranto case falls outside the jurisdictional bounds of the Court, as it should have been lodged with the House of Representatives Electoral Tribunal (HRET). Article VI, Section 17 of the Constitution pertinently reads:

Section 17. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its Chairman, (emphasis added)

Reyes v. COMELEC (Reyes)[8] delineated the blurred boundaries between the COMELEC and the HRET, explicitly ruling where one ends and the other begins.[9] This landmark case instructs that the HRET has jurisdiction over Members of the House of Representatives (HoR) and that to be considered a "Member" the following requisites must concur: (1) a valid proclamation, (2) a proper oath, and (3) assumption of office.[10]

Associate Justice Marvic M.V.F. Leonen (Justice Leonen) submits that the elements for membership are not independent events, and that mere proclamation suffices to vest the HRET of jurisdiction over the winning congressional candidate, citing the cases of Limkaichong v. COMELEC (Limkaichong)[11] and Vinzons-Chato v. COMELEC (Vinzons-Chato).[12] However, these very cases relied upon served as jurisprudential basis in the Court's ruling in Reyes. To demonstrate, the opening salvo of Limkaichong reads:

Once a winning candidate has been proclaimed, taken his oath, and assumed office as a Member of the House of Representatives, the jurisdiction of the House of Representatives Electoral Tribunal begins, (emphasis added)

And as the Court held in *Vinzons-Chato*:

x x x [I]n an electoral contest where the validity of the proclamation of a winning candidate who has taken his oath of office and assumed his post as Congressman is raised, that issue is best addressed to the HRET. The reason for this ruling is self-evident, for it avoids duplicity of proceedings and a clash of jurisdiction between constitutional bodies, with due regard to the people's mandate, (emphasis added)

Evidently, the Court's doctrine in *Reyes* is in hew with jurisprudence. The Court merely adhered to its long-standing criteria for membership in Congress that all three indispensable requirements—a valid proclamation, a proper oath, and assumption of office—must concur.

Contrary to Justice Leonen's postulation, the subsequent case of *Tañada v. COMELEC* (*Tañada*)[13] did not deviate from our ruling in *Reyes*. Markworthy is that before disposing the petition in *Tañada*, the Court made the following observations:

x x x [Considering that Angelina had already been proclaimed as Member of the House of Representatives for the 4th District of Quezon Province on May 16, 2013, as she has in fact taken her oath and assumed office past noon time of June 30, 2013, the Court is now without jurisdiction to resolve the case at bar. As they stand, the issues concerning the conduct of the canvass and the resulting proclamation of Angelina as herein discussed are matters which fall under the scope of the terms "election" and "returns" as above-stated and hence, properly fall under the HRET's sole jurisdiction, (emphasis added)

Indubitably, the Court's ruling in *Tañada* disclaiming jurisdiction in favor of the HRET is premised on the concurrence of the three (3) requirements for membership in the HoR, in clear consonance with our ruling in *Reyes*.^[14] Hence, the statement^[15] in *Tañada* cited by Justice Leonen—that proclamation alone vests the HRET with jurisdiction over election, returns, and qualification of the winning congressional candidate—is mere obiter dictum. This lone statement in the *Tañada* Resolution pales in comparison with the academic discussion in *Reyes*, which was the product of a more extensive discussion and incisive scrutiny of the issue regarding the HRET's jurisdiction.^[16]

Tañada is clearly not intended as a reversal of *Reyes*. It could not have overturned nor abandoned *Reyes* for they are, in fact, consistent in their holdings. Thus, the *Reyes* doctrine remains to be the litmus test in ascertaining whether or not the winning candidate can already be deemed a "Member" of Congress over whom the HRET can validly exercise jurisdiction. This is even affirmed in the February 3, 2015 ruling in *Bandara v. COMELEC* (*Bandara*),^[17] which was decided by the Court after the October 22, 2013 *Tañada* Resolution. As held in *Bandara*:

It is a well-settled rule that once a winning candidate has been proclaimed, taken his oath, and assumed office as a Member of the House of representatives, the jurisdiction of the Commission on Elections (COMELEC) over election contests relating to his/her election, returns, and qualification ends, and the HRET's own jurisdiction begins. Consequently, the instant petitions for certiorari are not the proper remedies for the petitioners in both cases to question the propriety of the National Board of Canvassers' proclamation, and the events leading thereto, (emphasis added)

In view of the foregoing, the doctrine in *Reyes*, as affirmed in *Tañada* and *Bandara*, must now be applied herein. In so doing, it must first be noted that the petition for quo warranto was filed on July 11, 2014.^[18] By that date, private respondents Sherwin Tugna and Cinchona C. Cruz-Gonzales have already taken their respective oaths and

assumed office as CIBAC party-list's representatives to Congress. The occurrence of these events effectively divested the Court of the power to adjudicate the case for quo warranto. The quo warranto petition should then be dismissed for lack of jurisdiction.

G.R. No. 213069 should be dismissed
for lack of cause of action

Even assuming *arguendo* that the Court has jurisdiction over the quo warranto proceeding, G.R. No. 213069 should nevertheless be dismissed for lack of cause of action.[19]

A ruling in G.R. No. 210273 that is favorable to petitioners is a precondition before the petition for quo warranto in G.R. No. 213069 can prosper. Otherwise stated, the certiorari case is so closely intertwined with the quo warranto case that dismissal of the former necessarily results in the dismissal of the latter. Thus, as a consequence of the Court's ruling in G.R. No. 210273, as earlier discussed, so too must G.R. No. 213069 be dismissed.

To recall, the quo warranto case was filed on the postulation that petitioners are the rightful and legitimate representatives of CIBAC party-list in Congress.[20] Raising grounds for the allowance of the petition similar to those in the certiorari case, petitioners argued in the main that CIBAC National Council has already lost its legal existence, and that CIBAC Foundation, Inc.'s BOT is the governing body of CIBAC party-list. Clearly, petitioners' case for quo warranto presupposes that the COMELEC gravely abused its discretion in recognizing CIBAC National Council's list of nominees, thereby allegedly depriving petitioners of their right to represent CIBAC in Congress.

These presuppositions, however, are bereft of factual basis.

Guilty of reiteration, it has already been resolved that it is the CIBAC National Council, not the CIBAC Foundation, Inc.'s BOT, which can validly nominate CIBAC party-list representatives to Congress. This holding in G.R. No. 193808, as now affirmed in G.R. No. 210273, automatically renders petitioners' contentions meritless and their claimed right to field party-list nominees, illusory. The pivotal allegations in the petition are just as easily belied by settled facts. Therefore, in view of the majority vote to dismiss G.R. No. 210273, the Court is constrained to likewise dismiss G.R. No. 213069.

[1] Entitled *Luis K. Lokin, Jr. and Teresita F. Planas v. Commission on Elections, Citizen's Battle Against Corruption Party List* represented by Virginia S. Jose, Sherwin C. Tugna, and Cinchona C. Cruz-Gonzales, decided by the this Court on June 26, 2012.

[2] RULES OF COURT, Rule 39, Sec. 47(b).

[3] *Id.*, Rule 39, Sec. 47(c).

[4] *Social Security Commission v. Rizal Livestock and Poultry Association, Inc.*, G.R. No. 167050, June 1, 2011; see also *Pryce Corporation v. China Banking Corporation*, G.R. No. 172302, February 18, 2014.

[5] *Degayo v. Magbanua-Dinglasan* G.R. No. 173148, April 6, 2015

[6] Page 8 of the Decision; see also *Lokin v. COMELEC*, G.R. No. 193808, June 26, 2012.

[7] The cause of action in G.R. No. 193808 pertains to the lists of party-list nominees submitted to the COMELEC in connection to the 2010 National and Local Elections, while the instant petition relates to those submitted in connection with the 2013 polls.

[8] G.R. No. 207264, June 25, 2013.

[9] Concurring Opinion of Associate Justice Jose P. Perez, *Velasco v. Belmonte, Jr.*, G.R. No. 211140, January 12, 2016.

[10] *Reyes v. COMELEC*, *supra*.

[11] G.R. Nos. 178831-32 & 179120, 179132-33, 179240-41, April 1, 2009.

[12] G.R. No. 172131, April 2, 2007.

[13] G.R. No. 207199-200, October 22, 2013.

[14] Concurring Opinion of Associate Justice Jose P. Perez in *Velasco v. Delmonte, Jr.*, G.R. No. 211140, January 12, 2016.

[15] "Case law states that the proclamation of a congressional candidate following the election divests the COMELEC of jurisdiction over disputes relating to the election, returns, and qualifications of the proclaimed representative in favor of the HRET."

[16] Concurring Opinion of Associate Justice Jose P. Perez in *Tañada v. HRET*, G.R. No. 217012, March 1, 2016

[17] G.R. Nos. 207144 and 208141, February 3, 2015.

[18] Page 5 of Decision.

[19] "Failure to state a cause of action and lack of cause of action are distinct grounds to dismiss a particular action. The former refers to the insufficiency of the allegations in the pleading, while the latter to the insufficiency of the factual basis for the action. Dismissal for failure to state a cause of action may be raised at the earliest stages of the proceedings through a motion to dismiss under Rule 16 of the Rules of Court, while dismissal for lack of cause of action may be raised any time after the questions of fact have been resolved on the basis of stipulations, admissions or evidence presented by the plaintiff." *Zuñiga-Santos v. Santos-Gran*, G.R. No. 197380, October 8, 2014.

[20] Page 5 of Decision.

CONCURRING AND DISSENTING OPINION

LEONEN, J.:

I concur with the ponencia in holding that the consolidated Petitions must be dismissed. More particularly, I concur in holding that the Petition for Quo Warranto (docketed as G.R. No. 213069) directly filed before this court by petitioner Citizens' Battle Against Corruption (CIBAC) Foundation should be dismissed for lack of jurisdiction. This Petition is not within this Court's original jurisdiction. Instead, it falls under the exclusive jurisdiction of the House of Representatives Electoral Tribunal.

However, I express my reservations on the reference to a list of three (3) events—proclamation, taking of the oath of office, and assumption of duties—that are made to appear as entirely separate and distinct and, thus, are intimated to be events that must all occur before any petition is deemed to be exclusively cognizable by the House of Representatives Electoral Tribunal. Rather than having to await the consummation of all such occurrences, it suffices that a candidate for member of the House of Representatives shall have been proclaimed a winner in order for contests relating to the election, returns, and qualifications of any such member to be within the

exclusive jurisdiction of the House of Representatives Electoral Tribunal. Parenthetically, this is also true of senators in relation to the Senate Electoral Tribunal, and the President and Vice President in relation to the Presidential Electoral Tribunal.

Article VI, Section 17 of the 1987 Constitution creates separate electoral tribunals for the Senate and the House of Representatives. It also provides for each tribunal's composition and jurisdiction:

SECTION 17. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its Chairman. (Emphasis supplied)

The term "contest" is understood to refer to post-election disputes. In *Tecson v. Commission on Elections*,^[1] this Court interpreted this term as used in the analogous provision in Article VII^[2] of the 1987 Constitution, which spells out the jurisdiction of the Presidential Electoral Tribunal:

Ordinary usage would characterize a "contest" in reference to a post-election scenario. Election contests consist of either an election protest or a quo warranto which, although two distinct remedies, would have one objective in view, i.e., to dislodge the winning candidate from office. A perusal of the phraseology in Rule 12, Rule 13, and Rule 14 of the "Rules of the Presidential Electoral Tribunal," promulgated by the Supreme Court en banc on 18 April 1992, would support this premise —

....

The rules categorically speak of the jurisdiction of the tribunal over contests relating to the election, returns and qualifications of the "President" or "Vice-President," of the Philippines, and not of "candidates" for President or Vice-President. . . .

It is fair to conclude that the jurisdiction of the Supreme Court, defined by Section 4, paragraph 7, of the 1987 Constitution, would not include cases directly brought before it questioning the qualifications of a candidate for the presidency or vice-presidency before the elections are held.^[3]

An election protest is "a contest between the defeated and winning candidates on the ground of frauds [sic] or irregularities in the casting and counting of the ballots, or in the preparation of the returns. It raises the question of who actually obtained the plurality of the legal votes and therefore is entitled to hold the office."^[4] A successful election protest results in the revision or a recount of the ballots to determine the true winner of the election.^[5]

Tecson explained quo warranto proceedings as follows:

A quo warranto proceeding is generally defined as being an action against a person who usurps, intrudes into, or unlawfully holds or exercises a public office. In such context, the election contest can only contemplate a post-election scenario. In Rule 14, only a registered candidate who would have received either the second or third highest number of votes could file an election protest. This rule again presupposes a post-election scenario.^[6] (Citation omitted)

In the 2013 case of *Tañada, Jr. v. Commission on Elections*,^[7] this Court En Banc unanimously sustained the jurisdiction of the House of Representatives Electoral Tribunal "over disputes relating to the election, returns, and qualifications of the proclaimed representative[.]"^[8] We emphasized that a candidate's proclamation as winner was the definitive event that strips the Commission on Elections of jurisdiction, jurisdiction that is then vested exclusively in the House of Representatives Electoral Tribunal:

Case law states that the proclamation of a congressional candidate following the election divests the COMELEC of jurisdiction over disputes relating to the election, returns, and qualifications of the proclaimed representative in favor of the HRET. The phrase "election, returns, and qualifications" refers to all matters affecting the validity of the contestee's title. In particular, the term "election" refers to the conduct of the polls, including the listing of voters, the holding of the electoral campaign, and the casting and counting of the votes; "returns" refers to the canvass of the returns and the proclamation of the winners, including questions concerning the composition of the board of canvassers and the authenticity of the election returns; and "qualifications" refers to matters that could be raised in a quo warranto proceeding against the proclaimed winner, such as his disloyalty or ineligibility or the inadequacy of his CoC.[9] (Emphasis supplied)

This Court has even clarified that allegations of irregularity as to a candidate's proclamation as winner shall not prevent the House of Representatives Electoral Tribunal from assuming jurisdiction. In *Limkaichong v. Commission on Elections*:^[10]

Petitioners (in G.R. Nos. 179120, 179132-33, and 179240-41) steadfastly maintained that Limkaichong's proclamation was tainted with irregularity, which will effectively prevent the HRET from acquiring jurisdiction.

The fact that the proclamation of the winning candidate, as in this case, was alleged to have been tainted with irregularity does not divest the HRET of its jurisdiction. The Court has shed light on this in the case of *Vinzons-Chalo*, to the effect that:

In the present case, it is not disputed that respondent Unico has already been proclaimed and taken his oath of office as a Member of the House of Representatives (Thirteenth Congress); hence, the COMELEC correctly ruled that it had already lost jurisdiction over petitioner Chato's petition. The issues raised by petitioner Chato essentially relate to the canvassing of returns and alleged invalidity of respondent Unico's proclamation. These are matters that are best addressed to the sound judgment and discretion of the HRET. Significantly, the allegation that respondent Unico's proclamation is null and void does not divest the HRET of its jurisdiction:

xxx [I]n an electoral contest where the validity of the proclamation of a winning candidate who has taken his oath of office and assumed his post as congressman is raised, that issue is best addressed to the HRET. The reason for this ruling is self-evident, for it avoids duplicity of proceedings and a clash of jurisdiction between constitutional bodies, with due regard to the people's mandate.

Further, for the Court to take cognizance of petitioner Chato's election protest against respondent Unico would be to usurp the constitutionally mandated functions of the HRET.

In fine, any allegations as to the invalidity of the proclamation will not prevent the HRET from assuming jurisdiction over all matters essential to a member's qualification to sit in the House of Representatives.

....

Accordingly, after the proclamation of the winning candidate in the congressional elections, the remedy of those who may assail one's eligibility/ineligibility/qualification/disqualification is to file before the HRET a petition for an election protest, or a petition for quo warranto, within the period provided by the HRET Rules. In *Pangilinan v. Commission on Elections*, we ruled that where the candidate has already been proclaimed winner in the congressional elections, the remedy of petitioner is to file an electoral protest with the Electoral Tribunal of the House of Representatives.^[11] (Emphasis supplied, citation omitted)

A winning candidate's taking of the oath of office and assumption of duties are but natural and necessary consequences of his or her proclamation as winner. They are mere incidents, transpiring precisely and only because a candidate has been previously proclaimed as a winner. Thus, they should not be appreciated separately of proclamation, as though they are entirely non-aligned and self-sufficient occurrences.

In *Codilla, Si. v. Hon. de Venecia*,^[12] this Court described as "no longer a matter of discretion"^[13] the task of the Speaker of the House of Representatives to administer the oath to proclaimed winners for membership in the House of Representatives:

The distinction between a ministerial and discretionary act is well delineated. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment[.]

In the case at bar, the administration of oath and the registration of the petitioner in the Roll of Members of the House of Representatives representing the 4th legislative district of Leyte is no longer a matter of discretion on the part of the public respondents. The facts are settled and beyond dispute: petitioner garnered 71,350 votes as against respondent Locsin who only got 53,447 votes in the May 14, 2001 elections. The COMELEC Second Division initially ordered the proclamation of respondent Locsin; on Motion for Reconsideration the COMELEC en banc set aside the order of its Second Division and ordered the proclamation of the petitioner. The Decision of the COMELEC en banc has not been challenged before this Court by respondent Locsin and said Decision has become final and executory.^[14] (Citation omitted)

Only a winner in an election—that is, one who has been proclaimed as such—can proceed to take the oath of office. Further, only one who has won and taken his or her oath may proceed to validly exercise the functions of an elective public office. Therefore, it remains that the definite occurrence is proclamation as winner: it defines the competencies of the erstwhile candidate (now a winner) and identifies the body with the competence to rule on contests arising from this victory. From this, it follows that it is an error to demand taking of the oath of office and assumption of duties as separate requisites before a contest is deemed to fall within the exclusive jurisdiction of the House of Representatives Electoral Tribunal.

When the Commission on Elections proclaimed CIBAC the winner in the party-list elections and issued National Board of Canvassers Resolution No. 0011-13 on June 5, 2013, it also recognized the nominees identified by the CIBAC National Council as the legitimate nominees. At this juncture, any petition contesting the election, returns and/or qualifications of CIBAC and, by extension, of its nominees should have been filed before the House of Representatives Electoral Tribunal.

As CIBAC acquired more than four percent (4%) of the votes cast for the party-list system, taking the oath of office and assuming duties as members of the House of Representatives necessarily followed for CIBAC's first two (2) nominees, Sherwin N. Tugna and Cinchona C. Cruz-Gonzales. As soon as CIBAC was proclaimed, their taking of oaths and assumption of duties became certain. As soon as this proclamation transpired, petitioner CIBAC Foundation should have filed an election protest, quo warranto, or mandamus petition before the House of Representatives Electoral Tribunal within 10 days from May 18, 2013.^[15] Instead, it erroneously filed its quo warranto petition before this Court.

ACCORDINGLY, I vote to DISMISS the consolidated Petitions.

[1] 468 Phil. 421 (2004) [Per J. Vitug, En Banc].

[2] CONST., art. VII, sec. 4 provides: ARTICLE VII. Executive Department SECTION 4. . . .

. . . .

The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns, and

qualifications of the President or Vice-President, and may promulgate its rules for the purpose.

[3] *Tecson v. Commission on Elections*, 468 Phil. 421, 461-462 (2004) [Per J. Vitug, En Banc].

[4] *Samad v. Commission on Elections*, G.R. No. 107854, July 16, 1993, 224 SCRA 631, 639-640 [Per J. Cruz, En Banc].

[5] *Pasandalan v. Commission on Elections*, 434 Phil. 161, 173 (2002) [Per J. Carpio, En Banc].

[6] *Tecson v. Commission on Elections*, 468 Phil. 421, 462 (2004) [Per J. Vitug, En Banc].

[7] G.R. Nos. 207199-200, October 22, 2013, 708 SCRA 188 [Per J. Perlas-Bernabe, En Banc].

[8] *Id.* at 195.

[9] *Id.* at 195-196, citing *Jaiosjos, Jr. v. Commission on Elections, et al*, 689 Phil. 192, 198 (2012) [Per J. Abaci, En Banc] and *Vimons-Chalo v. Commission on Elections*, 548 Phil. 712, 725 (2007) [Per J. Callejo, Sr., En Banc].

[10] 601 Phil. 751 (2009) [Per J. Peralta, En Banc].

[11] *Id.* at 782-783.

[12] 442 Phil. 139 (2002) [Per J. Puno, En Banc].

[13] *Id.* at 189,

[14] *Id.* at 189-190.

[15] 2011 HRET Rules, Rules 16 and 17 provide:

RULE 16. Election Protest. - A verified petition contesting the election or returns of any Member of the House of Representatives shall be filed by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within fifteen (15) days after the proclamation of the winner. The party filing the protest shall be designated as the protestant while the adverse party shall be known as the protestee.

"No joint election protest shall be admitted, but the Tribunal, for good and sufficient reasons, may consolidate individual protests and hear and decide them jointly. Thus, where there are two or more protests involving the same protestee and common principal causes of action, the subsequent protests shall be consolidated with the earlier case to avoid unnecessary costs or delay. In case of objection to the consolidation, the Tribunal shall resolve the same. An order resolving a motion for or objection to the consolidation shall be unappealable.

The protest is verified by. an affidavit that the affiant has read it and that the allegations therein are true and correct of his knowledge and belief or based on verifiable information or authentic records. A verification based on "information and belief," or upon "knowledge, information and belief," is not a sufficient verification.

An unverified election protest shall not suspend the running of the reglementary period to file the protest.

An election protest shall state:

1. The date of proclamation of the winner and the number of votes obtained by the parties per proclamation;
2. The total number of contested individual and clustered precincts per municipality or city;
3. The individual and clustered precinct numbers and location of the contested precincts; and
4. The specific acts or omissions complained of constituting the electoral frauds, anomalies or irregularities in the contested precincts.

RULE 17. Quo Warranto. - A verified petition for quo warranto contesting the election of a Member of the House of Representatives on the ground of ineligibility or of disloyalty to the Republic of the Philippines shall be filed by any registered voter of the district concerned within fifteen (15) days from the date of the proclamation of the winner. The party filing the petition shall be designated as the petitioner while the adverse party shall be known as the respondent.

The provisions of the preceding paragraph to the contrary notwithstanding, a petition for quo warranto may be filed by any registered voter of the district concerned against a member of the House of Representatives, on the ground of citizenship, at any time during his tenure.

The rule on verification and consolidation provided in Section 16 hereof shall apply to petitions for quo warranto.

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