

**MAGKAKASAMA SA SAKAHAN, KAUNLARAN (MAGSASAKA)
PARTY-LIST, REPRESENTED BY ITS SECRETARY- GENERAL, ATTY.
GENERAL D. DU PETITIONER, VS. COMMISSION ON ELECTIONS AND
SOLIMAN VILLAMIN...**

G.R. No. 262975. May 21, 2024

Ponente: MARQUEZ, J.

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MARQUEZ, J.:

While the Commission on Elections (COMELEC) has jurisdiction over intra-party leadership disputes, it cannot arrogate unto itself the interpretation of party rules contrary to the party's established practices and confer party leadership to someone whom the party has already expelled.

Before the Court is a Petition for Certiorari (with Application for Issuance of Writ of Preliminary Injunction, Status Quo Ante and/or Temporary Restraining Order)[1] filed by Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-list (Party), represented by its Secretary General, Atty. General D. Du (Atty. Du). MAGSASAKA claims that the COMELEC committed grave abuse of discretion in issuing COMELEC First Division Resolution[2] dated November 25, 2021 and COMELEC En Banc Resolution[3] dated September 9, 2022 in the consolidated cases of SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP).

MAGSASAKA is an organization duly accredited and registered by the COMELEC on January 17, 2019 as a regional party in Region III. For the May 9, 2022 National and Local Elections, two Manifestations of Intent to Participate (MIP) were filed under the name of MAGSASAKA. The first was filed by Atty. Du as MAGSASAKA Secretary General,[4] and the second by Soliman Villamin, Jr. (Villamin), claiming to be the MAGSASAKA National Chairperson (Villamin MIP).[5]

Two petitions to deny due course were filed before the COMELEC against the Villamin MIP: one by Atty. Du,[6] and another by Irish Fajilagot Alfon, Sandy Pande Santos, Jeffrey D. Cortazar, Jayson Molina, John Christopher Alrey Buena (Alfon et al.).[7]

In the first petition, Atty. Du claimed that Villamin does not have any legal standing to sign or file an MIP on behalf of the Party and has made an untruthful statement in his MIP when he misrepresented himself as the National Chairperson of the Party. According to Atty. Du, Villamin is the former National Chairperson of MAGSASAKA who was voted out of MAGSASAKA's Council of Leaders and expelled from the organization due to anomalous activities akin to ponzi or pyramiding schemes involving DV Boer, Inc. (DV Boer), Villamin's family corporation. As a result, two provincial coordinators of MAGSASAKA lodged letter-complaints against Villamin, Soliman Villamin, Sr., Joselyn Villamin, Crisanto "King" Cortez (Cortez), Marianne Co, and Joseph Masacupan (Villamin et al.), who were also members of the Council of Leaders. On June 28, 2019, the Council of Leaders decided to conduct an investigation on the activities of DV Boer and appointed Lejun Dela Cruz (Dela Cruz) to investigate the matter.[8]

On November 3, 2019, Dela Cruz relayed to the Council of Leaders that the Securities and Exchange Commission (SEC) issued an advisory against DV Boer, the Department of Agriculture was on the "look-out" for DV Boer, and there was public confusion on whether the members of MAGSASAKA and those behind DV Boer were one and the same. Based on the report, the Council of Leaders suspended Villamin et al. from the Council of Leaders until their names were cleared of any impropriety, illegality, or unethical behavior so as not to drag the name of the Party in the said activities.[9]

On December 21, 2019, MAGSASAKA held a General Assembly where the attending members were informed of the suspension of Villamin et al. from the Council of Leaders. This was immediately followed by an election of a new set of Council of Leaders. Atty. Du claimed that Villamin et al. were notified of the meeting, but Villamin disputed this, maintaining that only Cortez was notified. Villamin, believing that his group's ouster was substantially and procedurally infirm, reported the incident to the COMELEC.[10]

On June 26, 2021, the MAGSASAKA faction of Atty. Du (Du faction) held another General Assembly, elected a new set of Council Leaders, and expelled Villamin et al. from the Party due to their involvement in the DV Boer scam, and the issuance of a warrant of arrest against them for syndicated estafa.[11]

In the second petition, Alfon et al. averred that they filed complaints against Villamin for estafa, syndicated estafa, and violations of the Securities Regulations Code for collecting investments from the public despite not having the necessary license from the SEC. They claimed that Villamin's filing of the MIP puts the election process in mockery or disrepute.[12]

On November 25, 2021, the COMELEC First Division issued a Resolution[13] in favor of Villamin, finding that his removal was in violation of MAGSASAKA's Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran (Saligang Batas).[14] The COMELEC held that Villamin was neither notified of the meetings nor given a chance to refute the allegations against him contrary to the provisions of the Saligang Batas, thereby violating his right to due process. Even the general assemblies where he was suspended and expelled were not conducted in accordance with the Saligang Batas. Since MAGSASAKA failed to show that Villamin was validly suspended and eventually removed, he remained to be the National Chairperson when he filed his MIP.[15] The relevant portions of the assailed November 25, 2021 Resolution of the COMELEC First Division read:

Measured against these standards, We find that the procedure conducted by the faction of Petitioner Du in the suspension, removal from office, and replacement of Respondent [Villamin et al.] were not in accord with the procedure laid down in the Party's Saligang Batas at Alituntunin and were done in bad faith. Specifically, the procedure undertaken by the faction of Petitioner Du violated the right to due process guaranteed by the Saligang Batas at Alituntunin and the manner provided in Article VIII regarding the removal of elected party officials.[16]

....

All these show that Respondent [Villamin et al.] were not accorded their right to due process as inscribed in the Party's Saligang Batas at Alituntunin. Furthermore, the events leading to the suspension of Respondent [Villamin et al.] betray the bad faith of Petitioner Du's group. As such, We find that their suspension is invalid.[17]

As to the removal of Respondent [Villamin et al.] from the Council of Leaders and the subsequent election of a new set of Council of Leaders during the [December 21, 2019] meeting, We find that the records are bereft of proof to show that there was a valid conduct of a General Assembly as well as a valid vote to remove the former and elect a new set of Council of Leaders.[18]

....

Assuming arguendo that there was a quorum to validly conduct business, Petitioner Du still failed to prove that the required number of votes was achieved to validly remove Respondent [Villamin et al.]. Considering the circumstances of the Party, We find it baffling why the votes were not properly recorded in the Minutes.

Furthermore, there was no notice of said General Assembly given to Respondent Villamin, although the records show that one was given to Mr. Crisanto/King Cortez. However, the notice to the latter cannot be equated as notice to the former as the [two] are different persons. The indispensable nature of providing notice for the [December 21, 2019] meeting must be underscored as the meeting is not a regular meeting of the Party. How else would a member be apprised if no notice was given.

All told, Petitioner Du failed to prove by substantial evidence that Respondent Villamin was validly suspended and eventually removed and replaced the Party's National [Chairperson]. This being the case, Respondent Villamin remained to be the Party's National [Chairperson] when he filed the second MIP on [March 29, 2021] as his term of office was until April 2021 or until his replacement is validly elected. As such, he did not commit misrepresentation when he filed the Manifestation of Intent to Participate in the 2022 Party-List Elections.[19] (Emphasis in the original)

Anent the second petition, the COMELEC First Division ruled that Villamin's filing of the MIP did not put the election process in mockery and/or disrepute since at the time of the filing of the MIP, he remained to be MAGSASAKA's National [Chairperson]; thus, he validly filed the MIP on behalf of the Party.[20] The COMELEC First Division clarified that in the party--list elections, the candidate elected by the voters is the party-list and not the party's nominee. MAGSASAKA Party-List is an entity different from Villamin.[21]

The dispositive portion of the November 25, 2021 Resolution reads:

WHEREFORE, premises considered, the Commission (First Division) RESOLVED, as it hereby RESOLVES, to DENY the Petitions to Deny Due Course to the Manifestation of Intent to Participate in the Party-List System of Representation in the [May 9, 2022] Elections filed by herein Respondent Soliman Villamin, Jr.

SO ORDERED.[22] (Emphasis in the original)

Atty. Du and Alfon et al. filed their respective motions for reconsideration, which the COMELEC En Banc denied on September 9, 2022.[23] The COMELEC En Banc clarified that the instant case falls within the limited jurisdiction of the COMELEC over intra-party leadership disputes. Particularly, that it has jurisdiction to pass upon the issue of due process, since Villamin's removal from the Council of Leaders is a pivotal issue in determining who is authorized to file an MIP on behalf of MAGSASAKA; thus:

Clearly, the due process issue passed upon by the Commission (First Division) is but incidental to its constitutional function of registering political parties. It is not one of administrative due process, but rather due process rights that can be found in the provisions of the Party's Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran.

It goes without saying that contrary to Petitioner's allegation, the Commission (First Division) did not arrogate unto itself the discretion to determine the validity of MAGSASAKA's council meetings and the removal of its officers. Rather, it resolved the case on the basis of substantial evidence, guided by the provisions of the Saligang Batas.[24] (Emphasis in the original)

The COMELEC En Banc agreed with the COMELEC First Division's finding that Villamin's right to due process was violated since there was no sufficient notice of the December 21, 2019 General Assembly, or that Villamin was duly informed of the said General Assembly. Moreover, MAGSASAKA was not able to establish that a quorum was met during the General Assembly.[25] Thus, the removal of Villamin as National Chairperson and the subsequent conduct of special elections were null and void.[26] Even the prior proceedings that led to the

General Assembly were also void, since Villamin was not given the opportunity to explain his side. All these acts violated MAGSASAKA's own Saligang Batas. The COMELEC En Banc also noted that Atty. Du, as Secretary General of the Party, had the positive duty under the Saligang Batas to fix the agenda and send the notices to all members, including Villamin.[27]

The COMELEC En Banc asserted its authority to invalidate the process already agreed upon by a majority of the council members, as it was not for the majority, including Atty. Du, "to dispense of the rudimentary requirements of due process when it is specifically required under the Saligang Batas, and it will affect the rights of its members." [28]

Finally, on the alleged failure of the COMELEC First Division to declare Villamin in default and on the irregularities of his submissions, the COMELEC En Banc asserted that it has the discretion to liberally construe its own rules, and that it is not bound by technical rules of procedure and evidence, especially if such rule hampers a complete and exhaustive disposition of the merits of the case. Anent Alfon et al.'s motion for reconsideration, the COMELEC En Banc reiterated that it is not the proper forum to determine the degree of participation, guilt, or innocence of Villamin with respect to his activities in DV Boer.[29]

The COMELEC En Banc ruled:

We therefore affirm the Resolution of the Commission (First Division) that Respondent, as the National [Chairperson] of MAGSASAKA Party-List, is duly authorized to file on its behalf the Manifestation of Intent to participate in the Party-List System of Representation for the 2022 National and Local Elections.

WHEREFORE, premises considered, the Commission RESOLVED, as it hereby RESOLVES, to DENY the Motions for Reconsideration filed by Petitioners in SPP Nos. 21-002 (MIP) and 21-003 (MIP). Consequently, the Resolution of the Commission (First Division) dated [November 25, 2021] is hereby AFFIRMED.

SO ORDERED.[30] (Emphasis in the original)

Meanwhile, MAGSASAKA garnered 276,889 votes during the May 9, 2022 National Elections, entitling it to a seat in the House of Representatives.[31] On August 12, 2022, MAGSASAKA filed a motion for proclamation, but the COMELEC did not issue a Certificate of Proclamation.[32]

Aggrieved, MAGSASAKA filed the instant Petition, claiming that the COMELEC acted without or in excess of its jurisdiction or with grave abuse of discretion when it: (1) did not declare Villamin in default; (2) did not allow MAGSASAKA or Atty. Du to cross-examine Villamin's witnesses; (3) interfered in intra-party disputes; (4) ruled that MAGSASAKA violated Villamin's right to due process; and (5) did not deny Villamin's MIP.[33]

According to MAGSASAKA, the COMELEC should have declared Villamin in default when he failed to file his Answer and Joint Judicial Affidavit within the period provided by the COMELEC, and only filed the same a mere 23 minutes before the scheduled hearing. Villamin also furnished MAGSASAKA a soft copy only of his Answer through electronic mail (e-mail) during the said hearing. Villamin's Answer was also defective for not having been properly notarized.[34] The COMELEC likewise erred in not allowing MAGSASAKA to cross-examine Villamin's witnesses, notwithstanding his conflicting claims and the fact that he was allowed to cross-examine MAGSASAKA's witnesses.[35]

MAGSASAKA contends that even prior to the controversy, Villamin consistently refused to attend meetings despite MAGSASAKA's attempts to communicate with him. For a long time, Villamin had been remiss in his duties as National Chairperson and had failed to face his party mates to explain his involvement in the alleged illegal activities. Anent Cortez's representation of Villamin, MAGSASAKA argued that Cortez had been acting on Villamin's behalf, speaking for the latter and the other suspended officers during the General Assembly.[36]

MAGSASAKA argues that due process considerations in internal affairs of political parties are outside the ambit of the very limited jurisdiction of the COMELEC. If Villamin's rights were indeed violated, the issue of due process cannot be invoked before the COMELEC, but rather in the ordinary courts of law.[37] Assuming that due process was necessary, MAGSASAKA defended its actions by stating that the decisions relating to Villamin et al. were approved by a majority of the Council of Leaders, and it is not upon the COMELEC to rule as invalid, a process that was clearly agreed upon by the Party. MAGSASAKA stressed that the Party and its Council of Leaders would best know what process to conduct and how to investigate its members.[38]

MAGSASAKA posits that contrary to the COMELEC's finding, Villamin was validly removed from his position in conformity with its Saligang Batas. The lack of an attendance sheet cannot invalidate the General Assembly because, as shown in the pictures and Minutes of the Meeting, the assembly was conducted and the personalities of the attendees were undisputed. COMELEC's conclusion that there was no quorum is based on an erroneous interpretation that the attendance of individual members is necessary for a valid General Assembly. MAGSASAKA points out that pursuant to its Saligang Batas, the General Assembly does not require the attendance of all its members, but only that of its leaders acting in a representative capacity. This has been the practice of MAGSASAKA even before the 2019 elections and Villamin did not object to such practice when he was still the National Chairperson. MAGSASAKA stresses that that there were more leaders or representatives who attended the December 21, 2019 General Assembly than those who attended the April 18, 2018 General Assembly where Villamin was elected. Thus, he cannot assail the same procedure which brought him to his position as National Chairperson as it would be tantamount to saying that his election was invalid.[39] Finally, even assuming that the December 21, 2019 General Assembly is declared invalid, the decision to expel Villamin et al. from the Party has been cured and declared moot by the reaffirmation of the delegates in the June 26, 2021 General Assembly.[40]

MAGSASAKA insists that since Villamin made untruthful statements in the MIP, the COMELEC should have denied his MIP. Moreover, since Villamin had no authority to file the said MIP, it should have been treated by the COMELEC as a mere scrap of paper and outrightly dismissed. Consequently, there being no infirmity in MAGSASAKA's registration, it should have been proclaimed and the certificate of proclamation should not have been withheld.[41]

Meanwhile, on September 14, 2022, the COMELEC held an Executive Session to determine who will sit as MAGSASAKA's representative in the House of Representatives.[42] Through National Board of Canvassers (NBOC) Resolution No. 22-0953,[43] the COMELEC adopted the recommendations of the COMELEC Law Department which, relying on the COMELEC En Banc's Resolution finding Villamin et al. "as the rightful group of MAGSASAKA Party-list," gave due course to the nominations from Villamin's group and merely noted the withdrawals and nominations of the Du faction. More importantly, the COMELEC resolved "[t]o issue a Certificate of Proclamation to Roberto Gerard L. Nazal, Jr. [Nazal] as the MAGSASAKA Party-List Representative in the 19[th] Congress." [44] Nazal was Villamin et al.'s first nominee in the Certificate of Nomination submitted to the COMELEC on June 6, 2022.[45]

On October 10, 2022, the COMELEC En Banc issued a Certificate of Finality[46] declaring its Resolution dated September 9, 2022 as final and executory, and an Entry of Judgment.[47] On the same date, the COMELEC En Banc, acting as the NBOC, issued a Certificate of Proclamation[48] to MAGSASAKA Party-List and named Nazal as the qualified nominee to sit as the Party's representative in the House of Representatives. Nazal took his oath of office on the same day.[49]

On October 18, 2022, this Court, upon motion of MAGSASAKA, issued a status quo ante order to maintain the

prevailing status quo prior to the promulgation of NBOC Resolution No. 22-0953 confirming Nazal's proclamation as MAGSASAKA's representative, and the issuance of a Certificate of Proclamation in his favor.[50]

MAGSASAKA also filed its Supplemental Petition for Certiorari,[51] arguing that the COMELEC En Banc gravely abused its discretion in issuing NBOC Resolution No. 22-0953 and the Certificate of Proclamation in favor of Nazal. According to MAGSASAKA, Nazal is not included in the organizational roster of MAGSASAKA, much less as its first nominee, as in fact, Nazal is a founder of and is openly affiliated with PASAHERO Party--List (PASAHERO). Moreover, Nazal has consistently and openly campaigned for PASAHERO, and never for MAGSASAKA. Not being a bona fide member of MAGSASAKA 90 days before the elections, Nazal is disqualified from being a nominee of MAGSASAKA, much less its representative in the House of Representatives.

MAGSASAKA additionally points out that there is no basis for the issuance of the Certificate of Proclamation in favor of Nazal. COMELEC's ruling on Villamin's removal is still pending before the Court and is not yet final and executory. Moreover, the issue of who are the legitimate nominees of MAGSASAKA has not yet been put forth in the proceedings a quo, as the only matter discoursed was the removal of Villamin from the Party.

In his Comment,[52] Villamin reiterates the findings of the COMELEC and maintains that he remains to be the National Chairperson because his suspension and removal were illegal and were made in clear violation of his right to confront the witnesses against him.[53] Claiming that there are a total of 3,298 members of MAGSASAKA, there should have been 1,650 members to constitute a quorum to be able to elect new members of the Council of Leaders. Instead, during the December 21, 2019 General Assembly, there were only 98 members present. Villamin claims that there was no way to determine whether the required quorum was met because there was no attendance sheet offered in evidence.[54] Villamin adds that the COMELEC's jurisdiction over the issue of leadership in a political party is already settled in jurisprudence, and that the issues presented by MAGSASAKA have been rendered moot and academic by the issuance of the Certificate of Proclamation in favor of Nazal.[55] Finally, Villamin avers that MAGSASAKA raised errors of judgment, and not errors of jurisdiction; thus, the Petition should be denied for utter lack of merit in fact and in law.[56]

In its Comment/Opposition,[57] the COMELEC, through the Office of the Solicitor General (OSG), argues that the Petition failed to establish grave abuse of discretion. The OSG invokes the wide latitude vested in the COMELEC in the discharge of its constitutional functions, including its power to investigate intra-party disputes when necessary. Neither did the COMELEC commit grave abuse of discretion in not declaring Villamin in default and in not allowing MAGSASAKA to cross-examine Villamin's witnesses, the same being based on COMELEC's sound discretion. Finally, the issues raised in the Petition, especially the validity of Villamin's dismissal from the Party, are factual in nature.

A special civil action for certiorari under Rule 64, in relation to Rule 65, is an independent action that can be availed of only if there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.[58] The writ of certiorari has a very limited scope, thus:

Viewed in a different angle, such extraordinary writ [of certiorari] is strictly confined to the determination of the propriety of the trial court's jurisdiction—whether it had the authority to take cognizance of the case and if so, whether the exercise of its jurisdiction has or has not been attended by grave abuse of discretion amounting to lack or excess of jurisdiction.[59]

The Court has defined grave abuse of discretion in this wise:

Grave abuse of discretion arises when a lower court or tribunal violates the Constitution, the law, or existing

jurisprudence. It means such capricious and whimsical exercise of judgment as would amount to lack of jurisdiction; it contemplates a situation where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, so patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform the duty enjoined by law.[60]

Meanwhile, the term lack of jurisdiction or "without jurisdiction" means that the court acted with absolute lack of authority; while the term "excess of jurisdiction" means that the court transcended its power or acted without any statutory authority.[61]

The COMELEC gravely abused its discretion when it failed to declare Villamin in default

The COMELEC was quick to brush aside MAGSASAKA's claim that Villamin should have been declared in default when he belatedly filed his Answer and Joint Affidavit, conveniently invoking its authority to liberally construe, or even suspend its own rules. Indeed, the COMELEC Rules of Procedure allows the electoral body to liberally construe and even suspend its own rules to achieve just, expeditious, and inexpensive determination and disposition of every action and proceeding brought before it.[62] However, such flexibility was "never intended to forge a bastion for erring litigants to violate the rules with impunity." [63]

A liberal interpretation and application of rules of procedure can be resorted to only in proper cases and under justifiable causes and circumstances.[64] In *Kho v. COMELEC*, [65] the Court found that the COMELEC committed grave abuse of discretion when it suspended its Rules of Procedure for no justifiable reason and to the prejudice of the other party. In the said case, the COMELEC First Division admitted respondent's answer with counterprotest which was filed four days beyond the reglementary period, without the filing of any motion for extension. The Court ruled that since the Answer was filed outside the reglementary period provided for, the COMELEC First Division had no jurisdictional authority to entertain the belated answer with counterprotest, much less pass upon and decide the issues raised therein.[66]

In the present case, the COMELEC First Division [67] set the petitions to deny due course for hearing on September 13, 2021. It required private respondents to file their Answers and submit the documents for presentation during the hearing, through e-mail, at least three days before the scheduled hearing on September 10, 2021. After filing through e-mail, four hard copies should have been sent to the Office of the Clerk of the COMELEC, not later than three days prior to the scheduled hearing. Pre-marking of the evidence was also scheduled on September 10, 2021. However, instead of filing the Answer and Judicial Affidavits on September 10, 2021, Villamin filed the same on September 13, 2021, or on the date of the actual hearing, merely 23 minutes before the scheduled time. MAGSASAKA was only furnished a copy of Villamin's Answer and Joint Judicial Affidavit during the hearing itself. Worse, and this has not been disputed, Villamin failed to present any justifiable reason for his failure to timely file his Answer and Judicial Affidavit. This, notwithstanding, the COMELEC still admitted Villamin's pleadings without any reason or explanation.

Procedural rules are not mere technicalities that may be ignored at will to suit the convenience of a party. These are established primarily to provide order to, and enhance the efficiency of, our judicial system.[68] Absent any plausible explanation for its non-compliance or any compelling reason warranting the relaxation of the rules, a party's plain violation of the rules should not be countenanced.[69]

When the COMELEC admitted Villamin's belated Answer and Joint Judicial Affidavit without any justifiable reason, the COMELEC not only allowed Villamin to blatantly disregard its Order and its Rules of Procedure, it also deprived MAGSASAKA of its right to cross-examine Villamin and his witnesses and violated its right to due

process.

In his Dissenting Opinion, Justice Ricardo R. Rosario (Justice Rosario) propounds that the COMELEC has the discretion to decide whether a party should be declared in default,[70] and reminds Us that orders of default are not looked upon with favor for they may amount to a positive and considerable injustice to the defendant.[71] Justice Rosario posits that in the absence of any allegation or proof that the belated filing was intended to delay the case or that the COMELEC's acceptance of Villamin's Answer was impelled by bad faith or malice, the Court cannot whimsically overturn the COMELEC's construction of its own rules. In any event, MAGSASAKA was not deprived of its right to cross examine Villamin's witnesses since it was able to file several pleadings confronting Villamin's Answer.[72]

The requirements of due process in an administrative context are satisfied where the parties are afforded a fair and reasonable opportunity to explain their side of the controversy at hand. The standard of due process that must be met in administrative tribunals allows a certain degree of latitude as long as fairness is not ignored.[73] Inasmuch as the Court frowns upon orders of default as it may cause "positive and considerable injustice" to Villamin, the Court likewise seeks to protect MAGSASAKA from the injustice brought about by the "liberality" extended to Villamin.

The Court acknowledges that under the COMELEC's Rules of Procedure, the cross-examination of affiants is subject to the discretion of the COMELEC En Banc or Division, when there is a need for clarification of certain matters.[74] Nevertheless, We agree with MAGSASAKA that Villamin's belated filing of his Answer and Joint Judicial Affidavit deprived even the COMELEC itself of the opportunity to exercise its discretion to allow the conduct of cross-examination. Certainly, MAGSASAKA could not have adequately prepared for cross-examination since Villamin's Answer and Joint Judicial Affidavit were filed during the hearing itself. The late filing prevented MAGSASAKA from having a meaningful opportunity to cross-examine the witnesses. Notably and indisputably, Villamin was able to cross-examine MAGSASAKA's witnesses as he had ample time to prepare for it because MAGSASAKA filed the Judicial Affidavits of its witnesses on time, in compliance with the September 6, 2021 Order.

The right of a party to confront and cross-examine opposing witnesses in a judicial litigation, be it criminal or civil in nature, or in proceedings before administrative tribunals with quasi-judicial powers, is a fundamental right which is part of due process.[75] Our laws proscribe the absence of a chance to cross-examine and considers such right to be sufficiently protected only when a real opportunity to conduct a cross-examination is provided.[76] Regrettably, there was none in the present case. That MAGSASAKA was able to file several pleadings, some of which may have passed upon some of the matters raised in Villamin's Answer, should not be equated with having a cross--examination. A "reasonable opportunity" to be heard should not be confined to the submission of pleadings. The parties must be given the opportunity to examine the witnesses against them. Through the examination and cross--examination of witnesses, administrative bodies would be in a better position to ferret out the truth and, in turn, render a more accurate decision.[77]

Thus, while the COMELEC has the authority and discretion to liberally apply the rules to avoid injustice to a litigant, it cannot exercise such discretion when, as a result of such liberal application, one party is favored and the other is deprived of its right to due process, such as in this case. In so doing, the COMELEC gravely abused its discretion.

Villamin was validly removed from his position as National Chairperson

While sectoral parties are free to conduct their activities without State interference, the Court recognizes that the COMELEC has limited jurisdiction over intra-party disputes, particularly intra-party leadership issues, as an incident to its power to register political parties.[78] COMELEC's power to register political parties necessarily involves the determination of the persons who must act on its behalf.[79]

COMELEC Resolution No. 9366[80] provides that any party-list group previously registered under the party-list system of representation, which intends to participate in the next regular national and local elections, shall file with the COMELEC an MIP in the party-list election.[81] Such manifestation shall be signed by the President or Chairperson, or in the absence of a President or Chairperson, the Secretary General of the party or group.[82] Meanwhile, under MAGSASAKA's Saligang Batas, the Tagapangulo or Chairperson is the official representative of the organization, together with the Secretary General, in all legal and financial transactions and external communications of the Party.[83] Villamin's authority to file the MIP hinges on his status as the National Chairperson. This is the intra-party leadership dispute which the COMELEC validly took cognizance of.

As summed up by the COMELEC, MAGSASAKA's Saligang Batas provides that officials may be validly removed from their positions when it has been duly proven, after an examination and investigation of the officials concerned, that they neglected their duties or committed acts that may tarnish the image of the organization and are detrimental to the people.[84]

As a general rule, findings of fact of the COMELEC, when supported by substantial evidence, shall be final and nonreviewable.[85] The findings of fact made by the COMELEC, or by any other administrative agency exercising expertise in its particular field of competence, are binding on the Court since the Court is not a trier of facts and is not equipped to receive evidence and determine the truth of factual allegations.[86]

The COMELEC, however, found that since Villamin was not accorded the basic requisites of notice and opportunity to be heard as provided in MAGSASAKA's Saligang Batas, his suspension and removal from the Council of Leaders were invalid. Moreover, there was no valid General Assembly, and no valid vote to remove Villamin.

The Court is not persuaded.

Prior notice is not required under MAGSASAKA's Saligang Batas

Several members of the Court pointed out that nothing in the records show that Villamin was given prior notice of the expulsion proceedings against him, and that such omission was admitted by MAGSASAKA and Atty. Du. While such may be the case, the lack of prior notice did not render Villamin's removal as National Chairperson invalid.

Atienza v. COMELEC[87] tells us that the requirements of due process do not apply to the internal affairs of political parties. Being considered private organizations, the rights of party members are based on the organization's charter, which is a contract among party members.[88] Accordingly, the dispute within the party, in this case between MAGSASAKA and Villamin, should be resolved within the bounds of the party's charter, and not on any other consideration.

The Saligang Batas provides the following rules for the removal of its officials:

ARTIKULO VIII

PAGBAWI SA POSISYON NG MGA HALAL NA OPISYALES

Seksyon 1. Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapatalsik sa kanyang posisyon.

Seksyon 2. Isang Liham-Petisyon mula sa isang lehitimong kasaping indibidwal o organisasyon na maaring pagbatayan ng pagsusuri at imbestigasyon ang magiging daan para sa pagpapatalsik sa sinumang opisyal ng organisasyon.

Seksyon 3. Ang Liham-Petisyon para sa pagbawi ng posisyon ay pagpapasyahan ng pamunuan kung saan siya nabibilang na organo, sa pamamagitan ng 2/3 na boto. Sa isang banda kung makakaapekto sa pamunuan duminig ng usapin, ito ay ihaharap sa mas mataas na pamunuan.

Seksyon 4. Ang opisyal na hahalili sa nabakanteng posisyon ay dapat na ihalal ng mga kasapi ng pamunuan kung saan ito nabibilang na organo.

Seksyon 5. Kung ang buong pamunuan o malaking bahagi ng pamunuan ay babawian ng posisyon at magreresulta sa krisis sa liderato, ang Kongreso na naghalal sa kanila ay kagyat na pupulungin para sa pagdaraos ng ispesyal na halalan.[89] (Emphasis in the original)

Notably, due notice is not required in the above procedure. What the rules provide is that there be a letter-petition seeking the removal of the party official and a 2/3 vote of the Council in favor of the removal. Prior notice is not a demandable right because it is not mandated in MAGSASAKA's Saligang Batas. Neither do the rules require that a full-blown hearing must be conducted for the purpose.

As pointed out by Chief Justice Alexander G. Gesmundo (Chief Justice Gesmundo), even in the realm of administrative law, the absence of "prior notice" does not necessarily result in a violation of due process. In *Board of Commissioners of the Bureau of Immigration v. Wenle*,^[90] the Court recognized that there is no controlling form or precise definition of due process^[91] and that not all situations calling for procedural safeguards call for the same kind of procedure.^[92] It may even be stated, without fear of contradiction, that the right to a notice and hearing are not essential to due process of law.^[93] While these rulings refer to administrative processes before a government body, the same may be applied to the processes of a private organization, such as a party-list organization.

There being no requirement of prior notice in MAGSASAKA's Saligang Batas, the COMELEC gravely abused its discretion in finding that the lack of prior notice to Villamin rendered his removal as National Chairperson ineffectual.

Notwithstanding the absence of prior notice, Villamin was sufficiently apprised of the developments and given ample opportunity to be heard

MAGSASAKA maintains that even prior to the leadership controversy, Villamin had consistently refused to attend meetings of the Council of Leaders and was a no-show, citing reasons as being out of the country,^[94] and would only send his people to attend, particularly Cortez.^[95] Villamin not only refused MAGSASAKA's attempts to communicate, he was also remiss in his duty to be present as National Chairperson and perform his official functions, including facing his partymates to explain his involvement in the DV Boer scam.^[96] Curiously, Villamin never debunked this statement.

In determining party leadership issues, the COMELEC must not simply look at technicalities. The COMELEC cannot expect, much less demand, from MAGSASAKA that it adhere to the same strict tenets of due process

required from the government. Moreover, while MAGSASAKA's Saligang Batas has no provision on how notice in expulsion proceedings should be given, it is accepted that according to its own rules, officials can be expelled from their positions when it has been duly proven that they neglected their duties or committed acts that may tarnish the image of the organization and are detrimental to its members.

Justice Rosario takes the position that there is no factual basis to support the finding that Villamin was validly notified of the meetings; thus, his absence cannot be construed as an act of refusal, disinterest, or failure to fulfill his duties.[97]

As aptly observed by one of Our colleagues, the investigation and adjudication of Villamin's expulsion took place over a period of two years. It is contrary to common sense to conclude that the National Chairperson did not know of the proceedings seeking his expulsion considering the notoriety that such action would have made within the inner circle of the organization, especially since a majority of the Council of Leaders were present at the expulsion proceedings, and a General Assembly was convened twice for such purpose. Some members of the Court propound that the reasons for Villamin's nonattendance to the meetings have not been established by facts, and the intent to evade investigation cannot be presumed. While this may be true, the Court cannot simply accept Villamin's claim of lack of prior notice as sufficient justification for his nonparticipation in the party proceedings. As the highest-ranking official of the party, Villamin should be aware and concerned with what was happening within the organization he leads, even if he was going through other personal and private issues. It is highly unlikely that he had no inkling of the internal turmoil in the party. With several persons filing administrative and criminal complaints against Villamin and DV Boer for the illegal investment scam, and the SEC advisory that DV Boer had no authority to offer, solicit, sell, or distribute any investment or securities,[98] it is also not far-fetched that Villamin opted to lie low and bide his time, prioritizing the said cases over his responsibilities to the Party. Thus, We find that Villamin was aware of the proceedings and was given several chances to be heard, only that he was the one who refused to communicate without any explanation or justification. Surely, MAGSASAKA could not be completely at fault for acting expeditiously to conduct the proceedings since it was the Party's name and reputation, and even the members' investments, which were at stake.

MAGSASAKA was able to establish quorum

Further propounding on the invalidity of Villamin's ouster, Justice Rosario points out that irregularities attended the General Assembly and the Council of Leaders' meetings, especially on the matter of quorum. Specifically, he states that MAGSASAKA failed to submit the attendance sheet for the December 21, 2019 General Assembly, and that in the June 28 and November 3, 2019 meetings of the Council of Leaders, there were 13 enumerated members of the Council when MAGSASAKA's Saligang Batas limits the Council to 11 members.

The Saligang Batas provides:

ARTIKULO V

ANG ISTRUKTURA NG MAGSASAKA

Seksyon 1. Ang KONGRESO: ito ang pinakamataas na organo sa pamumuno sa MAGSASAKA na binubuo ng lahat ng mga kaanib na samahan ng magsasaka sa pamamagitan ng kanilang mga opisyal na kinatawan o delegado.

....

1.3. Ang Korum ng Kongreso ay simpleng korum (50%+1) ng mga opisyal na kinatawan ng bawat kasaping samahan o delegado.

....[99]

As explained by MAGSASAKA, the failure to submit the attendance sheet is not fatal in proving that there was a quorum, since quorum for purposes of the General Assembly is constituted by the official representatives of the members and not literally of the entire membership of the Party. The attendance of all the members is not required, but only that of its leaders, acting in a representative capacity.[100] This method of establishing quorum is an internal party practice and has been observed in past General Assemblies of the Party. Worthy of note is that Villamin was elected as Chairperson in 2018 in a General Assembly conducted in the same manner—a fact which Villamin never refuted.

To hold the representative mode of attendance as invalid would result in far-reaching consequences, not only to the Party, but even to Villamin himself. Considering that the Party has been conducting its business and carrying out its General Assemblies in such manner, all its acts would be tainted with illegality, including Villamin's election as Chairperson in 2018. As for the matter of quorum and composition of the Council of Leaders, it is interesting to note that Villamin himself did not question the membership of the Council of Leaders for the said meetings, but merely bewailed the alleged lack of notice and the lack of opportunity to be heard.[101] Even so, the interpretation of quorum and membership is best left to the Party, as will be further discussed below.

We acknowledge the apprehension of some members of the Court that the absence of a quorum may undermine the accountability of the decision-making process as the decisions made without sufficient participation may not truly reflect the will of the constituency.[102] However, We find that such concern is unfounded in this case. On the contrary, this case shows that the party's interpretation of quorum is an established party practice and a further demonstration of the will of its members.

The COMELEC gravely abused its discretion when it confined itself to procedural due process in the assailed COMELEC Resolutions

While the COMELEC has limited jurisdiction over intra-party leadership disputes, it does not mean that COMELEC can substitute its own judgment for that of the Party. The COMELEC cannot disregard the Party's actions simply because these do not appear to be in line with the COMELEC's interpretation of the party's Saligang Batas. A party must be allowed to interpret its own governing rules and remove officials from participating in its own affairs.

The Court cannot subscribe to the COMELEC's statement that it is not for the majority "to dispense of the rudimentary requirements of due process when it is specifically required under the Saligang Batas and it will affect the rights of its members." [103] No less than Chief Justice Gesmundo himself has observed the COMELEC's restricted appreciation of the case. The COMELEC confined itself to ascertaining the party's compliance with procedural due process in removing Villamin as National Chairperson, but paid no attention to the matter of compliance with substantive due process when it failed to consider the reason behind Villamin's removal—his participation in the alleged illegal activities of DV Boer and its effects on the party as a whole.[104] This basis was clearly set forth in MAGSASAKA's Petition to Deny Due Course to Villamin's MIP,[105] where it was alleged that Villamin was voted out of its Council of Leaders because of "anomalies that he and his family corporation DV Boer Inc. were involved with,"[106] including reports of unusual business activities "akin to ponzi or pyramiding schemes." [107] The Petition to Deny Due Course also stated that letter-complaints were lodged against Villamin because "the name of the party is being dragged with the DV Boer scandal and that they have members who were also scammed by it." [108]

The decision to oust Villamin as National Chairperson was not made arbitrarily. The Minutes of the December 21, 2019 General Assembly reveals how the Party arrived at its decision to remove Villamin et al. When the issue between the Party and DV Boer was brought up, a coordinator manifested that the matter would affect everyone and that the General Assembly was the best platform to discuss it, and suggested that collective action and focus on finding solutions were needed.[109] Still, another coordinator proposed to "vacate the Board and elect [a] new set of Board members." [110] Cortez, Villamin's close associate, objected because the members involved in the issue were not given a chance to explain their side. Some coordinators manifested that the General Assembly is the highest policy-making body and has the power to decide including the vacancy and election of new Board members; and since the body is in quorum, the assembly can proceed with the order of business.[111] The representatives from Bulacan, Pampanga, Isabela, Bataan, and Tarlac manifested that all positions should be vacated. Notably, some representatives stated that the situation should not affect the goals of the Party, and that the proceedings of the General Assembly is not an act of turning back on the other members of the Board. Upon motion to vacate all positions and elect a new set of officers, 36 representatives voted in favor of the motion, and one voted against it. Thereafter, a new set of members of the Board was elected.[112]

The records show that MAGSASAKA was highly resolute in keeping Villamin out of its affairs. The Minutes of the General Assembly shows that the representatives were aware that the issue of Villamin's involvement in DV Boer would spark discussion and attract attention to the prejudice of the entire Party, and as such the Party had to act immediately. The fact that a party risks and realizes internal friction does not justify intrusion, since presumably a party will be motivated by self-interest and not engage in acts that run counter to its political success.[113] Further, while it may not be politically expedient to alienate an important part of the party, such as the party chairperson in this case, such exclusion is within the party's prerogative.[114]

It is in the interest of every political and, in this case, sectoral party, not to allow persons it had not chosen to hold themselves out as representatives of the party.[115] Corollary to the right to identify the people who make up the association is the right to exclude persons in its association and not to lend its name and prestige to those which it deems undeserving to represent its ideals.[116] The Party's members and leaders had lost faith in Villamin's fitness to continue serving as the National Chairperson. According to MAGSASAKA, Villamin was an absentee Chairperson who failed to perform his official functions, evaded Party meetings, and had a proclivity for criminal activities. Moreover, the allegations of illegal activities of DV Boer (of which Villamin is president and Chief Executive Officer), were legitimate subjects of concern, as these involved scams allegedly perpetrated even on some members of the Party, dragging the name and reputation of the Party into the controversy. In fact, the Court observes that, based on news reports, warrants of arrest from different courts have been issued and served on Villamin relative to the criminal complaints filed against him.[117]

It is wise to adopt Chief Justice Gesmundo's proposal that in intra-party disputes, it is imperative that the COMELEC consider the totality of evidence affecting both procedural and substantive matters to guarantee that the party-list system shall not be manipulated by reprehensible interests that corrupt the will of the electorate.[118] In the present case, procedural deviations in the removal of a party officer, if any, should not affect the validity of the removal itself so long as the removal is based on proper substantive grounds, and is sufficiently shown to be the intent of the Party.[119] This approach also allows the COMELEC to scrutinize party-list organizations using the benchmarks[120] proposed by Senior Associate Justice Marvic M.V.F. Leonen (Senior Associate Justice Leonen) in *Atong Paglaum, Inc. v. COMELEC*, [121] to ensure that the party list system genuinely represents and bolsters the true spirit of the marginalized and underrepresented groups.

By choosing to focus on procedural concerns, the COMELEC disregarded MAGSASAKA's substantive grounds for removing Villamin as National Chairperson, grounds which caused MAGSASAKA to resolutely remove him

from the organization, and grounds which Villamin have not sufficiently countered. In so doing, the COMELEC failed to serve the public interest since it unduly interfered with the political processes.[122] The Court cannot allow the COMELEC, on account of its perceived procedural deviations from MAGSASAKA's Saligang Batas, to force the Party to retain Villamin as its National Chairperson and reward him with such leadership position when the Party itself had found him unfit, not only as its leader, but as a member as well. Clearly, the COMELEC gravely abused its discretion.

Moreover, compelling MAGSASAKA to retain Villamin as National Chairperson would be tantamount to forcing the Party to be represented in the House of Representatives by Nazal, Villamin's nominee, whose membership in the Party has been denied by MAGSASAKA, and who is alleged to have founded, campaigned for, and been nominated in the same 2022 National Elections for PASAHERO, a party-list which lost in the elections.[123] A sectoral party like MAGSASAKA has the right to identify the people who constitute the association and the people who best represent the party's ideologies and preference.[124] A party's representative in Congress not only serves as the face of the party, but more importantly, as the champion of its causes. Certainly, MAGSASAKA would want its nominee to be truly representative of its goals and aspirations, one who has been nominated by its legitimate party leadership, and more importantly, one who is recognized as one of its legitimate members.

To be clear, the Court is not ruling on the qualifications of Nazal as a representative or nominee. That Nazal will not be able to sit as the Party's representative in the House of Representatives is merely a consequence of the finding that Villamin was validly removed as National Chairperson and no longer had authority to file the MIP, and consequently submit Certificates of Nomination for MAGSASAKA.

It is worth mentioning at this point that the principal issue advanced by Senior Associate Justice Leanen in this case is whether the COMELEC gravely abused its discretion when it "decided on which faction in a party-list properly provided a list of nominees,"[125] and "when it ministerially and perfunctorily acted on the controversies relating to Villamin and Nazal's nominations,"[126] such that there is a need to remand the case to the COMELEC to allow it to review MAGSASAKA's procedures for expulsion of nominees and replacement of expelled nominees.[127] The majority disagrees.

As can be seen from the assailed COMELEC Resolutions, the parties' arguments, and the Court's discussion, the real issue in this case is whether the COMELEC committed grave abuse of discretion in finding that Villamin was not validly removed as MAGSASAKA National Chairperson for lack of due process, and was consequently authorized to file the Party's MIP. Villamin's qualifications as a nominee were never raised as an issue before the COMELEC or before this Court. Even the matter of which faction properly provided a list of nominees was never put in question before COMELEC. In fact, when the MIPs and MAGSASAKA's Petition to Deny Due Course Villamin's MIP were filed, the list of nominees for both factions had not yet been submitted. The MAGSASAKA Du faction filed its MIP on February 8, 2021 and its Certificates of Nomination for the first batch of nominees on October 6, 2021.[128] Meanwhile, Villamin filed his MIP on March 29, 2021 and the Certificates of Nomination for the first batch of nominees on October 7, 2021.[129] Moreover, Nazal was only included in the list of nominees on May 31, 2022,[130] or after the COMELEC First Division issued its November 25, 2021 Resolution. Associate Justice Amy C. Lazaro-Javier even pointed out that Nazal's qualification as a nominee was never put in question before the COMELEC, and MAGSASAKA's original petition before the Court only concerns the COMELEC's resolution declaring as valid the MIP filed by Villamin.[131] Since Villamin and Nazal's qualifications as nominees were not recognized as issues in the proceedings before the COMELEC and before this Court, there is no need to remand the case to the COMELEC for a review of MAGSASAKA's procedure for expulsion and replacement of expelled nominees, as proposed by Senior Associate Justice Leonen.

Considering the foregoing, this Court finds that the COMELEC gravely abused its discretion when it focused on purely procedural matters and disregarded the substantive issues raised by MAGSASAKA in the proceedings below, refused to acknowledge established party practice, and substituted its mandate over that of MAGSASAKA, thereby unlawfully instituting Villamin as its National Chairperson. It cannot be overemphasized that Villamin was validly and convincingly removed as MAGSASAKA's National Chairperson. Accordingly, Villamin misrepresented himself as the National Chairperson when he filed the MIP. He had no more authority to file the MIP and the COMELEC should have denied it due course. Moreover, since Villamin was no longer the National Chairperson of MAGSASAKA, his nominee, Roberto Gerard L. Nazal, Jr., could not have been validly proclaimed as MAGSASAKA's Party-list Representative in the House of Representatives.

ACCORDINGLY, the Petition is GRANTED. The COMELEC First Division Resolution dated November 25, 2021 and the COMELEC En Banc Resolution dated September 9, 2022 in the consolidated cases of SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP), finding Soliman Villamin, Jr. as the duly authorized representative to file the Manifestation of Intent to Participate (MIP) in the Party-List System of Representation for the 2022 National and Local Elections, and denying Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-List's petition to deny due course to the said MIP are REVERSED and SET ASIDE.

The Status Quo Ante Order issued by this Court on October 18, 2022 is LIFTED.

The COMELEC is ORDERED to give due course to the nominations of MAGSASAKA and ISSUE a Certificate of Proclamation to the rightful nominee as the MAGSASAKA Party-List representative in the 19[th] Congress, pursuant to the tenor of this Decision.

SO ORDERED.

Hernando, Zalameda, M. Lopez, J. Lopez, Dimaampao, Kho, Jr., and Singh, JJ., concur.

Gesmundo, C.J., see concurring opinion.

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

Caguioa, J., see concurring opinion.

Lazaro-Javier, J., with dissent.

Inting,[*] J., no part.

Gaerlan, J., please see separate concurring opinion.

Rosario, J., see dissenting opinion.

[*] No part.

[1] Rollo, pp. 3-46.

[2] Id. at 210-225. The November 25, 2021 Resolution in SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP) was signed by Presiding Commissioner Ma. Rowena Amelia V. Guanzon and concurred in by Commissioner Marlon S. Casquejo of the COMELEC First Division, Manila. Commissioner Aimee P. Ferolino issued a dissenting opinion. See rollo, pp. 226-228.

[3] Id. at 263-277. The September 9, 2022 Resolution in SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP) was signed by Chairperson George Erwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, and Rey E. Bulay of the COMELEC En Banc, Manila.

[4] Id. at 211. Filed on February 8, 2021 and docketed as SPP No. 21-001 (PLM).

[5] Id. Filed on March 29, 2021 and docketed as SPP No. 21-082 (MIP).

[6] Id. at 156-169. in Re: Petition to Deny Due Course to the Manifestation of Intent to Participate in the Party-List System of Representation in the 09 May 2022 Elections filed by Soliman Villamin, Jr., docketed as SPP No. 21-002 (MIP).

[7] Irish Fajilagot Alfon, Sandy Pande Santos, Jeffrey D. Cortazar, Jayson Molina, John Christopher Alrey Buena v. Magkakasama sa Sakahan, Kuunlaran (MAGSASAKA) Represented by: Soliman A. Villamin, Jr., National Chairperson, docketed as SPP No. 21-003 (MIP).

[8] Rollo, pp. 74-76.

[9] Id. at 81-84.

[10] Id. at 92-97. Minutes of the Meeting.

[11] Id. at 120-121. Assembly Resolution Nos. 01-2021 & 02-2021.

[12] Id. at 215.

[13] Id. at 210-225.

[14] Id. at 220.

[15] Id. at 223.

[16] Id. at 220.

[17] Id. at 222.

[18] Id.

[19] Id. at 223.

[20] Id. at 224.

[21] Id. at 224-225.

[22] Id. at 225.

[23] Id. at 263-277.

[24] Id. at 268.

[25] Id. at 272.

[26] Id.

[27] Id. at 274.

[28] Id.

[29] Id. at 275-276.

[30] Id. at 276-277.

[31] Id. at 11.

[32] Id. at 13.

[33] Id. at 13-14. MAGSASAKA also assailed the COMELEC's failure to issue a Certificate of Proclamation in

favor of MAGSASAKA despite garnering votes sufficient for one seat. However, this issue has been rendered moot and academic by the COMELEC's issuance of a Certificate of Proclamation in favor of MAGSASAKA Party-List on October 10, 2022.

[34] Id. at 15-16.

[35] Id. at 18-19.

[36] Id. at 23-25.

[37] Id. at 19-21.

[38] Id. at 22.

[39] Id. at 25-28.

[40] Id. at 28.

[41] Id. at 32-33.

[42] Id. at 448-459. Excerpt from the Minutes of the Executive Session of the Commission on Election Held on September 14, 2022.

[43] Id.

[44] Id. at 458.

[45] Id. at 451.

[46] Id. at 480-484.

[47] Id. at 485-487.

[48] Id. at 460.

[49] Id. at 501. Nazal took his Oath before Presiding Judge Jose G. Paneda of Branch 220, Regional Trial Court, Quezon City.

[50] Id. at 471-d-471-f.

[51] Id. at 506-529. Filed on October 18, 2022.

[52] Id. at 690-735.

[53] Id. at 720.

[54] Id. at 725.

[55] Id. at 728-729.

[56] Id. at 729-730.

[57] Id. at 994-1029.

[58] *Ejercito v. COMELEC*, 748 Phil. 205, 229 (2014) [Per J. Peralta, En Banc].

[59] *Denila v. Republic*, 877 Phil. 380, 427 (2020) [Per J. Gesmundo, Third Division].

[60] *Ejercito v. COMELEC*, 748 Phil. 205, 229-230 (2014) [Per J. Peralta, En Banc], citing *Juan v. COMELEC*,

550 Phil. 294, 302 (2007) [Per J. Nachura, En Banc]. (Citation omitted)

[61] *Denila v. Republic*, 877 Phil. 380, 426 (2020) [Per J. Gesmundo, Third Division].

[62] COMELEC Rules of Procedure, Rule 1, secs. 3 & 4 read:

Sec. 3. Construction. – These rules shall be liberally construed in order to promote the effective and efficient implementation of the objectives of ensuring the holding of free, orderly, honest, peaceful and credible elections and to achieve just, expeditious and inexpensive determination and disposition of every action and proceeding brought before the Commission.

Sec. 4. Suspension of the Rules. – In the interest of justice and in order to obtain speedy disposition of all matters pending before the Commission, these rules or any portion thereof may be suspended by the Commission.

[63] *Pates v. COMELEC*, 609 Phil. 260, 266 (2009) [Per J. Brion, En Banc], citing *Fortich v. Corona*, 359 Phil. 210 (1998) [Per J. Martinez, Second Division].

[64] *Id.*

[65] 344 Phil. 878 (1997) [Per J. Torres, Jr., En Banc].

[66] *Id.* at 885-886.

[67] Rollo, pp. 278-280. COMELEC First Division Order dated September 6, 2021.

[68] *Malixi v. Baltazar*, 821 Phil. 423, 435-436 (2017) [Per J. Leonen, Third Division].

[69] *Kolin Electronics Co., Inc. v. Taiwan Kolin Corp. Ltd.*, G.R. Nos. 221347 & 221360-61, December 1, 2021 [Per J. Hernando, Second Division].

[70] J. Rosario, Dissenting Opinion, May 16, 2024, p. 2.

[71] *Id.* at 3.

[72] *Id.* at 3-4.

[73] *Samalio v. Court of Appeals*, 494 Phil. 456, 465 (2005) [Per J. Corona, En Banc]. (Emphasis supplied)

[74] COMELEC Rules of Procedure, Rule 17, sec. 3 provides:

Sec. 3. Oral Testimony Dispensed with Where Proceedings are Summary. – When the proceedings are authorized to be summary, in lieu of oral testimonies, the parties may, after due notice, be required to submit their position paper together with affidavits, counter-affidavits and other documentary evidence; and when there is a need for clarification of certain matters, at the discretion of the Commission or the Division, the parties may be allowed to cross-examine the affiants.

This provision shall likewise apply to cases where the hearing and reception of evidence are delegated by the Commission or the Division to any of its officials; and when there is a need for clarification of certain matters, the hearing officer may schedule a hearing to propound clarificatory questions, observing for that purpose Section 6 of Rule 34 of these Rules.

[75] *Anciro v. People*, 298-A Phil. 624, 637-638 (1993) [Per J. Davide, Jr., First Division], citing *Savory Luncheonette v. Lakas ng Manggagawang Pilipino*, 159 Phil. 310 (1975) [Per J. Muñoz Palma, First Division].

[76] *Dy Teban Trading, Inc. v. Dy*, 814 Phil. 564, 579 (2017) [Per J. Jardeleza, Third Division].

[77] Saunar v. Executive Secretary Ermita, 822 Phil. 536, 553 (2017) [Per J. Martires, Third Division].

[78] Atienza, Jr. v. COMELEC, 626 Phil. 654 670-671 (2010) [Per J. Abad, En Banc].

[79] Id. at 670, citing Palmares v. COMELEC, G.R. Nos. 86177-78, August 31, 1989 [Resolution].

[80] COMELEC Resolution No. 9366 (2012).

[81] Id. at Rule 3, sec. 1.

[82] Id. at Rule 3, sec. 2.

[83] Rollo, p. 427. Saligang Batas, Artikulo V, Seksyon 3(A[2]) reads:

A. TAGAPANGULO

....

- ay opisyal na kinatawan ng organisasyon (kasama ang Pangkalahatang Kalihim) sa lahat ng legal at pinansyal na transaksyon at ugnayang panlabas;

[84] Id. at 268-269.

[85] Buenafe v. COMELEC, G.R. Nos. 260374 & 260426, June 28, 2022 [Per J. Zalameda, En Banc].

[86] Cadangen v. COMELEC, 606 Phil. 752, 760 (2009) [Per J. Nachura, En Banc].

[87] 626 Phil. 654 (2010) [Per J. Abad, En Banc].

[88] Id. at 673.

[89] Rollo, p. 430.

[90] G.R. No. 242957, February 28, 2023 [Per C.J. Gesmundo, En Banc].

[91] Id. at 27, citing Morfe v. Mutuc, 130 Phil. 415 (1968) [Per J. Fernando, En Banc]. This pinpoint citation refers to the copy of the Decision uploaded in the Supreme Court website.

[92] Id., citing Morrissey v. Brewer, 408 U.S. 471 (1972).

[93] Id. at 28, citing Cornejo v. Gabriel, 41 Phil. 188 (1920) [Per J. Malcolm, En Banc].

[94] Rollo, p. 23.

[95] Id. at 249. Motion for Reconsideration of the COMELEC First Division Resolution dated November 25, 2021.

[96] Id. at 23.

[97] J. Rosario, Reflections, January 23, 2024, p. 5.

[98] Rollo, pp. 170-171. SEC Advisory dated April 30, 2019.

[99] Id. at 426.

[100] Id. at 27.

[101] Id. at 716-717. Comment/Opposition.

[102] J. Leonen, Reflections, May 20, 2024, p. 15.

[103] Rollo, p. 274.

[104] C.J. Gesmundo, Reflections, p. 15.

[105] Rollo, pp. 326-328.

[106] Id. at 327.

[107] Id. at 328.

[108] Id.

[109] Id. at 94.

[110] Id.

[111] Id.

[112] Id. at 95-96.

[113] *Federspiel v. Ohio Republican Party State Cent. Comm*, 867 F. Supp. 617, 619 (S.D. Ohio. 1994).

[114] Id.

[115] *Laban ng Demokratikong Pilipino v. COMELEC*, 468 Phil. 70, 84 (2004) [Per J. Tinga, En Banc].

[116] Id.

[117] PEOPLE'S TONIGHT, Arrest warrant issued vs agri trader, PEOPLE'S TONIGHT, June 18, 2021, available at <https://journalnews.com.ph/arrest-warrant-issued-vs-agri-trader/> (last accessed on June 18, 2024); Ed Amoroso, Trader at misis inaresto sa Pampanga, hindi dinukot, PILIPINO STAR NGAYON, February 28, 2022, available at <https://www.philstar.com/pilipinostar-ngayon/probinsiya/2022/02/28/2163851/trader-misis-inaresto-sa-pampanga-hindi-dinukot> (last accessed on June 18, 2024); Iliana Padigos, QC cops nab eight alleged 'most wanted' persons in separate ops, INQUIRER.NET, July 21, 2022, available at <https://newsinfo.inquirer.net/1632177/qc-cops-nab-eight-most-wanted-persons-in-separate-ops> (last accessed on June 18, 2024).

[118] C.J. Gesmundo, Reflections, p. 16.

[119] Id. at 17.

[120] J. Leonen, Concurring and Dissenting Opinion, in *Atong Paglaum, Inc. v. COMELEC*, 707 Phil. 454, 751-753 (2013) [Per J. Carpio, En Banc].

[121] 707 Phil. 454 (2013) [Per J. Carpio, En Banc].

[122] *Sinaca v. Mula*, 373 Phil. 896, 912 (1999) [Per C.J. Davide, En Banc].

[123] Rollo, pp. 461-463, 1092-1096, 1184-1198. MAGSASAKA submitted to this Court pictures downloaded from Facebook showing Nazal campaigning for PASAHERO and identifying him as founder and first nominee of the said party.

[124] *Sinaca v. Mula*, 373 Phil. 896, 912 (1999) [Per C.J. Davide, Jr., En Banc].

[125] J. Leonen, Reflections, p. 1.

[126] Id. at 18.

[127] Id.

[128] Rollo, p. 493. National Board of Canvassers (NBOC) Resolution No. 22-0953, September 14, 2022.

[129] Id. at 489.

[130] Id. at 490.

[131] J. Lazaro-Javier, Second Revised Reflection, April 12, 2024, p. 15.

CONCURRING OPINION

GESMUNDO, C.J.:

I concur in the ponencia circulated by the esteemed Associate Justice Jose Midas P. Marquez in the above-captioned case. I write this Concurring Opinion to share my perspective on the grave abuse of discretion amounting to excess or lack of jurisdiction committed by the Commission on Elections (COMELEC) in the instant case.

Summary of the case and the ponencia's ruling

This is a Petition for Certiorari (with Application for Issuance of Preliminary Injunction, Status Quo Ante, and/or Temporary Restraining Order) filed by Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA), represented by its Secretary General, Atty. General D. Du (Atty. Du), assailing the November 25, 2021 Resolution of the COMELEC First Division and the September 9, 2022 Resolution of the COMELEC En Banc in the consolidated cases of SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP).[1]

On February 8, 2021, Atty. Du filed a Manifestation of Intent to Participate (MIP) in the May 9, 2022 National and Local Elections (2022 NLE) under the name of MAGSASAKA. This was docketed as SPP No. 21-002 (MIP). Later, on March 29, 2021, Soliman Villamin, Jr. (Villamin), claiming to be the MAGSASAKA National Chairperson, also filed a MIP under the name of MAGSASAKA for the 2022 NLE.[2]

Atty. Du filed a petition to deny due course the Villamin MIP. Trish Fajilagot Alfon (Alfon) et al. likewise filed their petition praying that the Villamin MIP be denied due course.[3]

In his petition, Atty. Du claimed that Villamin is no longer the National Chairperson of MAGSASAKA as of December 21, 2019 and had been expelled from the party due to anomalous activities akin to ponzi or pyramiding scheme involving DV Boer, Inc., Villamin's family corporation. He asserted that on December 21, 2019, MAGSASAKA held a general assembly where the attending members were informed of the suspension of concerned officers from the Council of Leaders, and this was immediately followed by an election of a new set of Council of Leaders. Atty. Du claimed that Villamin and the concerned officers were notified of the meeting, but Villamin countered that only King Cortez (Cortez) was notified.[4]

On June 26, 2021, the MAGSASAKA faction of Atty. Du held another general assembly where they elected a new set of Council Leaders, and expelled Villamin, Soliman Villamin, Sr., Jocelyn Villamin, King Cortez, Marianne Co, and Joseph Masacupan from the party due to their involvement in the DV Boer scam, and the

issuance of a warrant of arrest against them for syndicated estafa.[5]

Meanwhile, Alfon et al. averred that they had instituted complaints against Villamin for estafa, syndicated estafa, and violations of the Securities Regulation Code.[6]

On November 25, 2021, the COMELEC First Division issued a Resolution in favor of Villamin. It found that his removal from MAGSASAKA was in violation of its own Saligang Batas at Alituntunin since he was not notified of the meetings and, hence, was not given a chance to refute the allegations against him. Thus, Villamin remained to be the National Chairperson of MAGSASAKA when he filed his MIP.[7] In its September 9, 2022 Resolution, the COMELEC En Banc affirmed the conclusions reached by the COMELEC First Division Resolution. To begin with, the COMELEC En Banc declared that the case falls within the limited jurisdiction of COMELEC over intra-party leadership disputes. It found that Villamin's right to due process was violated due to lack of sufficient notice of the general assembly and absence of quorum during the said assembly.[8]

In the interim, MAGSASAKA won a seat during the 2022 NLE. On August 12, 2022, MAGSASAKA filed a motion for proclamation but the COMELEC did not issue a certificate of proclamation. Thus, MAGSASAKA filed the present Petition ascribing grave abuse of discretion to the COMELEC when it: (1) did not declare Villamin in default; (2) did not allow MAGSASAKA/Atty. Du to cross-examine Villamin's witnesses; (3) interfered in intra-party disputes; (4) ruled that MAGSASAKA violated Villamin's right to due process; and (5) did not deny Villamin's MIP.[9]

On September 14, 2022, the COMELEC held an Executive Session to determine who will sit as MAGSASAKA's representative in the House of Representatives. It gave due course to the nominations from Villamin's group, while merely noting the withdrawals and nominations of the group of Atty. Du. Further, the COMELEC resolved to issue a certificate of proclamation to Roberto Gerard L. Nazal, Jr. (Nazal) as the MAGSASAKA party-list representative in the 19th Congress.[10]

On October 10, 2022, the COMELEC En Banc issued a certificate of finality, declaring its Resolution dated September 9, 2022 which denied MAGSASAKA's motion for reconsideration as final and executory, and an entry of judgment. On the same date, the COMELEC En Banc, acting as the National Board of Canvassers (NBOC), issued a certificate of proclamation to Magsasaka Party-List and named Nazal as the qualified nominee to sit as the party's representative to the House of Representatives. Nazal took his oath of office on the same day.[11]

On October 18, 2022, this Court, upon Motion of MAGSASAKA, issued a status quo ante order to maintain the status quo prevailing prior to the confirmation of Nazal's proclamation as MAGSASAKA's representative.[12]

The ponencia finds that the COMELEC gravely abused its discretion when it failed to declare Villamin in default due to the belated filing of his Answer and Joint Affidavit. The COMELEC required the parties to file their Answer and Judicial Affidavits three days before the hearing on September 13, 2021, or on September 10, 2021. Villamin filed his Answer and Judicial Affidavit on the day of the hearing, September 13, 2021 and a mere 23 minutes before the scheduled time. He also failed to proffer any justifiable reason for the said delay. The ponencia rules that by admitting Villamin's Answer and Judicial Affidavit without any justifiable reason, the COMELEC not only allowed Villamin to disregard its Order and Rules of Procedure, it also deprived MAGSASAKA of its right to cross-examine Villamin and his witnesses, thereby violating MAGSASAKA's right to due process. According to the ponencia, the belated filing of the foregoing pleadings deprived the COMELEC of the opportunity to exercise its discretion to allow cross-examination. As a result of such liberal application, one party is favored and the other is deprived of its right to due process. In doing so, the COMELEC gravely abused its discretion.[13]

The ponencia also declares that Villamin was validly removed from his position as National Chairperson of MAGSASAKA. It finds that Villamin was sufficiently apprised of the developments and given ample opportunity to be heard. It observes that even prior to the leadership controversy, Villamin had consistently refused to attend the meetings of the Council of Leaders and had been a no-show, citing reasons as being out of the country, and would only send his people to attend the same, particularly Cortez. Villamin never debunked this statement. The ponencia further emphasizes that under MAGSASAKA's own rules, officials can be expelled from their positions when it has been duly proven that they neglected their duties or committed acts that may tarnish the image of the organization and are detrimental to its members. It points out that the investigation and adjudication of Villamin's expulsion took place over a period of two years. For the ponencia, it is contrary to common sense to conclude that the National Chairperson did not know of the proceedings seeking his expulsion, considering the notoriety that such action would have made within the inner circle of the organization, and especially since a majority of the Council of Leaders were present during the expulsion proceedings and that a General Assembly was convened twice for such purpose.[14]

The ponencia underscores that the MAGSASAKA Saligang Batas at Alituntunin provides that the quorum for purposes of the General Assembly is constituted by the official representatives of the members, not literally the entire membership of the party. It observes that Villamin was elected under the same scheme.[15] The ponencia rules that the COMELEC, and this Court, cannot, on account of perceived procedural deviations from MAGSASAKA's own Saligang Batas at Alituntunin, force the party to retain Villamin as its National Chairperson when the party itself had found him unfit, both as its leader and as a member. Doing so would allow MAGSASAKA to be represented by Nazal, whose membership in MAGSASAKA had been denied, and who is alleged to have founded, campaigned for, and been nominated in the same 2022 NLE for PASAHERO Party-List, a party-list that lost in the elections.[16]

In conclusion, the ponencia declares that the COMELEC acted in excess of its authority by giving due course to the Villamin MIP. Since Villamin was no longer the National Chairperson of MAGSASAKA, his nominee, Nazal, could not be validly proclaimed as MAGSASAKA's party--list representative in the House of Representatives.[17]

I concur in the ponencia.

Preliminarily, it must be stated that "[t]he scope of this Court's jurisdiction in a petition for certiorari under Rule 64, in relation to Rule 65 of the Rules of Court, is limited; the petition must show that the COMELEC En Banc acted without or in excess of its jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction." [18]

On this score, the definition of grave abuse of discretion is well--established:

Grave abuse of discretion has been defined as a whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. In the process of determining the existence of grave abuse of discretion, this Court looks into: (1) whether the act involved was done contrary to the Constitution, the law[,] or jurisprudence; or (2) whether it was executed whimsically, capriciously[,] or arbitrarily out of malice, ill will[,] or personal bias. Additionally, mere abuse of discretion is not enough; it must be grave. Unless it is firmly established that the COMELEC En Banc committed grave abuse of discretion, this Court would not interfere with its decision.[19] (Citations omitted)

Having set forth said preliminary considerations, I will now proceed to apply these considerations in the instant case.

Without a doubt, the resolution of this present case will shape how our courts and tribunals, particularly, the

COMELEC, should regulate party-lists. The COMELEC must ensure that the principles governing the resolution of intra-party disputes are not exploited or violated, leading to the unjust presence of an individual in the House of Representatives who neither genuinely represents nor was legitimately nominated by a party-list.

I espouse that in resolving intra-party disputes involving political parties, the COMELEC should consider the totality of evidence presented, both on the substantive and the procedural issues, in settling the dispute, and not merely single out a sole procedural matter. I will expound further.

The COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction in finding that MAGSASAKA did not validly remove Villamin as National Chairperson

In *Atong Paglaum, Inc. v. Commission on Elections*,^[20] the Court discussed the party-list system and its constitutional basis, viz.:

The 1987 Constitution provides the basis for the party-list system of representation. Simply put, the party-list system is intended to democratize political power by giving political parties that cannot win in legislative district elections a chance to win seats in the House of Representatives. The voter elects two representatives in the House of Representatives: one for his or her legislative district, and another for his or her party-list group or organization of choice. The 1987 Constitution provides:

Section 5, Article VI

(1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party--list system of registered national, regional, and sectoral parties or organizations.

(2) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

Sections 7 and 8, Article IX-C

Sec. 7. No votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution.

Sec. 8. Political parties, or organizations or coalitions registered under the party-list system, shall not be represented in the voters' registration boards, boards of election inspectors, boards of canvassers, or other similar bodies. However, they shall be entitled to appoint poll watchers in accordance with law.^[21]

Meanwhile, in the 2010 case of *Atienza v. Commission on Elections*,^[22] the Court elucidated on the COMELEC's jurisdiction over intra-party disputes. The same is limited to, among others, the ascertainment of the identity of the political party and its legitimate officers responsible for its acts, thus:

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* 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 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.[23] (Citations omitted)

There is no question in the instant case that the COMELEC exercises jurisdiction over the issue of whether Villamin should remain the National Chairperson of MAGSASAKA, and hence, duly authorized to act on its behalf and to nominate Nazal as the MAGSASAKA party-list representative.

It is respectfully submitted, however, that the COMELEC exercised such jurisdiction with grave abuse of discretion amounting to lack or excess of jurisdiction when it ignored the fact that, based on the totality of evidence presented, Villamin was validly removed as the National Chairperson of MAGSASAKA.

In *Atienza*, the Court has previously held that the requirements of administrative due process do not apply to the internal affairs of political parties, viz.:

[T]he 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....

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.

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*, 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.[24] (Emphasis supplied, citations omitted)

Verily, pursuant to *Atienza*, political parties, which are crafted by individuals in their private capacities, are considered private organizations, not state instruments. Hence, the rights of the party members are based on their organization's charter, which is a contract among the party members. If the members of the party seek redress,

their recourse to the courts or tribunals shall be based on the enforcement of their rights under their organization's charter. This is not to be mistaken as a due process issue raised against the government or any of its agencies.

Notably, the Court stated in *Sinaca v. Mula*[25] that a political party has the right to identify the people who constitute the association and to select a standard bearer who best represents the party's ideologies and preference. Political parties are generally free to conduct their internal affairs free from judicial supervision; this common-law principle of judicial restraint, rooted in the constitutionally protected right of free association, serves the public interest by allowing the political processes to operate without undue interference. Thus, the rule is that the resolution of disputes as to party nominations rests with the party, in the absence of a statute granting jurisdiction to the courts.[26]

Accordingly, the dispute between Villamin and MAGSASAKA should be resolved simply within the bounds of the party-list's own charter, and not on any other consideration.

Notably, the COMELEC declared that Villamin was still the National Chairperson of MAGSASAKA and, hence, was still entitled to submit the party-list's nominees to the COMELEC, because his purported right to due process was violated. The COMELEC espoused the view that there was no sufficient notice of the December 21, 2019 general assembly, or sufficient proof that Villamin was duly informed of said general assembly.[27]

However, in view of jurisprudence declaring that the requirements of administrative due process do not apply to the internal affairs of political parties, the COMELEC committed grave abuse of discretion in concluding that Villamin validly invoked said right against his removal as National Chairperson by MAGSASAKA.

The COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction in finding that Villamin's right to due process was violated

Assuming for the sake of argument that Villamin may invoke the right to due process in the instant case, I agree with the position of Associate Justice Alfredo Benjamin S. Caguioa, in his Letter dated January 20, 2024, that Villamin's removal was accomplished in accordance with the procedure laid down in the Saligang Batas at Alituntunin of MAGSASAKA.

The Saligang Batas at Alituntunin merely provides that the following must be observed before an officer of an organization-member or of the party itself may be removed from his or her position, to wit:

ARTIKULO VIII.

PAGBAWI SA POSISYON NG MGA HALAL NA OPISYALES

Sekyun 1: Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din na nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapatalsik sa kanyang posisyon.

Seksyon 2: Isang Liham-Petisyon mula sa lehitimong kasaping indibiduwal o organisasyon na maaaring pagbatayan ng pagsusuri at imbestigasyon ang magiging daan para sa pagpapatalsik sa sinumang opisyal ng organisasyon.

Seksyon 3: Ang Liham-Petisyon para sa pagbawi ng posisyon ay pagpapasyahan ng pamunuan kung saan siya nabibilang na organo, sa pamamagitan ng 2/3 na boto. Sa isang banda kung makakaapekto sa pamunuan duminig ng usapin, ito ay ihaharap sa mas mataas na pamunuan.

Seksyon 4: Ang opisyal na hahalili sa nabakanteng posisyon ay dapat na ihalal ng mga kasapi ng pamunuan

kung saan ito nabibilang na organo.

Seksyon 5: Kung ang buong pamunuan o malaking bahagi ng pamunuan ay babawian ng posisyon at magreresulta sa krisis sa liderato, ang Kongreso na naghalal sa kanila ay kagyat na pupulungin para sa pagdaraos ng ispesyal na halalan.[28]

Notably absent from this procedure is the requirement of a prior notice. The Saligang Batas at Alituntunin simply provides that when there is a letter-petition seeking for the removal of a party official of the organization, only a 2/3 vote of the council in favor of the said removal is required. Evidently, the Saligang Batas at Alituntunin does not require that the party official subject of the letter-petition for removal must first be informed of his or her removal and/or that a full-blown hearing must be conducted for this purpose. Instead, MAGSASAKA's charter provides that it is adequate that the letter-petition be voted upon by 2/3 of the council of the organization.

It is a well-established rule that the absence of "prior notice" does not necessarily result in a violation of due process, such as when Villamin was removed from MAGSASAKA due to a letter-petition validly voted upon by 2/3 of its council. In the recent case of *The Board of Commissioners of the Bureau of Immigration v. Wenle*,^[29] the Court explained that prior notice is not absolutely indispensable when it involves an administrative process:

In this regard, the Court emphasizes that there is no controlling and precise definition of due process. The very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation. Due process of law guarantees "no particular form of procedure; it protects substantial rights." Consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved, as well as of the private interest that has been affected by governmental action. Its flexibility is in its scope — once it has been determined that some process is due — is a recognition that not all situations calling for procedural safeguards also call for the same kind of procedure. Thus, in extraordinary situations, where some valid governmental interest is at stake, it justifies postponing the hearing until after deprivation.

The immediately preceding discussions justify a summary but temporary deprivation of liberty or property rights as long as due process guarantees are in place to allow the deprived to justify a recovery of such rights. In the earlier example which demonstrated the necessity of the "close now, hear later" doctrine, financially distressed banks may be summarily closed or liquidated to protect the national economy itself because such closure or liquidation is subject to judicial inquiry and could be set aside if it is either capricious, discriminatory, whimsical, arbitrary, unjust, or amounting to a denial of the due process and equal protection clauses under the Constitution. In such case, due process does not necessarily require a prior hearing; a hearing or an opportunity to be heard may be subsequent to the closure. This ratiocination is consistent with the essence of administrative due process which was articulately explained in *Cornejo v. Gabriel*, which reads: The fact should not be lost sight of that we are dealing with an administrative proceeding and not with a judicial proceeding. As Judge Cooley, the leading American writer on Constitutional Law, has well said, due process of law is not necessarily judicial process; much of the process by means of which the Government is carried on, and the order of society maintained, is purely executive or administrative, which is as much due process of law, as is judicial process. While a day in court is a matter of right in judicial proceedings, in administrative proceedings it is otherwise since they rest upon different principles. [...] In certain proceedings, therefore, of an administrative character, it may be stated, without fear of contradictions that the right to a notice and hearing are not essential to due process of law. Examples of [special] or summary proceedings affecting the life, liberty[,] or property of the individual without any hearing can easily be recalled. Among these are the arrest of an offender pending the filing of charges; the restraint of property in tax cases; the granting of preliminary injunctions [ex parte]; and the suspension of officers or employees by the Governor General or a Chief of a Bureau pending an investigation.^[30] (Citations omitted)

Indeed, unless otherwise specifically provided by law or some governing rule, prior notice in an administrative

process is not mandatory. There is no violation of the right to due process when such prior notice is absent, including the removal of officers in a party-list. As held in *Wenle*, in certain processes of administrative character, it may be stated, without fear of contradictions, that the right to a notice and hearing are not essential to due process of law. While *Wenle* evidently pertains to administrative processes before a governmental body, the same rationale applies more so to the processes of a private organization, such as MAGSASAKA.

There are so many examples of processes which affect the rights of persons, especially those involving merely private rights in organizations, where the prior notice requirement is not mandatory. As stated in *Wenle*, in the "close now, hear later" doctrine, financially distressed banks may be summarily closed or liquidated without prior notice to protect the national economy itself. The lack of prior notice does not invalidate the closure of a bank. Even in certain labor termination cases, prior notice is not indispensable. In *D.M. Consunji, Inc. v. Gorres*,^[31] it was explained that prior or advance notice of termination is not part of procedural due process if the termination is brought about by the completion of the contract or phase thereof for which the employee was engaged.^[32]

Evidently, in this case, prior notice is not a demandable right in favor of Villamin because it is not mandated by MAGSASAKA's charter. Nevertheless, I am of the view that Villamin was given an opportunity to contest his removal from the party-list when he was given the chance to present countervailing evidence before COMELEC to assail his removal from MAGSASAKA considering that COMELEC has the jurisdiction to resolve inter-party disputes. Nevertheless, the totality of evidence presented by both parties leads to the inescapable conclusion that there was sufficient basis for MAGSASAKA to remove Villamin as National Chairperson.

Thus, it is grave abuse of discretion on the part of the COMELEC when it required prior notice to Villamin when MAGSASAKA's own *Saligang Batas* at Alituntunin makes no such requirement. This *Saligang Batas* at Alituntunin, after all, is the contract between the members of MAGSASAKA. Besides, considering that the removal process took place over a period of two years, it is well-nigh impossible for Villamin not to have been informed of the charges against him.

The COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction by substituting its own wisdom on the propriety of maintaining Villamin as National Chairperson of MAGSASAKA with that of MAGSASAKA's members

At this juncture, it must be recalled that, based on the ponencia, MAGSASAKA cited Villamin's participation in the DV Boer scam as basis for his removal from the position of National Chairperson. The same ground, together with Villamin's prosecution for estafa, were the grounds invoked by MAGSASAKA for Villamin's expulsion from the party itself.

It is observed that the COMELEC, in recognizing Villamin as the National Chairperson of MAGSASAKA and thus, authorized to act on its behalf, essentially brushed aside the substantive grounds cited by MAGSASAKA in favor of procedural concerns. The assailed COMELEC Resolutions are notably bereft of any discussion on the substantive grounds relied upon by MAGSASAKA for the removal of Villamin as National Chairperson and expelling him from the party.

To my mind, the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it blatantly ignored the substantive grounds raised by MAGSASAKA for Villamin's removal.

Indeed, the COMELEC should not have solely relied on the "prior notice" argument of Villamin. Considering that the resolution of this case would ultimately determine who shall represent the electorate in the sector represented

by MAGSASAKA, the COMELEC should have been more circumspect in resolving the case based on the substantive grounds pertaining to the removal of Villamin as National Chairperson.

I humbly believe that in resolving intra-party disputes, the COMELEC should reflect on the totality of evidence presented by both parties pertinent to all the issues in the dispute.

In *Coalition of Associations of Senior Citizens in the Phils., Inc. v. COMELEC*,^[33] a case which involves a dispute within a party-list, the Court emphasized that in affording the parties complete due process in a proceeding before the COMELEC, said body must consider the totality of the evidence presented:

The appropriate due process standards that apply to the COMELEC, as an administrative or quasi-judicial tribunal, are those outlined in the seminal case of *Ang Tibay v. Court of Industrial Relations*, quoted below:

(1) The first of these rights is the right to a hearing, which includes the right of the party interested or affected to present his own case and submit evidence in support thereof[.]

(2) Not only must the party be given an opportunity to present his case and to adduce evidence tending to establish the rights which he asserts but the tribunal must consider the evidence presented.

(3) While the duty to deliberate does not impose the obligation to decide right, it does imply a necessity which cannot be disregarded, namely, that of having something to support its decision. A decision with absolutely nothing to support it is a nullity, a place when directly attached.

(4) Not only must there be some evidence to support a finding or conclusion, but the evidence must be "substantial." "Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

(5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected.

(6) The Court of Industrial Relations or any of its judges, therefore, must act on its or his own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate in arriving at a decision.

(7) The Court of Industrial Relations should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reasons for the decisions rendered. The performance of this duty is inseparable from the authority conferred upon it.

These are now commonly referred to as cardinal primary rights in administrative proceedings.

The first of the enumerated rights pertain to the substantive rights of a party at hearing stage of the proceedings. The essence of this aspect of due process, we have consistently held, is simply the opportunity to be heard, or as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of. A formal or trial-type hearing is not at all times and in all instances essential; in the case of COMELEC, Rule 17 of its Rules of Procedure defines the requirements for a hearing and these serve as the standards in the determination of the presence or denial of due process.

The second, third, fourth, fifth, and sixth aspects of the *Ang Tibay* requirements are reinforcements of the right to a hearing and are the inviolable rights applicable at the deliberative stage, as the decision-maker decides on the evidence presented during the hearing. These standards set forth the guiding considerations in deliberating on the case and are the material and substantial components of decision-making. Briefly, the tribunal must consider the totality of the evidence presented which must all be found in the records of the case (i.e., those presented or submitted by the parties); the conclusion, reached by the decision-maker himself and not by a subordinate, must be based on substantial evidence.

Finally, the last requirement, relating to the form and substance of the decision of a quasi-judicial body, further complements the hearing and decision-making due process rights and is similar in substance to the constitutional requirement that a decision of a court must state distinctly the facts and the law upon which it is based. As a component of the rule of fairness that underlies due process, this is the "duty to give reason" to enable the affected person to understand how the rule of fairness has been administered in his case, to expose the reason to public scrutiny and criticism, and to ensure that the decision will be thought through by the decision-maker.[34] (Emphasis supplied)

Notably, in administrative proceedings, such as those before the COMELEC, even procedural issues may be disregarded to give way to substantive matters. In *Besaga v. Acosta*,[35] it was underscored by the Court that strict compliance with the rules of procedure in administrative cases is not required by law.[36]

Indeed, the totality of evidence presented by the parties must be considered by COMELEC in resolving an intra-party dispute. It must consider the evidence adduced to support both the procedural and substantive arguments raised by the parties. Procedural matters may also be set aside so that the COMELEC may resolve the substantive aspect of the present controversy.

In this case, the procedure for the removal of an official is provided in Article VIII of MAGSASAKA's Saligang Batas at Alituntunin. For easy reference, said provisions are again reproduced herein:

ARTIKULO VIII.

PAGBAWI SA POSISYON NG MGA HALAL NA OPISYALES

Sekysyon 1: Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din na nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapatalsik sa kanyang posisyon.

Seksyon 2: Isang Liham-Petisyon mula sa lehitimong kasaping indibiduwal o organisasyon na maaaring pagbatayan ng pagsusuri at imbestigasyon ang magiging daan para sa pagpapatalsik sa sinumang opisyal ng organisasyon.

Seksyon 3: Ang Liham-Petisyon para sa pagbawi ng posisyon ay pagpapasyahan ng pamunuan kung saan siya nabibilang na organo, sa pamamagitan ng 2/3 na boto. Sa isang banda kung makakaapekto sa pamunuan duminig ng usapin, ito ay ihaharap sa mas mataas na pamunuan.

Seksyon 4: Ang opisyal na hahalili sa nabakanteng posisyon ay dapat na ihalal ng mga kasapi ng pamunuan kung saan ito nabibilang na organo.

Seksyon 5: Kung ang buong pamunuan o malaking bahagi ng pamunuan ay babawian ng posisyon at magreresulta sa krisis sa liderato, ang Kongreso na naghalal sa kanila ay kagyat na pupulungin para sa pagdaraos ng ispesyal na halalan.[37]

An analysis of Article VIII of MAGSASAKA's Saligang Batas at Alituntunin reveals that it may be divided into two categories: (1) substantive due process and (2) procedural due process. To be clear, these terms are not used in their constitutional sense since the right to due process is not applicable to the internal processes of political parties but to merely serve as a way to categorize the sections under Article VIII.

Article VIII, Section 1 of MAGSASAKA's Saligang Batas at Alituntunin contains the substantive due process which the members of MAGSASAKA have agreed to accord its officers prior to removal. In short, the substantive grounds for removal are found in Article VIII, Section 1: "Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din na nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapatalsik sa kanyang posisyon."

Meanwhile, Article VIII, Sections 2 to 5 of MAGSASAKA's Saligang Batas at Alituntunin provide for the procedural due process which its members have agreed to afford its officers prior to their removal. In simple terms, it contains the procedure for removal.

Glaringly, the COMELEC confined itself to ascertaining MAGSASAKA's compliance with procedural due process in the removal of Villamin as National Chairperson. It failed, however, to afford even an iota of consideration to the matter of compliance with substantive due process. It ignored the impetus behind MAGSASAKA's resolve to remove Villamin as National Chairperson – that Villamin has engaged in activities (the DV Boer scam) which had cast aspersions on the image of MAGSASAKA as a whole.

This resolve appears to be whole and determined. The ponencia states that MAGSASAKA held another general assembly on June 26, 2021 where they elected a new set of Council Leaders and expelled Villamin, Soliman Villamin, Sr., Jocelyn Villamin, King Cortez, Marianne Co, and Joseph Masacupan from the party due to their involvement in the DV Boer scam, and the issuance of a warrant of arrest against them for syndicated estafa.[38]

Said June 26, 2021 general assembly clearly served as proof of the firm resolve of MAGSASAKA to remove Villamin from the party. Considering that this June 26, 2021 general assembly preceded all the assailed COMELEC issuances, the first of which is the COMELEC First Division Resolution dated November 25, 2021, the COMELEC should have, at the very least, considered the foregoing grounds in resolving the petition to deny due course the Villamin MIP. It should have exercised restraint and refrained from substituting its wisdom, as to the propriety of maintaining Villamin as National Chairperson, with that of MAGSASAKA's members.

Anent the finding of the COMELEC En Banc in its September 9, 2022 Resolution that the subsequent June 26, 2021 general assembly did not cure the irregularities of the prior general assembly since it purportedly suffers from the same defects – absence of substantial evidence that it was properly convened[39] – suffice it to say that the same does not remove credence from MAGSASAKA's resolve to remove Villamin from the position of National Chairperson and as a member of the party itself as early as the December 21, 2019 general assembly. Notably, the COMELEC En Banc merely relied on the photographs of the June 26, 2021 general assembly to contradict the claim of MAGSASAKA that there was a quorum during the said assembly. Such reliance by merely counting the people in attendance through photographs cannot outweigh the consistent actions of MAGSASAKA to remove Villamin as its National Chairperson as early as the December 21, 2019 general assembly.

In truth, it is evident from the proceedings before the Court and the totality of evidence presented that MAGSASAKA is highly resolved in keeping Villamin out of its affairs. Thus, by focusing on mere procedural concerns, the COMELEC brushed aside MAGSASAKA's substantive grounds for removing Villamin from his position, which do not appear to have been sufficiently countered. In doing so, the COMELEC failed to serve the public interest because it unduly interfered with the political processes.[40]

On this score, the COMELEC once again committed grave abuse of discretion. It is respectfully submitted that in instances such as in this case, the COMELEC must not limit itself to the procedural matters but also determine and consider the substantive grounds for removal cited by the political party to ensure that our party-list system will not make a mockery of our election process. This is especially true in circumstances like this, where the COMELEC's action has resulted in a situation where it has effectively substituted its own wisdom on the propriety of maintaining Villamin as National Chairperson of MAGSASAKA with the wisdom of the members of MAGSASAKA.

To this end, I respectfully propose that to properly resolve intra-party disputes and to guarantee that the party-list system shall not be manipulated by reprehensible interests, which corrupts the will of the electorate, the COMELEC should settle such disputes by considering the totality of evidence, affecting both procedural and

substantive matters.

Applying this to the present case, any procedural deviations in the removal of a party officer should not affect the validity of the removal itself so long as said removal is based on proper substantive grounds. This is especially true for the internal affairs of political parties, where due process rights under the Constitution may not be invoked but only insomuch as is granted by the political party's constitution or by-laws.

ACCORDINGLY, I vote to GRANT the Petition.

[1] Ponencia, p. 2.

[2] Id.

[3] Id.

[4] Id. at 2-3.

[5] Id. at 3.

[6] Id.

[7] Id. at 3-5.

[8] Id. at 5-6.

[9] Id. at 6-8.

[10] Id. at 8.

[11] Id. at 9.

[12] Id.

[13] Id. at 11-14.

[14] Id. at 14-17.

[15] Id. at 18-19.

[16] Id. at 21-22.

[17] Id. at 23.

[18] *Agravante v. Commission on Elections*, G.R. No. 264029, August 8, 2023 [Per C.J. Gesmundo, En Banc] at 6-7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[19] Id. at 7.

[20] 707 Phil. 454 (2013) [Per J. Carpio, En Banc].

[21] Id. at 528-529.

[22] 626 Phil. 654 (2010) [Per J. Abad, En Banc].

[23] Id. at 670-671.

[24] Id. at 672-673.

- [25] 373 Phil. 896 (1999) [Per C.J. Davide, Jr., En Banc].
- [26] Id. at 912.
- [27] Ponencia, p. 6.
- [28] Rollo, p. 430, Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-List.
- [29] G.R. No. 242957, February 28, 2023 [Per C.J. Gesmundo, En Banc].
- [30] Id. at 27-28. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [31] 641 Phil. 267 (2010) [Per J. Peralta, Second Division].
- [32] Id. at 279-280.
- [33] 714 Phil. 606 (2013) [Per J. Leonardo-De Castro, En Banc], citing *Mendoza v. COMELEC*, 618 Phil. 706 (2009) [Per J. Brion, En Banc].
- [34] *Coalition of Associations of Senior Citizens in the Phils., Inc. v. COMELEC*, id. at 632-634.
- [35] 758 Phil. 339 (2015) [Per J. Brion, Second Division].
- [36] Id. at 350.
- [37] Rollo, p. 430, Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-List.
- [38] Ponencia, p. 3.
- [39] Rollo, p. 275, COMELEC En Banc Resolution dated September 9, 2022.
- [40] In *Atienza v. Commission on Elections*, 626 Phil. 654, 673 (2010) [Per J. Abad, En Banc], citing *Sinaca v. Mula*, 373 Phil. 896 (1999) [Per C.J. Davide, Jr., En Banc], the Court said that judicial restraint in internal party matters serves the public interest by allowing the political processes to operate without undue interference.

CONCURRING AND DISSENTING OPINION

LEONEN, SAJ.:

This is a landmark case that tackles the demarcation of the power of the Commission on Elections (COMELEC) to decide on intra-party disputes, particularly on whether the expulsion of a member or officer by a party-list organization is in accordance with the organization's constitution and by-laws, as well as with basic democratic principles.

The principal issue that confronts this Court in this case is whether the COMELEC gravely abused its discretion when it decided on which faction in a party-list properly provided a list of nominees. Intrinsic to this issue is a constitutional determination of the parameters of the power of a party-list organization to expel a member from a leadership position and nominate a replacement member-nominee.

Essentially, the ponencia finds that the COMELEC in this case has acted with grave abuse of discretion when it gave due course to the Manifestation of Intent to Participate in the Party-List System of Representation in the May 2022 elections filed by Soliman Villamin, Jr. (Villamin) on behalf of Magkakasama sa Sakahan, Kaunlaran

(MAGSASAKA) because:

(a)

it focused on procedural infirmities of the expulsion proceedings and thereby disregarded the substantive grounds for Villamin's removal as MAGSASAKA's Chairperson;[1] and

(b)

it refused to acknowledge that MAGSASAKA had the prerogative to treat the attendance by official representatives of members as constituting quorum.[2]

The ponencia states that the "COMELEC cannot expect, much less demand from MAGSASAKA that it adheres to the same strict tenets of due process required from the government." [3] The ponencia additionally asserts that the requirements of due process do not apply to internal affairs of political parties and that an intra-party dispute must be resolved according to what a party-list organization's charter provides.[4] Here, since MAGSASAKA's Saligang Batas does not require any notice to Villamin prior to his expulsion,[5] "the COMELEC gravely abused its discretion in finding that the lack of prior notice to Villamin rendered his removal as National Chairman ineffectual." [6]

I concur with the ponencia in that the COMELEC gravely abused its discretion and in granting the Petition. I likewise agree with the ponencia that the COMELEC validly took cognizance of the intra-party leadership dispute between Villamin and Nazal.[7] I write this Concurring and Dissenting Opinion to expound on my position.

In merely giving due course to Villamin's Manifestation of Intent to Participate without conducting a thorough review of the existence and operation of MAGSASAKA vis-à-vis democratic principles and the integrity of electoral process, I submit that the COMELEC failed to fulfill its constitutional mandate. By being remiss in its duty, it acted with grave abuse of discretion.

Furthermore, I take exception in the ponencia's assertion that procedural deviations in the removal of a party officer should not affect the validity of the removal itself, even if the removal is based on substantial grounds.[8] I also find the lack of scrutiny proposed in the ponencia regarding the conduct of the General Assembly and the Council of Leaders' meeting alarming.[9]

From my perspective, this case presents an opportunity for this Court to articulate specific or more nuanced due process guidelines for the handling of disciplinary and expulsion proceedings by party-list organizations.

I

Judicial power is the measure of allowable scope of judicial action.[10] Article VIII, Section 1 of the 1987 Constitution vests judicial power upon the Supreme Court and defined it as follows:

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part or any branch or instrumentality of the Government.[11]

Notably, the second paragraph of Article VIII, Section 1 of the Constitution expanded the traditional notion of judicial power to include the power "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government." Thus, jurisprudence has distinguished judicial power into two: traditional and expanded powers of judicial review.

Traditional judicial power pertains to a court's "authority to review and settle actual controversies or conflicting rights between dueling parties and enforce legally demandable rights." [12] Meanwhile, expanded judicial power includes the power to review "[q]uestions involving the allocation of power among the different branches of government, those pertaining to the constitutional framework of the Philippine economy, and those relating to the amendment and revision of the Constitution[.]" [13]

Under the concept of expanded judicial power, the exercise of judicial review contemplates the power "to review political discretion that clearly breaches fundamental values and principles congealed in provisions of the Constitution," [14] as well as the correction of acts done by any governmental branch or instrumentality with grave abuses of discretion. [15] This Court has allowed petitions filed under Rule 65, which is generally applied to judicial and quasi-judicial acts, as a procedural vehicle to invoke this Court's expanded jurisdiction to determine the existence of any grave abuse of discretion. [16] As in this case, this Court is stepping in to make sure that the COMELEC does not act in excess of its jurisdiction while simultaneously maximizing the exercise of its powers within the limits granted by the Constitution.

It is worth noting that the existing political structure of the Philippine government effectively restrains this Court to speak, typically through its decisions, resolutions, and rules of procedure. [17] Nonetheless, this Court is granted under the Constitution a certain fluidity in the choice of modalities of constitutional interpretation and approaches to a constitutional problem, such as reinterpreting the requisites for judicial review. This must be so, considering that the Supreme Court, as the protector of fundamental liberties, has the duty to balance the allocation of government powers with the exercise of all these fundamental rights and to render social justice considering the country's dynamic political, economic, and social milieu. [18] Otherwise stated, the judiciary assures the enforceability of constitutional values in the context of a reality where a democratic deficit exists in other organs.

II

Grave abuse of discretion is exercise of power "in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law." [19] Simply stated, for grave abuse of discretion to arise, the lower court or tribunal "must have violated or contravened the Constitution, the law, or existing jurisprudence." [20]

The COMELEC's jurisdiction to rule on leadership disputes within a political party is settled. In *Lokin Jr. v. COMELEC*, [21] this Court explained that (a) the COMELEC's power to rule on intra-party leadership disputes is an incident of its enforcement powers; and (b) COMELEC's power to register political parties necessarily involves the ascertainment of the identity of the political party and its legitimate officers who must act on its behalf. Thus:

This singular power to rule upon questions of party identity and leadership is exercised by the COMELEC as an incident to its enforcement powers.

In *Laban ng Demokratikong Pilipino v. Commission on Elections*, the Court held:

[....] Corollary to the right of a political party "to identify the people who constitute the association and to select a standard bearer who best represents the party's ideologies and preference" is the right to exclude persons in its association and to not lend its name and prestige to those which it deems undeserving to represent its ideals. A certificate of candidacy makes known to the COMELEC that the person therein mentioned has been nominated by a duly authorized political group empowered to act and that it reflects accurately the sentiment of the nominating body. A candidate's political party affiliation is also printed followed by his or her name in the certified list of candidates. A candidate misrepresenting himself or herself

to be a party's candidate, therefore, not only misappropriates the party's name and prestige but foists a deception upon the electorate, who may unwittingly cast its ballot for him or her on the mistaken belief that he or she stands for the party's principles. To prevent this occurrence, the COMELEC has the power and the duty to step in and enforce the law not only to protect the party but, more importantly, the electorate, in line with the Commission's broad constitutional mandate to ensure orderly elections.

....

In the 2010 case *Atienza v. Commission on Elections*, it was expressly settled that the COMELEC possessed the authority to resolve intra-party disputes as a necessary tributary or its constitutionally mandated power to enforce election laws and register political parties. The Court therein cited *Kalaw v. Commission on Elections* and *Palmares v. Commission on Elections*, which uniformly upheld the COMELEC's jurisdiction over intra-party disputes:

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* 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 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 or its power to register political parties.[22] (Citations omitted)

The ponencia concedes on this matter by acknowledging that the COMELEC validly took cognizance of the intra-party leadership dispute between Villamin and Nazal.[23]

Furthermore, pursuant to Article IX-C, Section 2(1) of the Constitution, the COMELEC has the power to enforce and administer all laws and regulations relative to the conduct of an election, which necessarily includes "the initial determination of who are qualified under existing laws to run for public office in an election." [24]

Article IX-C, Section 2(3) of the Constitution further echoes this by expressly empowering the COMELEC to "decide, except those involving the right to vote, all questions affecting elections." This power to decide "all questions affecting elections" necessarily includes the power to decide whether a candidate possesses the qualifications required by law for election to public office. "[25]

In this regard, the COMELEC's power to determine the individual qualifications of nominee-representatives of party-list organizations under Sections 8 and 9 of the Party-List System Law include settling the question on whether said nominee is "a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election." [26] Sections 8 and 9 of the Party-List System Law respectively read:

Sec. 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 or 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 for 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.

Sec. 9. Qualifications of Party-List Nominees. — No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election.[27]

Consistent with the above Constitutional mandates, the COMELEC undoubtedly exercises exclusive original jurisdiction to initially determine who are qualified to file certificates of candidacies with it; and, therefore, the qualifications of electoral candidates,[28] including those running in party--list elections. It must be noted, too, that this Court has upheld the COMELEC's previous rulings on questions concerning the qualifications of a candidate, even if other tribunals have been created to be the "sole judge" of the qualifications of the holders of the public offices involved.[29]

This case is no different, as the cases below—the two petitions seeking to deny due course to a Manifestation of Intent to Participate in the Party-List System of Representation in the May 9, 2022 Elections—are properly characterized as pre-election remedies made available pursuant to Section 74 of the Omnibus Election Code.[30] To recall, the petitions[31] arose from two separate Petitions filed by Atty. General D. Du (Du) and Alfon et. al., seeking to Deny Due Course to a Manifestation of Intent to Participate in the Party-List System of Representation in the May 2022 elections filed by Soliman Villamin, Jr. on behalf of MAGSASAKA. The Manifestation of Intent to Participate filed by Villamin indicated a set of MAGSASAKA nominees, including Roberto Gerard L. Nazal Jr. (Nazal).

Nonetheless, here, in exercise of its expanded power of judicial review, this Court is reviewing the political discretion vested upon the Commission on Elections to determine whether, in carrying out its mandate, its acts clearly breach fundamental values and principles under the Constitution and therefore constitute acts done with grave abuse of discretion.

To recall, through its November 25, 2021 Resolution,[32] the COMELEC in Division ruled in favor of Villamin and upheld his Manifestation of Intent to Participate because his removal from the Party was not done according to the procedures set forth in the Party's Constitution as Villamin was not given prior notice nor an opportunity to be heard.[33] It noted that Du himself admitted that notices were not sent to Villamin "so as not to pre-empt any investigation that would ensue." [34] Thus, Villamin remains to be the Party's National Chairman at the time of the filing of his Manifestation of Intent to Participate and therefore is not guilty of misrepresentation nor of putting the election process in mockery or disrepute. In any case, it stated that because MAGSASAKA will be the one to participate in the 2022 Party-List elections and not Villamin, the filing of the Manifestation of Intent to Participate by Villamin will not put the election process in mockery or disrepute.[35]

Acting on petitioners' respective motions for reconsideration,[36] the COMELEC En Banc, through its September 13, 2022 Resolution,[37] affirmed the validity of the Manifestation of Intent to Participate filed by Villamin. According to the COMELEC En Banc, its constitutional power to register political parties includes the power to ascertain the identity of legitimate officers of a political party who must act on its behalf; therefore, it may resolve an intra-party leadership dispute in a case brought before it.[38] It also affirmed its Division's findings that, based on the records, Villamin was not given prior notice nor any opportunity to be heard. There was likewise no proof that quorum was met during the December 21, 2019 General Assembly; therefore, Villamin's removal and the conduct of special elections are null and void.[39]

III

The function of a party-list organization is much more than to provide genuine representation and voice to the marginalized sectors of our society[40] that may not otherwise have a significant presence in traditional political

structures. As mentioned in my separate opinion in *Atong Paglaum*:

The party list system is an attempt to introduce a new system of politics in our country, one where voters choose platforms and principles primarily and candidate-nominees secondarily. As provided in the Constitution, the party list system's intentions are broader than simply to 'ensure that those who are marginalized and represented become lawmakers themselves'.

Historically, our electoral exercises privileged the popular and, perhaps, pedigreed individual candidate over platforms and political programs. Political parties were convenient amalgamation of electoral candidates from the national to the local level that gravitated towards a few of its leaders who could marshal the resources to supplement the electoral campaigns or their members. Most elections were choices between competing personalities often with very little discernible differences in their interpretation and solutions for contemporary issues. The electorate chose on the bases or personality and popularity; only after the candidates were elected to public offices will they later find out the concrete political programs that the candidate will execute. Our history is replete with instances where the programs that were executed lacked cohesion on the basis of principle. In a sense, our electoral politics alienated and marginalized large parts of our population.

The party list system was introduced to challenge the status quo. It could not have been intended to enhance and further entrench the same system. It is the party or the organization that is elected. It is the party list group that authorizes, hopefully through a democratic process, a priority list or its nominees. It is also the party list group that can delist or remove their nominees, and hence replace him or her, should he or she act inconsistently with the avowed principles and platforms of governance of their organization. In short, the party list system assists genuine political parties to evolve. Genuine political parties enable true representation, and hence, provide the potential for us to realize a 'democratic and republican state.'^[41] (Citations omitted)

In *Ang Bagong Bayani-OFW v. Commission on Elections*,^[42] this Court acknowledged and elaborated on how a party-list system serves as a tool for achieving social justice:

The party-list system is a social justice tool designed not only to give more law to the great masses of our people who have less in life, but also to enable them to become veritable lawmakers themselves, empowered to participate directly in the enactment of laws designed to benefit them. It intends to make the marginalized and the underrepresented not merely passive recipients of the State's benevolence, but active participants in the mainstream or representative democracy. Thus, allowing all individuals and groups, including those which now dominate district elections, to have the same opportunity to participate in party-list elections would desecrate this lofty objective and mongrelize the social justice mechanism into an atrocious veneer for traditional politics.^[43]

Upon being elected as a party-list representative, an individual assumes the role of a member of the House of Representatives,^[44] becoming a public officer entrusted with the responsibility of representing their constituency.

In *Abayon v. House of Representatives Electoral Tribunal*,^[45] this Court explained that while a vote cast in a party-list election is a vote for a party, such vote would ultimately be a vote for its nominees, who will occupy public office as members of the House of Representatives. Thus:

[T]he Constitution's point of view, it is the party-list representatives who are "elected" into office, not their parties or organizations. These representatives are elected, however, through that peculiar party-list system that the Constitution authorized and that Congress by law established where the voters cast their votes for the organizations or parties to which such party-list representatives belong.

....

It may not be amiss to point out that the Party-List System Act itself recognizes party-list nominees as "members of the House of Representatives," thus:

Sec. 2. Declaration or Policy. — The State shall promote proportional representation in the election of representatives to the House or Representatives through a party-list system of registered national, regional and sectoral parties or organizations or coalitions thereof, which will enable Filipino citizens belonging to the marginalized and underrepresented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives. Towards this end, the State shall develop and guarantee a full, free and open party system in order to attain the broadest possible representation of party, sectoral or group interests in the House of Representatives by enhancing their chances to compete for and win seats in the legislature, and shall provide the simplest scheme possible.

As this Court also held in *Bantay Republic Act or BA-RA 7941 v. Commission on Elections*, a party-list representative is in every sense "an elected member of the House of Representatives." Although the vote cast in a party-list election is a vote for a party, such vote, in the end, would be a vote for its nominees, who, in appropriate cases, would eventually sit in the House of Representatives.[46] (Citations omitted)

As a public officer who wields sovereign power and an embodiment of democracy, it is imperative that their actions and affiliations uphold democratic principles, such as transparency, rule of law, and respect for individual rights. In the same vein, the process of removing a party-list representative from his or her organization should adhere to basic democratic principles, ensuring transparency, providing due process, and upholding the right to a fair hearing.

If a party-list organization were to expel a member without due process or in violation of its own internal procedures, it could deprive said expelled individual of his or her democratic rights. Just as the representative is accountable to their constituents in the House of Representatives, they should also be subject to the democratic processes within their party-list organization.

Allowing a party-list organization to expel members arbitrarily or without proper review of its disciplinary and expulsion procedures opens the door to abuse and manipulation of the electoral process. It could enable party-list leaders to exclude dissenting individuals who pose a challenge to their authority, undermining the integrity and ultimate goal of the party-list system, which, as mentioned above, is genuine representation of marginalized voices.

Pursuant to its mandate under Article IX-C, Section 2 of the Constitution, the COMELEC has a duty to protect these rights by ensuring, through the conduct of a thorough review, that a party-list organization adhere to democratic principles in their operations. In line with this duty, the COMELEC must also exercise oversight to prevent abuses of so-called "prerogatives" and uphold the integrity of the electoral process. It goes without saying, too, that the COMELEC must ensure that those sanctioned to participate in the party-list system are those that remain faithful to constitutional principles.

In merely giving due course to Villamin's Manifestation of Intent to Participate without conducting a thorough review of whether the existence and operation of MAGSASAKA as a party-list organization is in accordance with democratic principles and whether said organization upholds the integrity of electoral process, I submit that the COMELEC failed to fulfill its constitutional mandate. By being remiss in its duty, it acted with grave abuse of discretion.

IV

In my view, this Court should not be blind to present realities[47] in that many party-list organizations may not be as democratic as originally envisioned by the Constitution. In my opinion, for a party in the party-list system to challenge the status quo, enable true representation, and realize a democratic and republican state,[48] a party-list organization must exist and operate within the framework of democratic principles. This entails ensuring that all

its dealings adhere strictly to the tenets of democracy and republicanism. Thus, the Court must actively undertake judicial review in situations where there may have been a deficit in democratic participation, as in this case, and particularly where questions and concerns may be difficult to raise because of the existing political structure of Philippine society.

As a democratic institution, a party-list organization must adhere to democratic principles in all its dealings and proceedings, both internally and externally, for several reasons—all of which are deeply rooted in its purpose and essence as a democratic mechanism.

First. Legitimacy and accountability: democratic principles provide the foundation for the legitimacy of the party-list organization and its leaders. When leaders adhere to democratic norms such as fair elections, transparency, and accountability, they gain the trust and support of members and the broader public.[49]

Second. Representation: party-list organizations are meant to represent the interests and values of specific sectors or constituencies within society. Upholding democratic principles ensures that the voices and concerns of members are heard and considered in decision-making processes.[50]

Third. Inclusivity and respect for human rights: democratic principles are closely linked to the respect for human rights and fundamental freedoms and promote inclusivity and participation.[51] Leaders who uphold these principles create an environment where diverse perspectives are valued and respected and demonstrate a commitment to protecting the rights and dignity of all members and constituents.

That being said, it is imperative that any decision to remove an officer from a leadership position be conducted in accordance with basic democratic principles, such as the right to due process. This includes providing the accused member or officer with prior notification and affording them a reasonable opportunity to be heard before any action is taken, especially where this will result in termination of membership or removal from a position. This, notwithstanding lack of provisions in the party-list organization's charter explicitly requiring (a) prior notice and hearing; and (b) quorum.

Absent any law to the contrary, parties in the party-list system must continue to possess the features that are derived from, and embedded in, a fully democratic and republican system. The Court, in its exercise of judicial review and its duty to enforce the basic tenets of our democratic system, cannot allow a party-list system to be appropriated only by the monied and the powerful.

Otherwise, instead of functioning as a mechanism for fair and accountable governance, a party-list organization may become a breeding ground for chaos and anarchy. Moreover, the institution loses the trust of its constituents and devolves into a state where arbitrary actions and abuses of power prevail, undermining not only the very purpose and essence of democracy itself, but also the very nature and foundational principles of the Philippine political system.[52]

In such circumstances, the ideals of democracy are rendered inutile, and a descent into anarchy ensues. Any deviation from democratic principles in the removal of a party-list representative would not only undermine the integrity and legitimacy of the organization but also erode public trust in the democratic process. Therefore, it is essential that such proceedings are conducted in a manner that respects democratic norms and safeguards the rights of all parties involved.

As such, I take exception in the ponencia's assertion that procedural deviations in the removal of a party officer should not affect the validity of the removal itself, provided that the removal is based on substantial grounds.[53] Furthermore, while strict tenets of due process have not yet been applied to expulsion proceedings by political parties and organizations because they do not entail proceedings and hearings similar to those held in courts of

justice, I believe that expulsion proceedings by political parties and organizations are similar to disciplinary cases in schools, whereby (a) said proceedings may be summary in nature; and (b) presence of counsel and cross examination may not be an essential part thereof.[54]

V

A fundamental aspect of due process is fairness. Fairness in due process includes the principle that the body making judgments—including this Court—should not assume the facts but should instead base their decisions on the evidence presented during the legal proceedings. While there allegedly had been an investigation previously conducted by MAGSASAKA regarding Villamin's alleged criminal violations (i.e., Villamin's alleged business activities akin to ponzi or pyramiding schemes), the records are bereft of any proof of notice to Villamin during said investigation.

Thus, I find the lack of scrutiny proposed in the ponencia regarding the conduct of the General Assembly and the Council of Leaders' meeting — that is, that this Court should not be concerned with the fact that not all members have attended or participated the meetings convened by the Council of Leaders, alarming.[55] To recall, the ponencia stated that the party's interpretation of quorum in this case is established party practice that calls for a constitution of more than a majority of the official representatives of the members, as opposed to the entire membership of the party.[56]

In democratic processes, quorum requirements are often in place to ensure that decisions are made with the input of a representative portion of the governing body.[57] The absence of quorum may undermine the accountability of the decision-making process, as decisions made without sufficient participation may not truly reflect the will or interests of the constituency.

Regardless of what a party-list organizations' constitution and by-laws require—or, in this case, do not,[58] this Court must not assume Villamin's non-attendance to an investigation unilaterally conducted by MAGSASAKA and attribute said non-attendance on external factors which are not substantiated by the records.[59] Otherwise, this Court allows irregularities to happen, as in this case where petitioner MAGSASAKA's evidence themselves clearly show that the investigation was not done in accordance with its own Saligang Batas. Especially as in this case where MAGSASAKA's own secretary-general himself admitted to not sending notice to Villamin, allegedly "so as not to pre-empt any investigation that would ensue."[60]

It bears emphasizing that, by constitutional fiat, this Court is mandated to express clearly and distinctly the facts and the law on which our decisions are based.[61] This Court must be wary where it agrees with petitioners' unsubstantiated assertions; otherwise, it would be sorely remiss in this duty.

It also bears noting that this Court rebuked Villamin, saying that he should have been aware of the expulsion proceedings and speculated that Villamin "refused to communicate without reason" and therefore, "MAGSASAKA could not be completely at fault for acting expeditiously to conduct the proceedings[.]"[62] In my view, not only are these statements speculative as being unsupported by the records, it also runs contradictory to the ponencia's statement that MAGSASAKA was highly resolved in keeping Villamin out of its affairs and it was within MAGSASAKA's prerogative to exclude its party Chairperson in this case.[63]

Assuming without conceding that MAGSASAKA had the prerogative to exclude Villamin from the investigation, because MAGSASAKA has taken an adversarial position taken against Villamin and deliberately opted not to notify Villamin,[64] it would be unreasonable to expect Villamin to be aware of such proceedings, much less to attend said proceedings and cast a vote.

VI

In future cases, I urge that this Court reflect carefully on the foregoing, if we were to avoid institutionalizing the reality that many party--list organizations may not be as democratic as originally envisioned by the Constitution.

In an election case which involves public interest, this Court has an imperative duty "to ascertain by all means within its command who is the real candidate elected by the electorate." [65]

In line with this duty and in the exercise of its expanded judicial power, and considering that Republic Act No. 7941 did not provide a workable definition of 'marginalized,' 'underrepresented,' and 'sector,' [66] and therefore no consistent judicially discernible standard for the COMELEC to apply, [67] I believe that this Court should have directed the COMELEC to scrutinize party-list organizations using the following fifteen benchmarks I had previously formulated in *Atong Paglaum, Inc. v. Commission on Elections*: [68]

First, the party list system includes national, regional and sectoral parties and organizations;

Second, there is no need to show that they represent the "marginalized and underrepresented". However, they will have to clearly show how their plans will impact on the "marginalized and underrepresented". Should the party list group prefer to represent a sector, then our rulings in *Ang Bagong Bayani* and *BANAT* will apply to them;

Third, the parties or organizations that participate in the party list system must not also be a participant in the election of representatives for the legislative districts. In other words, political parties that field candidates for legislative districts cannot also participate in the party list system;

Fourth, the parties or organizations must have political platforms guided by a vision of society, an understanding of history, a statement of their philosophies and how this translates into realistic political platforms;

Fifth, the parties or organizations—not only the nominees—must have concrete and verifiable track record of political participation showing their translation of their political platforms into action:

Sixth, the parties or organizations that apply for registration must be organized solely for the purpose or participating in electoral exercises;

Seventh, they must have existed for a considerable period, such as three (3) years, prior to their registration. Within that period they should be able to show concrete activities that are in line with their political platforms;

Eighth, they must have such numbers in their actual active membership roster so as to be able to mount a credible campaign for purpose of enticing their audience (national, regional or sectoral) for their election;

Ninth, a substantial number of these members must have participated in the political activities of the organization;

Tenth, the party list group must have a governing structure that is not only democratically elected but also one which is not dominated by the nominees themselves;

Eleventh, the nominees of the political party must be selected through a transparent and democratic process;

Twelfth, the source of the funding and other resources used by the party or organization must be clear and should not point to a few dominant contributors specifically of individuals with families that are or have participated in the elections for representatives of legislative districts;

Thirteenth, the political party or party list organization must be able to win within the two elections subsequent to their registration;

Fourteenth, they must not espouse violence; and

Fifteenth, the party list group is not a religious organization.[69] (Citation omitted)

It must also be emphasized that the judiciary must actively review laws to ensure that they remain consistent with constitutional precepts, especially where, as in this case, there exists not only a gap in Republic Act No. 7941, but also a requirement that is not founded on the Constitution.

Article VI, Section 5(1) and (2) of the Constitution states:

SECTION 5. (1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.

(2) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.[70]

As I have stated in my separate opinion in *Atong Paglaum*,^[71] a reading of the text of the foregoing Constitutional provisions (i.e., Article VI, Section 5(1) and (2) of the Constitution) reveals that "the qualification as to reserved seats is applicable only for the 'three consecutive terms after the ratification' of the Constitution. Only one-half of the seats within that period is reserved to the 'sectors' that were enumerated, clearly implying that there are other kinds of party list groups other than those who are sectoral."^[72] "The phrases 'in accordance with law' and 'as may be provided by law' is not an invitation to the members of Congress to continue the work of the constituent assembly that crafted the Constitution."^[73]

Otherwise stated, national political parties or regional organizations do not need to be organized on sectoral lines.^[74] Moreover, the State policy stated in Section 2 of Republic Act No. 7941 is not in accord with the spirit of the foregoing Constitutional provisions. It reads as follows:

[promoting] proportional representation in the election of representatives to the House or Representatives... which will enable Filipino citizens belonging to marginalized and under-represented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment or appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives[.].^[75]

Thus, I reiterate that a law cannot be passed by Congress, such that even national and regional parties or organizations should likewise be sectoral because Congress cannot pass a law requiring "the one-half that was not reserved for sectoral representatives even during the first three consecutive terms after the ratification of the Constitution should now only be composed of sectoral representatives."^[76]

To the extent that it enabled organizations that do not demonstrate fealty to democratic principles to participate in our party-list system, I submit that the COMELEC had acted with grave abuse of discretion when it ministerially and perfunctorily acceded on the controversies relating to Villamin and Nazal's nominations. I agree that, in the exercise of its power of judicial review, this Court correctly granted the Petition and reversed and set aside the assailed COMELEC's November 25, 2021^[77] and September 9, 2022 Resolutions.^[78] However, instead of giving due course to the nominations of MAGSASAKA and issue a Certificate of Proclamation, I submit that the case should have been remanded to the COMELEC to accord it the opportunity to review whether MAGSASAKA's procedures for expulsion of nominees from the party-list and for the consequent replacement of

said expelled nominees are in accordance with the foregoing benchmarks.

ACCORDINGLY, I vote to GRANT the Petition.

[1] See ponencia, p. 19.

[2] See *id.* at 18-19.

[3] *Id.* at 17.

[4] *Id.* at 15.

[5] *Id.* at 17.

[6] *Id.* at 16.

[7] *Id.* at 14.

[8] See ponencia, p. 21.

[9] Ponencia, pp. 16-18.

[10] CONST., art. VIII, sec. 1. See *GSIS Family Bank Employees Union v. Villanueva*, 846 Phil. 30, 46 (2019) [Per J. Leonen, En Banc], citing *Lopez v. Roxas*, 124 Phil. 168, 173 (1966) [Per C.J. Concepcion, En Banc].

[11] CONST., art. VIII, sec. 1.

[12] *GSIS Family Bank Employees Union v. Villanueva*, 846 Phil. 30, 46-47 (2019) [Per J. Leonen, En Banc], citing *Rep. of the Phils. v. Moldex Realty, Inc.*, 780 Phil. 553, 560 (2016) [Per J. Leonen, Second Division].

[13] *Universal Robina Corp. v. Department of Trade and Industry*, G.R. No. 203353, February 14, 2023 [Per J. Leonen, En Banc].

[14] J. Leonen, Concurring Opinion in *Rappler, Inc. v. Bautista*, 783 Phil. 902, 917 (2016) [Per J. Carpio, En Banc].

[15] *Id.* See also J. Leonen, Concurring Opinion in *Belgica v. Ochoa*, 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].

[16] See RULES OF COURT, Rule 65, sec. 1.

[17] See CONST., art. VIII, sec. 1.

[18] See *Universal Robina Corp. v. Department of Trade and Industry*, G.R. No. 203353, February 14, 2023 [Per J. Leonen, En Banc].

[19] *United Coconut Planters Bank v. Looyuko*, 560 Phil. 581, 591-592 (2007) [Per J. Austria-Martinez, Third Division].

[20] *Salazar v. Commission on Elections*, 550 Phil. 395, 398 (2007) [Per J. Azcuna, En Banc].

[21] *Lokin, Jr. v. Commission on Elections*, 689 Phil. 200 (2012) [Per J. Sereno, En Banc].

[22] *Id.* at 211-212.

[23] *Id.* at 14.

[24] J. Carpio, Dissenting Opinion in *Tecson v. Commission on Elections*, 468 Phil. 421, 625-626 (2004) [Per J. Vitug, En Banc].

[25] *Id.* at 626.

[26] See Party-List System Law, Section 9.

[27] *Lokin, Jr. v. Commission on Elections*, 689 Phil. 200, 213-214 (2012) [Per J. Sereno, En Banc].

[28] See J. Carpio Dissenting Opinion in *Tecson v. Commission on Elections*, 468 Phil. 421, 625-627 (2004) [Per J. Vitug, En Banc].

[29] See *id.* at 627

[30] OMNIBUS ELECTION CODE, sec. 74, in relation to sec. 78 reads:

Sec. 78. Petition to deny due course to or cancel a certificate of candidacy. — A verified petition seeking to deny due course or to cancel a certificate or candidacy may be filed by the person exclusively on the ground that any material representation contained therein as required under Section 74 hereof is false. The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing, not later than fifteen days before the election.

Sec. 74. Contents of certificate or candidacy. — The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office stated therein and that he is eligible for said office; if for Member of the Batasang Pambansa, the province, including its component cities, highly urbanized city or district or sector which he seeks to represent; the political party to which he belongs; civil status; his date of birth; residence; his post office address for all election purposes; his profession or occupation; that he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities; that he is not a permanent resident or immigrant to a foreign country; that the obligation imposed by his oath is assumed voluntarily, without mental reservation or purpose or evasion; and that the facts stated in the certificate of candidacy are true to the best of his knowledge.

....

[31] Filed under RULES OF COURT, rule 64, in relation to rule 65.

[32] November 25, 2021 COMELEC Resolution, pp. 1-16. The Resolution was penned by Presiding Commissioner Ma. Rowena Amelia V. Guanzon and concurred in by Commissioner Marlon S. Casquejo. Commissioner Aimee P. Ferolino dissented.

[33] *Id.* at 8-12.

[34] *Id.* at 12.

[35] *Id.* at 14.

[36] *Id.* at 1-16.

[37] September 13, 2022 COMELEC Resolution, pp. 1-15. The Resolution was penned by then Chariman George Erwin M. Garcia and concurred in by Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, and Rey E. Bulay.

[38] *Id.* at 5-6.

[39] Id. at 7-10.

[40] See Republic Act No. 7491, sec. 2.

[41] J. Leonen, Concurring and Dissenting Opinion in *Atong Paglaum, Inc. v. Commission on Elections*, 707 Phil. 454, 740-741 (2013) [Per J. Carpio, En Banc].

[42] 412 Phil. 308 (2001) [Per J. Panganiban, En Banc].

[43] Id. at 322.

[44] See *ABC (Alliance for Barangay Concerns) Party List v. Commission on Elections*, 661 Phil. 452, 462 (2011) [Per J. Peralta, En Banc].

[45] 626 Phil. 346 (2010) [Per J. Abad, En Banc].

[46] Id. at 353-354.

[47] J. Leonen, Concurring Opinion in *Gios-Samar, Inc. v. Department of Transportation and Communications*, 849 Phil. 120, 196 (2019).

[48] CONST. art. II, sec.1.

[49] CONST. art. XI, sec. 1 which reads:

SECTION 1. Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.

[50] See CONST., art. VI, secs. 5(1) and 5(2).

[51] See CONST., art XIII, secs. 1 and 2 which read:

SECTION 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

SECTION 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

[52] See CONST., art. II, sec. 1.

[53] See ponencia, p. 21.

[54] See *Guzman v. National University*, 226 Phil. 586, 603-604 (1986) [Per J. Narvasa, En Banc].

[55] Ponencia, pp. 16-18.

[56] See ponencia, p. 18.

[57] See Institute for Local Government, *Enough Decision-Makers: "Quorum"* available at <https://www.ca-ilg.org/post/enough-decision-makers-quorum> (last accessed on July 14, 2024).

[58] See ponencia, p. 17 wherein the ponencia states that "MAGSASAKA's Saligang Batas has no provisions on how notice in expulsion proceedings should be given[.]"

[59] Ponencia, pp. 17-18, which stated that: (a) it is contrary to common sense to conclude that the National Chairperson did not know of the proceedings seeking his expulsion considering the notoriety that such an action would have made; (b) Villamin refused to communicate, albeit being given several chances to be heard; (c) Villamin was not interested in attending the meetings; (d) Villamin consistently refused to attend meetings of the Council of Leaders and would send a representative to attend.

On a related note, there is no showing that Cortez is indeed authorized by Villamin to represent him in any meeting; I submit that this authority must be supported by a written power of attorney pursuant to Article 1900 of the Civil Code, which provides:

ARTICLE 1900. So far as third persons are concerned, an act is deemed to have been performed within the scope of the agent's authority, if such act is within the terms of the power of attorney, as written, even if the agent has in fact exceeded the limits of his authority according to an understanding between the principal and the agent.

[60] See Rollo, p. 223. November 25, 2021 COMELEC Resolution, p. 12.

[61] CONST. art. VIII, sec. 14.

[62] Ponencia pp. 17-18.

[63] See *id.* at 20.

[64] See November 25, 2021 COMELEC Resolution p. 12.

[65] See *Alejandro v. Commission on Elections*, 516 Phil. 767, 778 (2006) [Per J. Callejo Sr., En Banc]; citing *Dela Ilana v. Commission on Elections*, 462 Phil. 355 (2004) [Per J. Sandoval-Gutierrez, En Banc].

[66] J. Leonen, Concurring and Dissenting Opinion in *Atong Paglaum, Inc. v. Commission on Elections*, 707 Phil. 454, 749 (2013) [Per J. Carpio, En Banc].

[67] *Id.* at 747.

[68] 707 Phil. 454 (2013) [Per J. Carpio, En Banc].

[69] See *id.* at 751-752.

[70] CONST., art. VII, sec. 5.

[71] 707 Phil. 454 (2013) [Per J. Carpio, En Banc].

[72] J. Leonen, Concurring and Dissenting Opinion in *Atong Paglaum, Inc. v. Commission on Elections*, 707 Phil. 454, 744 (2013) [Per J. Carpio, En Banc].

[73] *Id.* at 754.

[74] *Id.* at 746.

[75] Republic Act No. 7941, sec. 2.

[76] J. Leonen, Concurring and Dissenting Opinion in *Atong Paglaum, Inc. v. Commission on Elections*, 707 Phil. 454, 746 (2013) [Per J. Carpio, En Banc].

[77] Rollo, pp. 210-225. Issued by the COMELEC First-Division composed of Presiding Commissioner Ma. Rowena Amelia V. Guanzon, Commissioners Marlon S. Casquejo and Aimee P. Ferolino. Commissioner Ferolino issued a dissenting opinion, *id.* at 226-228.

[78] Id. at 263- 277. The COMELEC En Banc is composed of Chairman George Erwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino and Rey E. Bulay.

CONCURRING OPINION

CAGUIOA, J.:

The ponencia resolves to grant the Petition for Certiorari (With Application for Issuance of Writ of Preliminary Injunction, Status Quo Ante and/or Temporary Restraining Order)[1] filed by petitioner Magkakasama sa Sakahan Kaunlaran (MAGSASAKA) Party-list, as represented by Atty. General D. Du (petitioner), assailing the Resolution[2] dated November 25, 2021 of public respondent Commission on Elections (COMELEC) First Division and Resolution[3] dated September 9, 2022 of the COMELEC En Banc which denied its petition to deny due course to the Manifestation of Intent to Participate in the Party-List Elections (MIP) of private respondent Soliman Villamin, Jr. (Villamin).

In granting the Petition, the ponencia rules that: 1) the COMELEC committed grave abuse of discretion when it admitted the Answer and Judicial Affidavits of Villamin despite his belated submission and when it did not declare him in default; 2) Villamin was validly removed as National Chairperson because the Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran (Magsasaka) Party-List[4] (Saligang Batas) does not require prior notice for the removal of its officers and the proceedings were done in accordance with its provisions; 3) even if notice was not required, the attendant circumstances show that Villamin was still sufficiently apprised of the proceedings against him; 4) petitioner was able to establish that there was quorum when Villamin was removed as National Chairperson; and 5) the COMELEC committed grave abuse of discretion when it focused on the procedural due process aspect without considering the substantive grounds for Villamin's removal.

I discuss each issue vis-à-vis the positions expressed by my esteemed colleagues, Chief Justice Alexander G. Gesmundo (CJ Gesmundo), Senior Associate Justice Marvic M.V.F. Leonen (SAJ Leonen), Associate Justice Amy C. Lazaro-Javier (Justice Javier), and Associate Justice Ricardo R. Rosario (Justice Rosario).

COMELEC committed grave abuse of discretion when it liberally construed its procedural rules without a justifiable cause.

I agree with the ponencia that the COMELEC committed grave abuse of discretion in not declaring Villamin in default in view of the belated submission of his Answer without advancing any explanation or justifiable cause. The COMELEC Rules of Procedure (Rules) allows the liberal construction of the procedural rules to "promote the effective and efficient implementation of the objectives of ensuring the holding of free, orderly, honest, peaceful and credible elections and to achieve just, expeditious and inexpensive determination and disposition of every action and proceeding." [5] The Rules even allows the COMELEC to suspend its application "[i]n the interest of justice and in order to obtain speedy disposition of all matters." [6] These provisions make it imperative that the construction of the rules is towards the just and speedy resolution of the cases. These provisions do not give the COMELEC unbridled discretion to choose when to apply or suspend its rules. To be sure, existing controlling jurisprudence holds that the COMELEC's discretion in the liberal construction or suspension of the application of its procedural rules shall be done only "in proper cases and under justifiable causes and circumstances." [7] This is to ensure that no prejudice or partiality is committed in the construction of the Rules.

In this case, it is not disputed that Villamin was required by the COMELEC to submit his Answer and Judicial Affidavit three days before the scheduled hearing or before September 13, 2021.[8] However, Villamin filed the same only on the day of the hearing itself, with petitioner receiving a copy of the pleadings only minutes prior to the hearing. There was no explanation or justification provided by Villamin for the belated submission. The failure of Villamin to explain his tardiness and his seeming tactic to put one over petitioner renders COMELEC's act of allowing it a grave abuse of its discretion. COMELEC allowed the noncompliance to its own procedural rules to favor one party and, by the same token, deprive the other of its right to due process.

In his dissent, Justice Rosario posits that the COMELEC has the discretion to decide whether to declare a party in default or not and that Villamin's Answer and Judicial Affidavit were admitted prior to a declaration of default. Further, he argues that the COMELEC has the discretion to liberally interpret its own rules.[9] But Justice Rosario fails to consider the rationale for the liberal construction of the rules — and that is, to achieve not only a speedy resolution of cases but also of a just and equitable disposition of the issues. In this case, it was unfair for the COMELEC to have allowed the noncompliance to its own Order and procedural rules without any justifiable cause advanced for such transgression. It must be noted that Villamin did not even file a motion for extension of time to file his pleading. He did not also offer any explanation or reason for his belated submission. These acts do not only portray a blatant disregard of the procedural rules, but rather a malicious intent to deprive petitioner of its due process of law.

The Saligang Batas of MAGSASAKA Party-list is the law applicable with respect to the members' and leaders' rights and obligations.

Further, I concur with the ponencia's ruling that the COMELEC acted with grave abuse of discretion in finding that Villamin's removal as National Chairperson was invalid due to the lack of notice and hearing which allegedly violates his right to due process of law.

Justice Javier contends that the ruling in *Atienza, Jr. v. COMELEC*[10] (*Atienza*) is not applicable because it involves the expulsion of a member of the party while this case involves the ouster of a leader of a party-list organization. She posits that the remedy of an illegally ousted party-list leader is before the COMELEC who has jurisdiction of the same as a necessary incident of its power to resolve all registration issues affecting the party-list.[11] Since the party-list system is a creation of the Constitution and the State has an undeniable stake in the affairs of the party-list organizations, the right to due process cannot be dispensed with in intra-party leadership disputes; otherwise, it negates the worth accorded by the Constitution to the party-list organizations which are imbued with public interest.

I respectfully disagree. The distinction sought to be made is more apparent than real.

The liberties guaranteed by the Constitution are generally limitations on the state's powers in relation to the rights of the 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.[12] In private dealings and transactions, the specific statutes that provide reliefs from such private acts must apply.

In this case, Villamin invokes his right to due process against petitioner in an intra-party dispute. While political parties play an important role in our democratic set-up as an intermediary between the states and its citizens, it is still considered a private organization and not a state instrument. The Constitutional right to due process cannot be invoked against acts committed by private individuals or entities. The internal affairs of a political party,

particularly its removal of officers and discipline of members, do not involve the right to life, liberty, or property within the meaning of the due process clause in the Constitution. An individual has no vested right, as against a political party, to be accepted or to prevent his removal by such 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, a contract among the party members,[13] which in this case is the party's Saligang Batas.

The distinction pointed out by Justice Javier between this case and Atienza may be relevant with respect to the determination of COMELEC's exercise of jurisdiction. But this distinction is irrelevant with respect to the acts of private individuals or entities. The Court has long established that the Bill of Rights embodied in the Constitution cannot be invoked against acts of private individuals.[14] The Bill of Rights, including the right to due process of law, is designed to protect the citizens from the police power of the State. This finds basis in the deliberations of the Constitutional Commission, particularly in the sponsorship speech of Commissioner Joaquin Bernas on the Bill of Rights, to wit:

First, the general reflections: The protection of fundamental liberties in the essence of constitutional democracy. Protection against whom? Protection against the state. The Bill of Rights governs the relationship between the individual and the state. Its concern is not the relation between individuals, between a private individual and other individuals. What the Bill of Rights does is to declare some forbidden zones in the private sphere inaccessible to any power holder.[15] (Emphasis supplied)

As abovementioned, political parties are generally free to conduct their internal affairs free from judicial supervision. This is rooted in the protected right of free association which serves the public interest by allowing the political processes to proceed without undue interference.[16] This freedom includes the party's right to establish its own rules in the conduct of its affairs. The election of its officers, as well as the removal of the same, shall be governed by the rules established by the party.

Villamin was validly removed in accordance with the provisions of the Saligang Batas.

Under the party's Saligang Batas, the MAGSASAKA Party-list shall be composed of the following:

ARTIKULO V

ANG ISTRUKTURA NG MAGSASAKA

Seksyon 1. Ang KONGRESO: Ito ang pinakamataas ng (sic) organo sa pamumuno sa MAGSASAKA na binubuo ng lahat ng mga kaanib na samahan ng magsasaka sa pamamagitan ng kanilang mga opisyal na kinatawan o delegado.

1.1 Tungkulin at kapangyarihan ng Kongreso:

....

- Magnonomina at maghahalal ng Council of Leaders at EXECOM sa pamamahitan ng secret balloting:

....

Seksyon 2. Ang COUNCIL OF LEADERS

Ang bawat isa sa labing-isang (11) miyembro ng Council ay ihahalal ng kasapian ng Kongreso. Ito ang tatayong pinakamakapangyarihang organo sa panahong walang Kongreso.

....

2.4 Ang simpleng korum (50%+1) ang siyang mamamayani sa organong ito.

2.5 Sa panahong may bakanteng posisyon sa EXECOM, [ang] Council ay may karapatang pumili at magpalit ng nabakanteng posisyon hanggang sa madaos ang Kongreso.

Seksyon 3. Ang Komiteng Tagapagpaganap (Executive Committee o EXECOM)

Ito ang pangunahing mangangasiwa, magmomonitor at magpapatupad ng pang-araw araw na gawain ng samahan.

3.1 Komposisyon: Ang EXECOM ay bubuun ng Tagapangulo (Chairman), Pangalawang Tagapangulo (Vice Chairman), Pangkalahatang Kalihim (General Secretary), Pangkalahatang Ingat-Yaman (Treasurer) at Pangkalahatang Tagasuri (Auditor).

Sila ay ihahalal at pagpipilian ng Council sa pamamagitan ng secret balloting. Sila ay manunungkulan sa loob ng tatlong (3) taon o hanggang ang kanilang kahalili ay maihalal. Sila ay magpupulong tuwing ikalawang lingo ng bawat buwan o batay sa nararamdaman nilang pangangailangan.[17] (Emphasis supplied)

Meanwhile, the procedure for the removal of the officers is provided under Article 8, which states:

ARTIKULO VIII

PAGBAWI SA POSISYON NG MGA HALAL NA OPISYALES

Seksyon 1. Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din na nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapataksik sa kanyang posisyon.

Seksyon 2. Isang Liham-Petisyon mula sa lehitimong kasaping indibiduwal o organisasyon na maaaring pagbatayan ng pagsusuri at imbestigasyon ang magiging daan para sa pagpapataksik sa sinumang opisyal ng organisasyon.

Seksyon 3: Ang Liham-Petisyon para sa pagbawi ng posisyon ay pagpapasyahan ng pamunuan kung saan siya nabibilang na organo, sa pamamagitan ng 2/3 na boto. Sa isang banda kung makakaapekto sa pamunuan duminig ng usapin, ito ay ihaharap sa mas mataas na pamunuan.

Seksyon 4: Ang opisyal na hahalili sa nabakanteng posisyon ay dapat na ihalal ng mga kasapi ng pamunuan kung saan nabibilang na organo.

Seksyon 5: Kung ang buong pamunuan o malaking bahagi ng pamunuan ay babawian ng posisyon at magresulta sa krisis sa liderato, ang Kongreso na naghalal sa kanila ay kagyat na pupulungin para sa pagdaraos ng ispesyal na halalan.[18] (Emphasis supplied)

From the foregoing, the Kongreso, composed of the representatives of the organizations or chapters belonging to the party, nominates and elects the Council of Leaders (Council) and Executive Committee (ExeCom). The Council acts in behalf of the Kongreso with respect to the conduct of the activities of the party. Meanwhile, the ExeCom, composed of the officers, oversees the day-to-day operations of the party. In the event of vacancy in the ExeCom, the Council may fill up the vacancy until the Kongreso convenes.

On the other hand, the following requisites are necessary before an officer of an organization-member or of the party itself may be removed from his or her position, to wit:

- A Letter-Petition from a legitimate member or an attached organization of the Party;
- An investigation studying the allegations raised in the Letter--Petition; and

- A two-thirds vote of the leaders to which organization he or she belongs to or in case of conflict or removal of majority of the officers, the voting shall be raised to the highest ruling body, the Kongreso.

A review of the records shows that Villamin was removed as National Chairperson of the council following the procedure laid out in the Saligang Batas.

The Minutes of the Council's Meeting[19] dated June 28, 2019 attest to a special meeting having been called to discuss the letter-petitions received by the Council from two provincial coordinators of the party, which petitions raised the issue of alleged irregularities in the business dealings of DV Boer Inc. owned by Villamin. It was mentioned during the meeting that no notice was given to the members involved so as not to pre-empt any investigation that would ensue. Thereafter, the Council agreed and resolved to conduct an investigation on the matter. Of the 13 members, 7 were present during the meeting and all voted to hold an investigation.

The Minutes of the Council's Meeting[20] dated November 3, 2019 show that the results of the investigation were reported to the Council. The report mentioned that the Securities and Exchange Commission (SEC) Advisory, which warned the public not to invest in the paiwi program of DV Boer Inc., was genuine and the SEC has an ongoing investigation against DV Boer Inc. Further, the investigator had a chance to talk to sub-farm owners who invested in the program and learned that their payouts were delayed. There were also members and supporters of the party who were asking if DV Boer Inc. and MAGSASAKA Party-list were the same. The investigation report concluded that there is prima facie basis and probable cause that DV Boer Inc. violated the law and that the party is being dragged to the issue due to Villamin's connection with DV Boer Inc. It was then recommended that an advisory be issued by the party informing the public that DV Boer Inc. and MAGSASAKA Party-list are two separate and distinct entities, and that the party is not involved with the activities of DV Boer Inc. It was also suggested that the officers involved be suspended to remove any doubt from the public.

The Council then unanimously resolved to suspend Villamin, Marianne Co, Joselyn Villamin, Soliman Villamin Sr., Crisanto "King" Cortez (Cortez) and Joseph Masacupan (Villamin, et al.) and barred them from participating in any decision-making or to represent the party in public. The said officers were informed of their suspension, and the Council decided that a General Assembly would be called to explain to the membership its decision.

On December 21, 2019, a General Assembly was called and this was attended by the Kongreso consisting of 37 representatives from the local chapters of the party. The Minutes of the Meeting[21] reflect that the controversy involving Villamin and DV Boer Inc. was again raised and discussed. It was proposed that the current set of the Council and officers be vacated, and a new set be elected. Cortez posed his objection thereto. However, the coordinators manifested that the Kongreso is the highest policy-making body of the party with the power to decide on the vacancy and election of new Board Members and since it had the requisite quorum, it could proceed with the order of business.[22]

Consequently, the Kongreso nominated and elected the new members of the Council with 36 voting in the affirmative and 1 in the negative.

On January 31, 2020, petitioner filed a Manifestation[23] before COMELEC informing the latter that a new set of the Council had been elected and requesting that the same be entered into the COMELEC's records.

All these actions of the Council and the Kongreso comply with the procedures laid out in the Saligang Batas. Thus, Villamin was validly removed as a member of the Council and as National Chairperson. Since Villamin was legitimately removed, it is clear that he had no authority to file a MIP on behalf of petitioner. Accordingly, it was grave abuse of discretion on the part of COMELEC to issue its First Division Resolution dated November 25, 2021 and En Banc Resolution dated September 9, 2022, which denied the Petition to Deny Due Course to the MIP of Villamin filed by Du, on behalf of the MAGSASAKA Party-list.

On the issue of the sufficiency of the Minutes of the Meeting to establish quorum, Justice Javier and Justice Rosario argue that the same does not constitute substantial evidence to prove that there was quorum that day. They argue that there was no way to determine that a quorum was established in the absence of the attendance sheet showing the names of members who attended and participated in the voting.

Substantial evidence is such amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion. The Minutes of the Meeting dated December 21, 2019 is substantial evidence to prove that there was a quorum when the Kongreso voted to elect the new Council. First, there was no evidence presented by Villamin to assail the due execution of the said document. Second, Cortez, Villamin's ally, participated in the deliberations and did not raise any issue on lack of quorum during the said meeting which he could have easily done similar to the objection he raised on the lack of notice to Villamin, et al. Third, the party's conduct of its own affairs must enjoy a presumption of regularity, which may be controverted only by clear and convincing evidence. Stated differently, the allegation of petitioner that Villamin was removed as National Chairperson is duly supported by substantial evidence.

Whether Villamin had knowledge of the proceedings or evaded the same is a non-issue.

The question of whether Villamin was sufficiently apprised of the developments and proceedings against him, as raised by SAJ Leonen, Justice Javier, and Justice Rosario is a non-issue because it is not a requirement under the party's charter to remove an erring Council Member.

COMELEC committed grave abuse of discretion when it failed to consider the substantive ground for Villamin's removal.

As aptly pointed out by CJ Gesmundo during the deliberations, in denying the petition to deny due course to the MIP of Villamin filed by petitioner, the COMELEC focused mainly on the alleged failure of petitioner to comply with procedural due process without considering the substantive due process aspect.[24] The Saligang Batas states that an officer of the party may be removed after it has been proven that he or she has been remiss in his or her duties and that such officer has committed acts that tarnish or taint the reputation and image of the party and its members. The investigation conducted to ascertain the validity of the reports surrounding the DV Boer Inc. and Villamin's involvement therein established that there is prima facie basis and probable cause that DV Boer Inc. violated the law and that the party is being dragged to the issue due to Villamin's connection with the company. This constitutes a substantial ground as required under the Saligang Batas to remove Villamin as National Chairperson. This highlights the ponencia's correct ruling that the COMELEC committed grave abuse of discretion in failing to consider the substantive ground and in focusing merely on the procedural aspect.

To conclude, I join the ponencia and vote to grant the Petition, and to accordingly reverse the assailed Resolutions of the COMELEC for having been issued with grave abuse of discretion.

[1] Rollo, pp. 3-46.

[2] Id. at 210-225. In the consolidated cases of SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP), issued by Presiding Commissioner Ma. Rowena Amelia V. Guanzon and Commissioner Marlon S. Casquejo, concurring while Commissioner Aimee P. Ferolino with Dissenting Opinion.

- [3] Id. at 263-277. Issued by Chairman George Erwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, and Rey E. Bulay.
- [4] Id. at 424-430.
- [5] Rule 1, sec. 3.
- [6] Rule 1, sec. 4.
- [7] See *Pates v. COMELEC*, 609 Phil. 260, 266 (2009) [Per J. Brion, En Banc], citing *Hon. Fortich v. Hon. Corona*, 359 Phil. 210, 220 (1998) [Per J. Martinez, Second Division]. (Emphasis in the original)
- [8] Ponencia, pp. 11-12.
- [9] J. Rosario, Dissenting Opinion, p. 3.
- [10] 626 Phil. 654 (2010) [Per J. Abad, En Banc].
- [11] J. Lazaro-Javier, Dissenting Opinion, p. 6.
- [12] *Atienza, Jr. v. COMELEC*, supra note 10, at 672-673.
- [13] Id. at 673.
- [14] See *People v. Marti*, 271 Phil. 51, 61 (1991) [Per J. Bidin, Third Division]; see also *Serrano v. NLRC*, 380 Phil. 416, 445 (2000) [Per J. Mendoza, En Banc].
- [15] I Record, Constitutional Commission 674 (July 17, 1986).
- [16] *Sinaca v. Mula*, 373 Phil. 896, 912 (1999) [Per J. Davide, Jr., En Banc].
- [17] Rollo, pp. 426-427.
- [18] Id. at 430.
- [19] Id. at 77-80.
- [20] Id. at 85-89.
- [21] Id. at 92-97.
- [22] Id. at 94.
- [23] Id. at 90-91.
- [24] C.J. Gesmundo, Concurring Opinion, p. 15.

DISSENT

LAZARO-JAVIER, J.:

The Majority granted the Petition and declared that the Commission on Elections (COMELEC) committed grave abuse of discretion in: (1) denying the petition of the Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-List to deny due course to the Manifestation of Intent to Participate (MIP) in the Party-List System of Representation for the 2022 National and Local Elections of Soliman Villamin, Jr. (Villamin); (2) ruling that Villamin was not validly removed as MAGSASAKA's National Chairperson; and (3) finding that Villamin was

the duly authorized representative of MAGSASAKA to file the said MIP. Accordingly, the Majority ordered the COMELEC to give due course to the nominations of MAGSASAKA and issue a Certificate of Proclamation to the rightful nominee of MAGSASAKA as its Party-List representative in the 19[th] Congress.

I dissent.

Jurisdiction of the COMELEC to settle intra-party disputes

Indeed, the COMELEC has been constitutionally endowed with a wide latitude of discretion pertaining to the enforcement and administration of all laws and regulations relative to the conduct of an election.[1] As for the party-list system, the mandate of the COMELEC principally stems from Republic Act No. 7941[2] authorizing it to approve the registration of party-lists and facilitate their election and the nomination of their representatives. The Court has clarified, however, that the COMELEC is not vested with *carte blanche* jurisdiction over every single matter or controversy affecting the party-lists and their activities. But whenever a proper case is brought before the COMELEC involving an intra-party leadership dispute, the COMELEC has jurisdiction to take cognizance thereof and resolve it incidental to its power to register political parties, viz.: [3]

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* 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 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. (Citations omitted)

In *Lico v. Commission on Elections*, [4] the Court explicitly recognized the jurisdiction of the COMELEC to settle the struggle for leadership within Ating Koop Party-List. In that case, the Court even applied the relevant provisions of the constitution of Ating Koop in order to settle the intra-party dispute which had been haunting it, thus:

We now pass upon the question of which, between the two contending groups, is the legitimate leadership of Ating Koop.

At the outset, We reject the Lico Group's argument that the COMELEC has no jurisdiction to decide which of the feuding groups is to be recognized, and that it is the Regional Trial Court which has jurisdiction over intra-corporate controversies. Indeed, the COMELEC's jurisdiction to settle the struggle for leadership within the party is well established. This power to rule upon questions of party identity and leadership is exercised by the COMELEC as an incident of its enforcement powers.

That being said, We find the COMELEC to have committed grave abuse of discretion in declaring the Rimas Group as the legitimate set of Ating Koop officers for the simple reason that the amendments to the Constitution and By-laws of Ating Koop were not registered with the COMELEC. Hence, neither of the elections held during the Cebu meeting and the Parañaque conference pursuant to the said amendments, were valid.[5] (Emphasis supplied, citation omitted)

As in Lico, the COMELEC here is necessarily empowered to determine whether Villamin was validly removed from his position as National Chairperson of MAGSASAKA precisely for the purpose of settling its leadership dispute once and for all.

Villamin was illegally ousted as National Chairperson of MAGSASAKA in violation of its by-laws and the guaranty of due process

To determine the validity of Villamin's removal, the COMELEC must look into the by-laws of the party-list, i.e., the relatively permanent and continuing rules of action adopted by an organization for its own government and that of the individuals composing it and having the direction, management, and control of its affairs and activities in whole or in part.[6] In fine, Villamin's removal from his position may only be deemed valid if it was done in full conformity with the prescribed procedure under the by-laws or Saligang Batas of MAGSASAKA.

Article VIII of MAGSASAKA's by-laws ordains:[7]

ARTIKULO VIII.

PAGBAWI SA POSISYON NG MGA HALAL NA OPISYALES

Seksyon 1: Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din na nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapatalsik sa kanyang posisyon.

Seksyon 2: Isang Liham-Petisyon mula sa isang lehitimong kasaping indibiduwal o organisasyon na maaaring pagbatayan ng pagsusuri at imbestigasyon ang magiging daan para sa pagpapatalsik sa sinumang opisyal ng organisasyon.

Seksyon 3. Ang Liham-Petisyon para sa pagbawi ng posisyon ay pagpapasyahan ng pamunuan kung saan siya nabibilang na organo, sa pamamagitan ng 2/3 na boto. Sa isang banda kung makakaapekto sa pamunuan duminig sa usapin, ito ay ihaharap sa mas mataas na pamunuan.

Seksyon 4: Ang opisyal na hahalili sa nabakanteng posisyon ay dapat na ihalal ng mga kasapi ng pamunuan kung saan ito nabibilang na organo.

Seksyon 5: Kung ang buong pamunuan o malaking bahagi ng pamunuan ay babawian ng posisyon at nagreresulta sa krisis sa liderato, ang Kongreso na naghalal sa kanila ay kagyat na pupulungin para sa pagdaraos ng ispesyal na halalan.[8]

As succinctly summarized by the esteemed Associate Justice Benjamin Alfredo S. Caguioa in his Concurring Opinion, three requisites must concur before an officer may be removed from his or her position in MAGSASAKA:[9]

- A Letter-Petition from a legitimate member or an attached organization of the Party;
- An investigation studying the allegations raised in the Letter-Petition; and
- A two-thirds (2/3) vote of the leaders to which organization he or she belongs to or in case of conflict or removal of majority of the officers, the voting shall be raised to the highest ruling body, the Kongreso.

I concede that the first requisite is present. But I cannot say the same thing for the second and third requisites.

Let me first tackle the third requisite. It states that the ouster of Villamin et al. should carry at least two-thirds vote of the Council of Leaders. To recall, Villamin and the other sitting officers of MAGSASAKA (Villamin, et al.)

were ousted during the General Assembly Meeting held on December 21, 2019 (December 21, 2019 General Assembly). After Atty. General D. Du (Atty. Du), then Secretary General of MAGSASAKA, informed the Council of Leaders of the suspension of Villamin et al., the General Assembly allegedly voted to remove Villamin, et al. and consequently held an election for a new set of Council of Leaders.[10]

The required two-thirds vote of the leaders was allegedly obtained over the sole objection of King Cortez, Villamin's associate, on the ground that the persons being ousted were not given a chance to explain their side.[11] But as proof that the required number of votes was supposedly mustered, Atty. Du showed pictures of the so-called December 21, 2019 General Assembly and the corresponding Minutes of the Meeting. Atty. Du also asserted that although there was no attendance sheet, the personalities of the attendees were anyway not disputed.[12]

Mere allegation, however, is not evidence. It is not equivalent to proof. Allegations are, by their nature, self-serving and devoid of any evidentiary weight.[13] Unfortunately, the only pieces of evidence adduced here—the Minutes of the Meeting and pictures—are equivocal, nay, insufficient to prove the facts sought to be established, i.e., who were the attendees and how many of them voted to oust Villamin, et al.?

Hence, before we can even conclude that it was MAGSASAKA itself which desired to oust Villamin, et al., the seminal question should be settled: was it really the two-thirds vote of MAGSASAKA which called for such removal or only a fraction of the required two-thirds vote which did?

As aptly observed by COMELEC in its assailed dispositions, the Minutes of the Meeting inexplicably lacked the list of names of the attending members. Notably, this is not refuted by MAGSASAKA itself. Verily, absent this pertinent, nay, pivotal information, there is no way to ascertain who were actually present during the so-called December 21, 2019 General Assembly. Without this list of attendees, it is impossible to determine the presence of the required quorum, i.e., 50%+1, let alone, that two-thirds thereof cast their votes to remove Villamin et al. from their respective positions.

A party's bare allegation, especially a self-serving one, cannot be taken at its face value. Neither can it take the place of evidence. That the December 21, 2019 General Assembly is constituted by official representatives of the members and not the entire membership of MAGSASAKA[14] is irrelevant to the issue of quorum and the two-thirds vote. Without the attendance sheet and the identification of those who cast their votes for the supposed ouster of Villamin, et al. during the December 21, 2019 General Assembly, the ouster of Villamin, et al. is invalid as a necessary consequence of the absence of the third requisite.

Going now to the second requisite, the supposed investigation conducted by the Council of Elders was but a sham in view of the evident breach of its due process component. Indeed, first, the paramount interest of the State in the leadership affairs of party-list organizations requires that the right to due process be guaranteed in such disputes; and second, this guaranteed right to due process sits at the heart of any investigation that may be conducted relevant to an ouster of a party-list organization's leader.

The Majority maintained that the right to due process under the 1987 Constitution applies only if it is expressly provided by the party-list's constitution or by-laws. Since the requirement of prior notice is not in MAGSASAKA's Saligang Batas, it is allegedly not essential to effect a valid ouster.[15] Further, in his Concurring Opinion, Justice Caguioa reiterates the basic doctrine that the rights enshrined within Article III of the 1987 Constitution may only be invoked against the State, hence, Villamin cannot validly invoke his right to due process in an intra-party dispute against Atty. Du and MAGSASAKA, both being private persons.[16]

True, in *Atienza v. COMELEC*,[17] the Court En Banc ruled that violation of the constitutional right to due

process cannot be invoked by the ex-Liberal Party member-respondents therein since political parties are still private organizations, not state instruments, viz.:

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 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 by 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 due process issue against the government or any of its agencies.

But I humbly submit that *Atienza* is inapplicable here. For while *Atienza* involves the expulsion of ordinary members of a party, the present case involves the ouster of a leader of a party-list organization. It has been settled that while the COMELEC may not interfere in the membership and disciplinary matters within a party, it is empowered to ascertain its legitimate leadership vis-à-vis its power to approve or disapprove party-lists' registration.[18]

There is therefore this marked difference by which jurisprudence treats matters pertaining to mere members of the party, on one hand, and the leaders who represent the party, on the other. The underlying rationale is simple: the membership of a party affects only its internal affairs and operates purely within the private sphere, but its leadership transcends such private sphere as it goes into the realm of public affairs. As they are juridical entities, party-lists may only act through their duly authorized representatives, i.e., the leaders of the organization. Thus, it is imperative that COMELEC ascertains who the legitimate leaders are, lest it attributes acts of usurpers as acts of the party-list itself.

In fine, while pursuant to *Atienza*, the remedy of expelled party-list members who have been deprived of due process is to file before a court of law an ordinary action for enforcement of such right as ordained in the party-list charter, if any; on the other hand, the remedy of an illegally ousted party-list leader falls within the cognizance of the COMELEC as a necessary incident to its power to resolve all registration issues affecting the party-list.

The party-list system is a creation of the Constitution. By this fact alone, it is imbued with public interest. Article IX-C, Section 2(5) of the 1987 Constitution sanctions their regulation and requires the presentation of their program of government. Not only must party-lists register with the COMELEC, certain restrictions have also been placed on them. For example, in accordance with the Constitutional separation of Church and State, religious denominations and sects are disqualified from registering as party-list organizations. For though party-lists are not state instruments or agencies, once they are proclaimed as winners in the party-list elections, they become entitled to seats in the House of Representatives and consequently acquire the status of public officers.

Clearly, therefore, the State has an undeniable stake in the affairs of party-list organizations, if only to a specific fragment thereof—their registration and leadership. Surely, trivializing the significance of due process and sanctioning its dispensability in intra-party leadership disputes negates the worth accorded by the Constitution no less to party-list organizations which are imbued with public interest.

For this reason, I cannot, in good conscience, agree that in matters affecting one who sits as the leader of a party-list organization, the fundamental and universal right to due process has no place at all. Especially not in the present case, where due process was persistently withheld, not once, not twice, but thrice. Hence, a one-sided investigation which respondent claimed to have held against Villamin is inarguably void. There was a total absence of due process — one that hears before it condemns.

For perspective, consider these material facts which, with due respect, the Majority seemed to have overlooked:

- On June 28, 2019, the MAGSASAKA Party-list Council of Leaders convened for the purpose of taking action on the letter-petitions filed against Villamin and his group for their alleged involvement in the fraudulent schemes of DV Boer, Inc. Notably, the Minutes[19] of such meeting, explicitly referred to the admission of Atty. Du that Villamin and his group were not notified of the said meeting. Thus:

....

- d. Congressman Cabatbat inquired whether the accused members of the Council were informed of the meeting. Atty. Du said he did not send invites to the accused council members so as not to pre-empt any investigation that would ensue. Atty. Du furthered that there is already prima-facie evidence of irregularity in the business dealings of DV Boer, Inc., as the SEC itself has issued an advisory against it.

.... (Emphasis supplied)

- In the same meeting, the Council resolved to create an investigation team to be led by Lejun Dela Cruz to investigate the so called DV Boer's fraudulent scheme.[20]

- On November 3, 2019, another meeting was held where Dela Cruz presented to the Council of Leaders his findings regarding the supposed illegal activities of DV Boer Inc. owned by Villamin. Dela Cruz concluded that there was prima facie basis and probable cause that DV Boer, Inc. violated the law, and that the name of the MAGSASAKA Party-list was being unnecessarily dragged into that controversy. It was eventually resolved that Villamin and his group be suspended from the Council of Leaders. Markedly though, it was again indicated in the Minutes[21] of the meeting that Villamin and his group were absent during the said meeting.

- On December 21, 2019, the MAGSASAKA Party-list conducted a General Assembly. The matter of the involvement of DV Boer, Inc. and Villamin in the alleged fraudulent schemes was raised anew. During the discussion, it was proposed that the current Board seats be deemed vacated and new members thereof be elected. But one Crisanto "King" Cortez objected to this proposal because he recognized that Villamin and his group have not been given a chance to explain. The Minutes[22] of the General Assembly thus state:

....

- Another coordinator have [sic] proposed to vacate the Board and elect new set of Board members.

- A formal motion was moved and has been objected by Mr. Cortez. He manifested that it is unfair for the body to decide if other Board Members involved in the issue were not given the chance to explain their side. Given that it is a sensitive issue, the body might consider hearing their explanation first before moving to a vote to vacate all positions in the Board and proposed to consider rescheduling of another assembly.

- Some coordinators have manifested that the General Assembly was the highest policy making body and have the power to decide including the vacancy and election of new Board Members. Given that the body is in quorum, they can proceed with the order of business.

- Atty. General Du have confirmed that coordinators and concerned individuals were given a notice regarding today's General Assembly and Christmas Party.

. . . (Emphasis supplied)

- Notwithstanding Cortez's objection, the election of new members of the board and officers proceeded as proposed, resulting in the expulsion of Villamin as the MAGSASAKA Party-list's National Chairperson.[23]

- On January 30, 2020, the result of the December 21, 2019 election of the new board members was reported and filed with the COMELEC.[24]

- On February 8, 2021, the MAGSASAKA Party-list, through Atty. Du, filed an MIP for the May 9, 2022 National and Local Elections.[25]
- On February 14, 2021, Villamin, believing that his ouster was invalid, filed a separate Manifestation with the COMELEC to report that his removal was procedurally and substantially infirm.[26]
- On March 29, 2021, Villamin, in his capacity as National Chairperson, filed an MIP for MAGSASAKA Party-list.[27]
- On June 21, 2021, Atty. Du filed a petition for Villamin's MIP to be denied due course. Atty. Du alleged that Villamin made material misrepresentations when he stated in his MIP that he was the National Chairperson of MAGSASAKA Party-list. Since he was removed as such, he was reputed to have lost his legal standing to file the MIP.[28]
- On June 26, 2021, another General Assembly was held where Villamin and his group were permanently expelled from the MAGSASAKA Party-list due to their supposed involvement in the DV Boer, Inc. scam and the issuance of a warrant of arrest on them. Thus, a new set of Council of Leaders was also elected.[29]

It is a matter of record that Villamin was purposely not given notice of the June 28, 2019 Council of Leaders Meeting. This was admitted by Atty. Du, no less. Also, it was uniformly pointed out both by the Office of the Solicitor General[30] in its Comment, and by Villamin[31] in his Comment/Opposition. Further, records show that Villamin was still absent during the November 3, 2019 Council of Leaders Meeting when he got suspended, as well as during the December 21, 2019 General Assembly when he was removed as MAGSASAKA's National Chairperson.

Yet, in finding that Villamin was sufficiently notified of the expulsion proceedings against him, the Majority ordained:

MAGSASAKA maintains that even prior to the leadership controversy, Villamin had consistently refused to attend meetings of the Council of Leaders and been a no-show, citing reasons as being out of the country, and would only send his people to attend, particularly Cortez. Villamin had not only refused MAGSASAKA's attempts to communicate, he had also been remiss in his duty to be present as National Chairman and perform his official functions, including facing his party mates to explain his involvement in the DV Boer scam. Curiously though, Villamin never debunked this statement.

....

... Some members of the Court propound that the reasons for Villamin's non-attendance to the meetings have not been established by facts, and the intent to evade investigation cannot be presumed. While this may be true, the Court cannot simply accept Villamin's claim of lack of prior notice as sufficient justification for his non-participation in the party proceedings. As the highest-ranking official of the party, Villamin should be aware and concerned with what is happening within his organization, even if he himself is going through other personal and private issues. It is highly unlikely that he had no inkling of the internal turmoil in the party. With several persons filing administrative and criminal complaints against Villamin and DV Boer for the illegal investment scam, and the SEC advisory that DV Boer had no authority to offer, solicit, sell or distribute any investment/securities, it is also not farfetched that Villamin opted to lie low and bide his time, prioritizing the said cases over his responsibilities to the party. Thus, we find that Villamin was aware of the proceedings and was given several chances to be heard, only that he was the one who refused to communicate without reason. Surely, MAGSASAKA could not be completely at fault for acting expeditiously to conduct the proceedings since it was the Party's name and reputation, and even the members' investments, which were at stake.[32]

With due respect, Villamin's purported refusal to attend the meetings of the Council of Leaders, and even his

supposed evasion of MAGSASAKA's attempt to communicate with him are mere allegations of petitioner. These are not established facts nor supported by the evidence on record. The same therefore should not be taken as gospel truth. To repeat, mere allegation is not evidence. Further, it does not follow that Villamin's non-participation in the party proceedings is inexcusable due to lack of prior notice since, as the highest ranking official of MAGSASAKA, he ought to be aware of what is happening within his organization. On the contrary, even if Villamin indeed had knowledge of the party meetings, still, his non-participation is justified for it is a matter of record that notice to him was purposely and persistently withheld by Atty. Du's faction. Surely, We cannot continue to rely on mere speculations and petitioner's self-serving assertions while ignoring the glaring truth borne by the cold records of the case.

In the same vein, the Majority faulted the COMELEC with grave abuse of discretion for focusing on procedural concerns at the expense of substantive matters, that is, it purportedly disregarded that substantive grounds existed for the ouster of Villamin, et al. from their leadership positions since Villamin was allegedly involved in anomalous and unusual business activities akin to ponzi schemes.[33] The Majority thus conclude that considering the totality of evidence affecting both procedural and substantive matters, the will of MAGSASAKA to oust Villamin et al. must purportedly prevail, violations of procedural due process notwithstanding.

While I agree that the totality of evidence ought to be the basis of the Court in determining the validity of the expulsion of a party-list leader moving forward, I do not agree that the same has been hurdled in this case. For MAGSASAKA's Saligang Batas perceptibly welded together both procedural and substantive matters as two faces of one coin. One cannot simply be said to exist without the other.

Here, the Majority mistakenly ordained that the observance of procedural due process is separable from establishing substantive grounds for the removal of MAGSASAKA's leaders. It bears stress, however, that MAGSASAKA's ground for ousting Villamin on the allegation that his family corporation DV Boer, Inc. is involved in anomalous business activities, sans observance of procedural due process, is just that—mere allegation.

Consider that under MAGSASAKA's Saligang Batas,[34] an officer may only be removed once it is proven that he or she had been remiss in the discharge of his or her functions and had committed acts that would taint the good image and reputation of the Party-list. In fact, the same interpretation was adopted by the COMELEC, which the Majority has duly acknowledged.[35] This proof, in turn, may be determined pursuant to the required investigation under MAGSASAKA's own Saligang Batas.

Such investigation must yield not only findings arising from independently gathered evidence relating to the charges; but requires as well that the person subject of the investigation be afforded an opportunity to air his or her defense and present evidence in support thereof. For it is basic that a charge can be deemed as proven only after giving both the complainant and the respondent an opportunity to establish their respective claims and defenses. It is only then that the charge can be said to have withstood evidence to the contrary, hence, is deemed to have been "established". Conversely, a charge cannot be considered established when a respondent was utterly deprived of an opportunity to present his or her defenses as in the case of Villamin. In such a case, the self-serving, if not, one-sided statements of one party (the accuser), without regard to any countervailing evidence from the party being charged or the accused, can never rise to the level of being an "established" accusation or charge.

Verily, there are no real substantive grounds to speak of here which ought to allegedly prevail over the procedural infirmities surrounding Villamin, et al.'s ouster—not without the allegations having been properly scrutinized via a real investigation. As such, COMELEC did not commit grave abuse of discretion when it focused on the procedural lapses in Villamin, et al.'s ouster as the same is a condition sine qua non, an indispensable prerequisite,

to determining whether substantive grounds truly existed to oust Villamin, et al. from their positions.

To repeat, while it is recognized that the Bill of Rights is a protection afforded to citizens only against the State and not private persons, party-lists are entirely a different species. They are imbued with public interest not only because they are creations of the Constitution but also because whenever they win in party-list elections, they become entitled to a seat or seats in the House of Representatives, and through their nominees, conferred the status of public officers. For all intents and purposes, therefore, violation of due process within the party-list cannot be considered a mere private matter affecting mere private individuals. More so in this case where MAGSASAKA's own by-laws requires the observance of due process—both procedural and substantive—in the ouster of its leader or leaders.

Since the existence of the so-called December 21, 2019 General Assembly itself, including the alleged two-thirds vote of the members and the leaders is doubtful, and the consequent ouster of Villamin et al. was done in violation of due process, the entire process is void ab initio. As such, it did not create any right, nor impose any obligation.[36] This being the case, Villamin was still a validly sitting National Chairman of MAGSASAKA when he filed the MIP on March 29, 2021.

The Supplemental Petition for Certiorari assailing Nazal's qualification and proclamation was filed out of time and should be dismissed outright

While I am grateful that our esteemed colleague Justice Jose Midas P. Marquez explicitly stated[37] that the Court is not ruling on the qualifications of Nazal, as the Supplemental Petition for Certiorari attempts to put in issue, I find it necessary to discuss why petitioners' attempt to do so is in violation of the rules.

To recall, the Court issued a Status Quo Ante Order prior to: (a) the promulgation of the NBOC Resolution No. 22-0953 confirming Nazal's proclamation as MAGSASAKA's representative; and (b) the issuance of a Certificate of Proclamation in Nazal's favor, pursuant to petitioner's prayer contained in the belatedly filed Supplemental Petition for Certiorari. The same, however, invalidly attempts to put in issue the qualification of Nazal for the first time here and now even though it is the COMELEC, not the Court which has exclusive original jurisdiction over this subject matter.

In *Asset Privatization Trust v. Court of Appeals*,[38] the Court emphasized that when the cause of action stated in the supplemental complaint is different from the cause of action mentioned in the original complaint, the court should not admit the supplemental complaint. In any case, the Court ruled that joinder of causes of action is only permissible when there is a unity in the problem presented as regards jurisdiction, venue, and joinder of parties, viz.:

In *Leobrero v. Court of Appeals* the Court ruled that when the cause of action stated in the supplemental complaint is different from the cause of action mentioned in the original complaint, the court should not admit the supplemental complaint.

....

In this case, hardly do the original and supplemental complaints meet the required test of "unity in the problem presented" and "a common question of law and fact involved" as regards jurisdiction, venue and joinder of parties. The ultimate problem in the original complaint as far as private respondents are concerned is how to prevent the DBP from pursuing the amount of deficiency after an extrajudicial foreclosure sale of the mortgaged vessels. In the supplemental complaint, what private respondent SJM seeks to pre-empt is the

foreclosure of the mortgage of its Agusan del Sur plant.[39]

Here, the causes of action in the original petition and the supplemental petition are distinct from each other. On one hand, the original Petition questions Villamin's legal standing to file the MIP for MAGSASAKA on March 29, 2021 since, at that time, he was already allegedly removed as its National Chairperson. On the other hand, the supplemental petition assails the qualification of Nazal as the MAGSASAKA's nominee.

Different provisions of Republic Act No. 7941[40] are being invoked by petitioner in support of its original petition, on one hand, and its supplemental petition, on the other. Thus, for the first petition, the relevant provision is Section 2, viz.:

SEC. 2. Where to file manifestation of intent to participate. The manifestation of intent to participate by any of the above-mentioned organized groups or parties shall be filed with the office of the Clerk of the Commission, Commission on Elections, Manila, in twelve (12) legible copies.

The manifestation shall be signed by the President/Chairman or, in his absence, the Secretary-General of the party or group.

Manifestations filed by mail, telegram or facsimile shall not be accepted.

A sample of the manifestation to participate is attached as Annex A.

On the other hand, petitioner invokes Section 9 in assailing Nazal's qualification, thus:

Section 9. Qualifications of Party-List Nominees. No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election.

In case of a nominee of the youth sector, he must at least be twenty-five (25) but not more than thirty (30) years of age on the day of the election. Any youth sectoral representative who attains the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term.

Even then, the causes of action in the original petition and the supplemental petition cannot be liberally joined as the Court plainly has no jurisdiction over the question raised in the Supplemental Petition for Certiorari. It is elementary that the Court's power to review the dispositions of the COMELEC is limited to the latter's judgment or final order or resolution.[41] Thus, the issue raised in a Petition for Certiorari under Rule 64 in relation to Rule 65 of the Rules of Court must have been raised and passed upon by the COMELEC. Here, petitioner failed to question Nazal's qualifications before the COMELEC within the prescribed period under the law and the rules. But by filing the supplemental petition, it now seeks to revive what it has long lost, and worse, it even ascribes to the Court the exclusive and original jurisdiction to determine the qualification of Nazal as a nominee which in fact belongs to no other than the COMELEC. Jurisdiction is vested by law and not by choice or agreement of the parties. Procedural maneuvers which circumvent jurisdiction and the rule of law must definitely be slayed at sight.

In any event, the basis for filing the original petition is Section 7, Rule 3 of COMELEC Resolution No. 9366, as amended by Resolution No. 10690:

Section 7. Petition to Deny Due Course to a Manifestation of Intent to Participate. A verified petition seeking to deny due course to a manifestation of intent to participate, of both existing and registering party-list groups, organizations, or coalitions, may be filed with the Office of the Clerk of the Commissions, Commission on Elections in Manila, by any interested parties within ten (10) days from the date of publication of the manifestation of intent to participate on any of the grounds mentioned in Section 2 of Rule 2. (Emphasis in the

original)

As for a petition to deny due course and/or cancel the nomination of an individual nominee, it is a distinct and separate remedy under Rule 5 Section 1 of COMELEC Resolution No. 9366, as amended by Resolution No. 10690, viz.:

SEC. 1. Petition to deny due course and/or cancellation; Grounds. A verified petition seeking to deny due course the nomination of nominees of party-list groups may be filed by any person exclusively on the ground that a material misrepresentation has been committed in the qualification of the nominees.

....

SEC. 3. Where to file petitions. The petitions herein mentioned shall be filed with the Office of the Clerk of the Commission, Commission on Elections in Intramuros, Manila;

Petition for disqualification filed with office other than with the Office of the Clerk of the Commission shall not be accepted.

SEC. 4. When to file petitions. Petitions for denial/cancellation/disqualification of party-list nominees shall be filed as follows:

- Petition to deny course to or cancellation of nomination of party-list nominees shall be filed within ten (10) days from date of publication of the list of nominees by the EID, or in case of subsequent publication by reason of substitution, within ten (10) days from the submission of proof of publication by the party-list groups, organizations, or coalitions of its new and complete list of nominees, with respect to the substitute nominees; and; and

- Petition for disqualification of party-list nominees shall be filed at any day not later than the date of proclamation. (Emphasis supplied)

To repeat, petitioner never filed before the COMELEC the proper action to assail the qualification of Nazal as an individual nominee. In fact, here, the only matter brought before the Court in the original petition was the COMELEC's resolution declaring as valid the MIP filed by Villamin alone, sans any challenge against the individual qualification of Nazal. It is, thus, illegal, nay, unconstitutional for petitioner to insert a rider via the supplemental petition which bears a subject matter not within the exclusive original jurisdiction of the Court and one that has never been brought before the proper forum within the prescribed reglementary period. As the Majority conceded, the resolution of the COMELEC became final and executory after 30 days from its promulgation or on October 10, 2022. Indeed, how can grave abuse of discretion be imputed to the COMELEC here when it did not even have the chance to take cognizance of, let alone, resolve the issue of Nazal's qualification as MAGSASAKA's nominee? At any rate, the Court cannot assume the role of the COMELEC as the sole determinator of this question.

All told, I vote to DISMISS both the original and supplemental petitions. The COMELEC First Division Resolution dated November 25, 2021 and the COMELEC En Banc Resolution dated September 9, 2022 must be AFFIRMED IN FULL.

[1] 1987 CONST, Art. IX-C, Sec. 2.

[2] Party-List System Act (1995).

[3] *Atienza v. COMELEC*, 626 Phil. 654, 670-671 (2010) [Per J. Abad, En Banc].

- [4] 770 Phil. 444, 460 (2015) [Per C.J. Sereno, En Banc].
- [5] Id.
- [6] See *China Banking Corporation v. Court of Appeals*, 337 Phil. 223, 241 (1997) [Per J. Kapunan, First Division].
- [7] Rollo, p. 430.
- [8] Id.
- [9] J. Caguioa, Concurring Opinion, pp. 6-7.
- [10] Rollo, p. 213.
- [11] Ponencia, p. 18.
- [12] Id. at p. 8.
- [13] *Menez v. Status Maritime Corporation*, 839 Phil. 360, 369 (2018) [Per J. Caguioa, Second Division].
- [14] Ponencia, p. 18.
- [15] Id. at 15-16.
- [16] J. Caguioa, Concurring Opinion, pp. 3-4.
- [17] 626 Phil. 654, 673 (2010) [Per J. Abad, En Banc].
- [18] Id. at 670-671.
- [19] Rollo, pp. 175-176.
- [20] Id. at 176.
- [21] Id. at 183-185.
- [22] Id. at p. 192.
- [23] Id. at p. 213.
- [24] Id.
- [25] Id.
- [26] Id.
- [27] Id. at p. 219.
- [28] Id. at pp. 162-167.
- [29] Id. at p. 219.
- [30] Id. at p. 999.
- [31] Id. at p. 696.
- [32] Ponencia, pp. 17-18.
- [33] Id. at 21.

[34] Seksyon 1, Artikulo VIII Pagbawi sa Posisyon ng mga Halal na Opisyal:

Seksyon 1. Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din na Nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaring mapatalsik sa kanyang posisyon.

[35] Ponencia, p. 17.

[36] See *Orlina v. Ventura*, 844 Phil. 334, 348 (2018) [Per J. Peralta, Third Division].

[37] Ponencia, p. 21.

[38] 381 Phil. 530, 545-546 (2000) [Per J. Purisima, Third Division].

[39] *Id.*

[40] Party-List System Act (1995), Sec. 2.

[41] Rules of Court, Rule 64, Sec. 2.

SEPARATE CONCURRING OPINION

GAERLAN, J.:

While I concur with the ponencia's reasoning and result, I must offer for the record my humble opinion regarding the present and lamentable state of law and jurisprudence relative to the Philippine party-list system, especially in the context of the limited jurisdiction of public respondent over intra-party disputes.

In fine, the present controversy is rooted in the fact that there were two competing manifestations of intent to participate in the May 9, 2022 National and Local Elections filed on behalf of petitioner. The facts indicate that private respondent, petitioner's former national chairman, had already been expelled as a member of petitioner, and Atty. General D. Du, petitioner's secretary-general, now effectively claims the mantle of leadership, especially with regard to petitioner's nomination for its sitting representative in the House of Representatives.

The ponencia's exhaustive discussion of the case's factual and procedural antecedents outlines and narrates a sad state of affairs: a party-list organization purporting to represent the interests of Filipino farmers that is now sadly reduced to internal disagreement between two factions, in which public respondent's unhurried involvement has only made things more Byzantine and cumbersome. With public respondent stepping into such an unnecessarily contested intra-party dispute—which admittedly, as the ponencia discusses, all boils down to the minute factual issue of whether or not the former national chairman was validly notified of the proceedings that removed him from power—the Court itself is now dragged away from its constitutionally apolitical rostrum in order to settle and decide an issue that should be best left to Petitioner's members themselves to decide democratically.

Verily, with dozens of similar cases reaching the Court each electoral cycle, the judicial department stands to be in constant danger of unwittingly wading into the forbidden and tempestuous waters of political questions, which are quite literally the issues in intra-party disputes such as this. It is thus a regrettable notion that this Court, and not the party members themselves, is the entity that gets to ultimately decide who shall stand at the helm of representative political power.

To begin the substantive part of my discussion, the reasoning of the Court in *Sinaca v. Mula*^[1] is quoted below for easy and undoubted reference:

A political party has the right to identify the people who constitute the association and to select a standard bearer who best represents the party's ideologies and preference. Political parties are generally free to conduct their internal affairs free from judicial supervision; this common law principle of judicial restraint, rooted in the constitutionally protected right of free associations, serves the public interest by allowing the political processes to operate without undue interference. Thus, the rule is that the determination of disputes as to party nominations rests with the party, in the absence of statutes giving the courts jurisdiction.

Quintessentially, where there is no controlling statute or clear legal right involved, the court will not assume jurisdiction to determine factional controversies within a political party, but will leave the matter for determination by the proper tribunals of the party itself or by the electors at the polls. Similarly, in the absence of specific constitutional or legislative regulations defining how nominations are to be made, or prohibiting nominations from being made in certain ways, political parties may handle party affairs, including nominations, in such manner as party rules may establish.[2]

I must now then point out that nowhere in the constitutionally defined jurisdiction and functions of public respondent in Article IX(C), Section 2 of the 1987 Constitution does it state that public respondent functions as the ultimate adjudicatory body for deciding the rightful leadership of a political party or party-list organization. This is only the ultimate result of jurisprudence. For easy and undoubted reference, the constitutional provisions relative to the power of public respondent over political parties and party-list organizations are all encompassed in Article IX(C), Section 2, paragraph 5 of the 1987 Constitution, which empowers Public Respondent to:

(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program or government; and accredit citizens arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties organizations, coalitions, or candidates related to elections constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation or their registration with the Commission, in addition to other penalties that may be prescribed by law.

Again, nowhere in the foregoing does it explicitly state that public respondent is mandated to decide upon questions of intra-party leadership and disputes. Public respondent is merely empowered to oversee and regulate political parties' registration and compliance with campaign finance prohibitions, which can also easily be surmised from the relevant provisions in Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code.

The landmark case of *Laban ng Demokratikong Pilipino v. Commission on Elections*[3] looms large over the present controversy, albeit only a small portion of its discussion is directly relevant. There, the Court categorically ruled and "clarified [that] the jurisdiction of Commission on Elections to rule upon questions of party identity and leadership [w]as an incident to its enforcement powers." [4] There, this Court noted that public respondent could determine, by simply referring to the party constitution of the *Laban ng Demokratikong Pilipino*, which faction or group had the right to nominate the party's candidates in the 2004 National and Local Elections.

The Court had occasion to again rule on another political party's internal leadership struggles in *Atienza, Jr., et al. v. Commission on Elections, et al.*[5] There, the Court elucidated on public respondent's limited power to delve into intra-party disputes, viz.:

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* that the COMELEC's powers and functions under Section 2, Article IX-C of the Constitution, "include the ascertainment or the identity of the political party and its legitimate officers responsible for its acts." The Court also declared in another case 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.[6] (Citations omitted)

In *Lokin, Jr. v. Commission on Elections, et al.*,^[7] the Court recognized that there was indeed a problem with its limited jurisdiction on intra-party disputes when the issue of party-list organizations—especially party-list organizations that were first registered into existence as corporate entities. Here, the Citizens' Battle Against Corruption (CIBAC) Foundation, Inc., which was an entity registered with the Securities & Exchange Commission (SEC), claimed to have sole authority to nominate candidates of the CIBAC Party-List over the CIBAC National Council. And while the Court ruled that the persons representing the CIBAC Foundation had effectively invoked the limited jurisdiction of public respondent—which clothed public respondent with the power to decide that it was the CIBAC National Council that had the sole authority to nominate the party-list's nominees—the Court seems to have avoided any explicit ruling as to which entity between public respondent and the SEC could validly decide on leadership contests of party-lists that are in fact SEC-registered. This, to me, is a persistent legal lacuna that needs to be definitively settled not by jurisprudence, but by concrete legislative action.

Finally in *Lico, et al. v. Commission on Elections, et al.*,^[8] the Court had to deal with yet another contentious leadership struggle within the membership of the Ating Koop Party-List, which resulted in the Court finding that public respondent had committed grave abuse of discretion in recognizing invalid leadership elections where one faction won, and in simply deciding that with no faction being able to establish itself as the legitimate leadership echelon of the party-list, then the party-list's interim central committee was to be the legitimate leadership in a holdover capacity.

The present ponencia now becomes the Court's latest pronouncement on intra-party leadership disputes, but where the Court now recognizes that public respondent, in its own interpretation of a party-list organization's constitution and by-laws, cannot impose someone whom the general membership has clearly rejected as their leader. But this simply goes to show how once again, on the pretext of deciding a technical question of law, the political leadership of an entity ordained and conceptualized to be constitutionally independent is being decided in an obviously non-political manner. To me, it is a distasteful and disheartening scenario to behold when political matters rightfully pertaining to political actors find their way to our highest temple of justice, where politics and factionalism must halt at the Court's gates. The Court has done a fairly admirable balancing act over the years relative to issues such as the present controversy—as it is constitutionally bound to do so—but the judiciary as a whole should never be put so constantly to the test at the risk of upsetting the delicate equilibrium of our constitutional firmament.

Clearly, to avert such constitutional dangers, I see here a need for better and updated legislative enactments relative to the leadership of party-list organizations, and clearly, Republic Act No. 7941, otherwise known as the Party-List System Act, is insufficient for present and even future purposes.

There is a multitude of issues that new legislation must address, such as the identification of specific officers as the sole and rightful agents of a party-list organization, whose signatures must appear on a party-list organization's list of nominees, the effect of a party-list organization's registration with the SEC, the effect of any

leadership contest of such SEC-registered party-list organization that is instituted independent of any reference to any upcoming national election, the validity and binding nature of a party-list organization's constitution and by-laws, and even the validity and binding nature of established party practice not found in such constitutions and by-laws, among other lingering issues that will only crop up again at the next election cycle for the Court's disposition anew.

Such legislation should be sufficient to explicitly empower public respondent to function as the sole and proper arbiter of such leadership disputes with clear standards on how to decide the same, or such legislation could actually take said power away from public respondent altogether, especially in light of a party-list organization's SEC registration, with any dispute decided by specially designated courts binding upon public respondent. But in any case, legislative action for these numerous reasons is urgently needed. My hope is that Congress, in all its wisdom, takes legislative notice of the Court's perennial tackling of such sensitive and inherently political disputes, and finally enacts measures to avoid such contested and counter-productive litigation in the future.

To reiterate in summation, the ponencia is correct in its discussion and disposition of the instant controversy, but the case itself did not have to reach this stage. Had there been legislative measures in place that would have squared away public respondent's limited jurisdiction over intra-party disputes, especially with regard to party-list organizations, or to reform and completely overhaul the Philippine party-list system itself, this Court would not be burdened with a new and unnecessary occasion for it to wade once more into the forbidden and tempestuous waters of political questions, and be forced to decide once more on the questioned leadership of a democratically constituted and independently run political organization.

[1] 373 Phil. 896 (1999) [Per C.J. Davide, Jr., En Banc].

[2] Id. at 912.

[3] 468 Phil. 70 (2004) [Per J. Tinga, En Banc].

[4] Id. at 84.

[5] 626 Phil. 654 (2010) [Per J. Abad, En Banc].

[6] Id. at 670-671.

[7] 689 Phil. 200, 212-213 (2012) [Per C.J. Sereno, En Banc].

[8] 770 Phil. 445, 460-461 (2015) [Per C.J. Sereno, En Banc].

DISSENTING OPINION

ROSARIO, J.:

I dissent from the majority's Decision finding the Commission on Elections (COMELEC) to have acted in excess of its authority in promulgating the assailed Resolutions.

This is a Petition for Certiorari under Rule 64 of the Rules of Court filed by Magkakasama sa Sakahan Kaunlaran Party-list (Magsasaka), claiming that the COMELEC committed grave abuse of discretion in issuing First Division Resolution dated November 25, 2021 and En Banc Resolution dated September 9, 2022 (assailed Resolutions).

The primordial issue in this case is whether or not Soliman Villamin, Jr. (Villamin) had the authority to file a Manifestation of Intention to Participate (MIP) on behalf of Magsasaka for the 2022 National and Local Elections. This controversy stemmed from two separate MIPs filed on behalf of Magsasaka, the first one was filed on February 8, 2021 by Atty. General D. Du (Atty. Du) as Magsasaka's Secretary General, and the second one on March 29, 2021 by Villamin. On June 21, 2021, Atty. Du and Trish Fajilagot Alfon, et al. filed petitions to deny due course the Villamin MIP.[1] They claimed, among others, that Villamin was ousted as the party's National Chairperson and thus no longer had the authority to file the MIP on behalf of Magsasaka.

The COMELEC denied the petitions to deny due course and found that Villamin had the authority to file the MIP. The Decision reverses and sets aside the assailed Resolutions, ruling that Villamin had no authority to file the MIP as he was validly suspended and removed from his position as National Chairperson of Magsasaka.

I recognize that it is our duty to correct findings of the COMELEC when they are promulgated with grave abuse of discretion or in excess or lack of jurisdiction. However, absent any grave abuse of discretion, as in the instant case, we shall respect the findings of the COMELEC and refrain from substituting our own findings with that of the COMELEC.[2] Grave abuse of discretion means such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or, in other words, where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.[3] It is not sufficient that a tribunal, in the exercise of its power, abused its discretion; such abuse must be grave.[4] Errors of procedure or judgment are not correctible by certiorari.[5] Thus, where there is no proof of grave abuse of discretion, arbitrariness, fraud or error of law, this Court may not review the factual findings of the COMELEC, nor substitute its own findings on the sufficiency of evidence.[6]

Contrary to the findings in the Decision, the allegations in the Petition and the supporting voluminous documents fail to support a finding of grave abuse of discretion on the part of the COMELEC. The Court should not rely on the bare allegations contained in the Petition as they are clearly not supported by the evidence on record.

I.

Magsasaka was not deprived of its reasonable opportunity to be heard

The Decision declares that "the COMELEC was quick to brush aside MAGSASAKA's claim that Villamin should have been declared in default when he belatedly filed his Answer and Joint Affidavit, conveniently invoking its authority to liberally construe, or even suspend its own rules." [7] Ultimately, the ponencia seeks to protect Magsasaka from the injustice brought about by the "liberality" extended to Villamin.[8]

I respectfully disagree.

The COMELEC has the discretion to decide whether a party should be declared in default.

The COMELEC is empowered to promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies.[9] Jurisprudence also recognizes and respects the discretion of the COMELEC to liberally construe its rules and suspend the same or any portion thereof in the interest of justice and in order to obtain disposition of all matters pending before it.[10] This obviously includes the power to decide whether a party should be declared in default.

The Court has emphasized that orders of default are frowned upon and not looked upon with favor for they may amount to a positive and considerable injustice to the defendant.[11] The policy of the law is to have every litigant's case tried on the merits as much as possible.[12] In this connection, the Court has enjoined magistrates to act with circumspection and not to precipitately declare parties in default.[13] The rule is that the answer should

be admitted when it is filed before a declaration of default provided there is no showing that defendant intends to delay the proceedings and no prejudice is caused to the plaintiff.[14]

The reason for this is the inevitable delay in the proceedings considering that the party who has been declared in default is not enjoined to appeal the declaration. The declaration in default has no practical purpose[15] and will only result in clogged court dockets and the undue deprivation of the respondent's opportunity to be heard in a case.

In the instant case, the Answer and Judicial Affidavit were already admitted by the COMELEC prior to any declaration of default. Thus, we cannot conclude that it was grave abuse of discretion on the part of the COMELEC when it failed to declare Villamin in default. The COMELEC merely applied the parameters set by the rules and jurisprudence. At any rate, similar to lower courts, it was within the discretion of the COMELEC to accept and admit Villamin's Answer and Judicial Affidavit. This Court shall not easily construe this as bias or leniency. There is no allegation and proof offered by Magsasaka to show that Villamin's failure to file his answer days before the scheduled hearing was intended to delay the case[16] or that the COMELEC's acceptance of his Answer and Judicial Affidavit was impelled by bad faith or malice.

The Decision's reference to *Kho v. COMELEC*[17] in ascribing grave abuse of discretion on the part of the COMELEC is also misplaced. In *Kho*, the Court ruled that the counterprotest must be filed within the period provided by law, otherwise, the court acquires no jurisdiction to entertain it.[18] In this case, however, the Answer and Judicial Affidavit filed by Villamin are not akin to a counterprotest. Therefore, the strict application of the rules and the purported lack of jurisdiction on the part of the COMELEC, as in the case of *Kho*, is not applicable in the present case.

Verily, this Court cannot whimsically overturn the COMELEC's construction of its own rules. To rule otherwise would set a dangerous precedent and give impression that at any time, the Court can substitute the interpretation of constitutional commissions of their own rules of procedure.

On this score, I find that Magsasaka's right to due process was not violated by the admission of Villamin's Answer and Judicial Affidavit.

A party is not deprived of due process when it is given every reasonable opportunity to ventilate its claims and objections.[19] In *Domingo, Jr. v. COMELEC*,[20] the Court emphasized that the essence of due process is simply an opportunity to be heard, i.e., a party may also be heard through his pleadings. Thus, where opportunity to be heard is accorded, either through oral arguments or pleadings, there is no denial of procedural due process. Among other cases, this was reiterated by the Court in *Trinidad v. COMELEC*,[21] *Alauya v. COMELEC*,[22] *Fetalino v. COMELEC*,[23] *Bautista v. COMELEC*,[24] and *Immam v. COMELEC*. [25] In *Domingo*, the Court declared that a party who has filed a motion for reconsideration cannot invoke deprivation of due process.

In this case, Magsasaka was not deprived of its right to due process as it was afforded every opportunity to present and air its side as evidenced by the various pleadings it filed before the COMELEC.

In the following instances, the Court declared that the COMELEC is guilty of grave abuse of discretion in violation of a party's right to due process: (i) when it *motu proprio* suspended the proclamation of a candidate who garnered the highest number of votes;[26] (ii) when the COMELEC approved the Law Department's report and recommendation without notice and hearing;[27] or (iii) when a party was not notified of the clarificatory hearings and was thus deprived of the opportunity to appear in said hearings and to ask questions against the opposing party.[28] None of these circumstances are present in this case.

The Decision states that the right of a party to confront and cross-examine opposing witnesses in a judicial

litigation, be it criminal or civil in nature, or in proceedings before administrative tribunals with quasi-judicial powers, is a fundamental right which is part of our due process.[29] However, the right to cross-examine is not an absolute right which a party can demand at all times.[30] This right is a personal one which may be waived.[31] In addition, the right has always been understood as requiring not necessarily an actual cross-examination but merely an opportunity to exercise the right to cross-examine if desired. What is proscribed by statutory norm and jurisprudential precept is the absence of the opportunity to cross-examine.[32]

In the present case, I find that Magsasaka was not "meaningfully"[33] deprived of its right to cross-examine Villamin. Nothing in the records show that Magsasaka was prevented from asking for a continuance, resetting, or recess of the hearing to be able to conduct a meaningful cross-examination of Villamin. Magsasaka had every opportunity to cross-examine Villamin and shall not be permitted to pass on its failure to avail of remedies available as deprivation of due process or an act of liberality extended to Villamin[34] or be construed as malicious intent.[35]

Finally, the portion of the Decision stating that "Villamin's belated filing [of his Answer and Judicial Affidavit] deprived even the COMELEC itself of the opportunity to exercise its discretion to allow the conduct of cross-examination"[36] does not find support from the evidence on record. There is no basis for Us to say that the COMELEC failed to justly and equitably dispose of the issues in the case due to the belated filing.

Nevertheless, even if we are to strike out the Judicial Affidavit and Answer filed by Villamin, the evidence presented by Magsasaka failed to show that Villamin had no authority to file the MIP on behalf of the party.

II.

Villamin was not validly ousted as the party's National Chairperson and as a member of the party

The Court has no basis to overturn the COMELEC's findings and to declare that he was validly ousted as the party's National Chairperson.

The COMELEC is a constitutional commission tasked to enforce and administer all laws and regulations relative to the conduct of an election and authorized to exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials.[37] The breadth of powers granted to the COMELEC encompasses the authority to determine the sufficiency of allegations contained in every petition filed before it and to decide based on such allegations.[38] The burden of proving factual claims rests on the party raising them.[39] In this case, this burden lies with Magsasaka.[40]

Here, the records of the case clearly show that Magsasaka failed to establish that Villamin was validly ousted as its National Chairperson.

According to Magsasaka's own Saligang Batas, members of the Council of Leaders and other officials may be expelled from their positions.[41] However, the removal or ouster must be in accordance with the party's rules and regulations. Thus, it was incumbent upon Atty. Du, as the petitioner before the COMELEC and this Court, to prove that Villamin was validly ousted as the party's National Chairperson; and thus, no longer had the authority to represent Magsasaka and to file the MIP. Failing in which, Villamin, as the party's National Chairperson at that time, clearly had the authority to file the MIP.[42]

Relevant facts

Before the controversy in Magsasaka's leadership surfaced, Soliman Villamin, Jr. was the Chairperson and Atty.

Du was the General Secretary of the party. Soliman Villamin, Jr., Soliman Villamin, Sr., Joselyn Villamin, Crisanto Cortez, Marianne Co, and Joseph Masacupan (Villamin et al.) were also members of Magsasaka's Council of Leaders.[43]

Atty. Du claimed that Magsasaka received reports of unusual business activities of a certain DV Boer Inc. akin to ponzi or pyramiding schemes. Provincial coordinators of Magsasaka also lodged letter-complaints against six out of 11 members of the Council of Leaders, Villamin, et al., for their participation and connection with DV Boer.[44]

Acting on this, Atty. Du organized two (2) Council of Leaders meetings and one (1) General Assembly (GA) from June 28, 2019 until December 21, 2019, where Villamin et al. were investigated, suspended and eventually ousted as members of the Council of Leaders.[45] Atty. Du anchored his objection to Villamin's MIP, claiming that by virtue of these meetings, Villamin ceased to be the National Chairperson of the party.[46] The details of these meetings are narrated as follows:

(i)

Atty. Du called a Council of Leaders meeting on June 28, 2019 to discuss the DV Boer controversy.[47] Admittedly, Atty. Du did not notify Villamin et al. of the meeting, reasoning that their presence may pre-empt any investigation that would ensue.[48] Atty. Du furthered that MAGSASAKA's Articles of Incorporation authorizes the majority of the Council of Leaders to call for a special meeting.[49] In the June 28, 2019 meeting, those who were present resolved to investigate Villamin et al., and their relationship with D.V. Boer, Inc. They also scheduled another Council meeting on November 3, 2019.

(ii)

On November 3, 2019, the Council resolved to suspend Villamin et al. from MAGSASAKA's Council of Leaders due to suspected illegal business activities.[50]

(iii)

Subsequently, Atty. Du organized a General Assembly (GA) on December 21, 2019 to report to the Kongreso the relationship between Villamin et al. and DV Boer. Atty. Du allegedly notified Villamin et al. of the General Assembly but only Crisanto Cortez attended.[51] In the GA, a new Council of Leaders was elected.[52]

(iv)

Subsequently, on June 26, 2021, in another Magsasaka General Assembly (GA) organized by Atty. Du, Villamin et al. were expelled from the party.[53]

MAGSASAKA's Constitution and By-laws

MAGSASAKA's Saligang Batas at Alituntunin,[54] the party's Constitution and by-laws, details the party's relevant organizational structure as follows:

- all the members of MAGSASAKA are referred to as the Kongreso. Every three (3) years, the Kongreso shall meet in a GA to nominate and elect the Council of Leaders and the Executive Committee (EXECOM) through secret balloting, among other agenda.[55]
- The Council of Leaders is composed of eleven (11) members of the party and in the absence of the Kongreso, is regarded as Magsasaka's most powerful arm.[56]
- The EXECOM which is composed of the Chairperson, Vice Chairperson, Secretary General, Treasurer, and Auditor shall oversee, monitor, and implement the day-to-day operations of the party. The Chairperson shall be the official representative of Magsasaka in all its legal and financial transactions.[57] In his or her absence, the

Secretary-General shall be Magsasaka's representative in these transactions.[58] In addition, the Secretary-General shall be responsible to send notices and prepare agenda for meetings of the Kongreso, the Council of Leaders and the EXECOM.[59]

The removal or ouster of any member of the Council of Leaders or EXECOM shall be instituted by a member of the party through a letter--petition.[60] The removal or ouster shall be approved by 2/3 vote.[61] If the entire leadership or a substantial portion of the Council or EXECOM shall be removed or ousted, the Kongreso shall elect their replacement in a special meeting called for their election.[62] Any vacancy or vacancies in the EXECOM may be filled by the Council until a special meeting of the Kongreso to elect the replacement is called.[63]

In its assailed Resolutions, the COMELEC found that the suspension and removal of Villamin et al. from the party's leadership were not in accordance with Magsasaka's Constitution and by-laws. The COMELEC further found that the procedure pursued by Atty. Du and his faction denied Villamin et al. an opportunity to defend themselves. I agree with the ruling of the COMELEC.

The Decision, however, reverses and sets aside the COMELEC's findings on the basis of the following:

First, by the allegations of Atty. Du in his petition and motion for reconsideration before the COMELEC, viz.:

Villamin had consistently refused to attend meetings of the Council of Leaders and been a no-show, citing reasons as being out of the country, and would only send his people to attend, particularly Cortez. Villamin not only refused MAGSASAKA's attempts to communicate, he was also remiss in his duty to be present as National Chairman and perform his official functions, including facing his partymates to explain his involvement in the DV Boer scam. Curiously, Villamin never debunked this statement.[64]

Second, the Decision finds that Villamin was sufficiently apprised of the subject proceedings concerning his ouster as the party's National Chairperson. It points out that it is contrary to common sense to conclude that the National Chairperson did not know of the proceedings seeking his expulsion, considering the notoriety that such action would have made within the inner circle of the organization, and especially since a majority of the Council of Leaders were present at the expulsion proceedings and that a General Assembly was convened twice for such purpose.[65] To support this conclusion, the Decision explains that with the cases being filed against Villamin and DV Boer, it is also not farfetched that Villamin opted to lie low and bide his time, prioritizing the said cases over his responsibilities to the party.[66] Thus, "MAGSASAKA could not be completely at fault for acting expeditiously to conduct the proceedings."[67]

Third, the Decision further explains that Magsasaka's failure to submit the attendance sheet during the December 21, 2019 GA is not fatal in proving that there was a quorum, since quorum for purposes of the GA is constituted by the official representatives of the members and not literally of the entire membership of the party,[68] viz.:

The attendance of all the members is not required, hut only that of its leaders, acting in a representative capacity. This method of establishing quorum is an internal party practice and has been observed in past General Assemblies of the party. Worthy of note is that Villamin was elected as Chairperson in 2018 in a General Assembly conducted in the same manner - a fact which Villamin never refuted.[69]

The Decision evidently took the bare allegations of Magsasaka and the supposed failure to refute the same as basis for its findings. It bears reiterating that Magsasaka has the burden of proving its allegations and they may not rely on the weakness of the defense of Villamin.[70] The Court should not cite any respondent's failure to refute a petitioner's allegations as basis for its rulings. Basic is the rule that he who alleges bears the burden of proof.

Furthermore, as correctly ruled by the COMELEC, the manner by which Villamin was removed as the party's National Chairperson was clearly not in accordance with the party's by-laws. The party-list's constitution and by-laws shall regulate, govern and control its own actions, affairs and concerns.[71] By-laws are self-imposed private laws binding on all members, directors and officers.[72] The provisions of the articles of incorporation or by-laws must be strictly complied with and applied to the letter.[73] This is especially true for matters concerning termination of membership or ouster from membership[74] and when the by-laws laid down the procedure therefore.

A plain reading of Magsasaka's by-laws vis-à-vis the procedure followed by the Du faction will show that since the beginning, Atty. Du's faction deliberately ignored the party's by-laws in removing or ousting Villamin as the party's National Chairperson. Even the voluminous documents attached to the Petition will show that the actuations of the Du faction were not in accordance with the party's Saligang Batas.

Verily, even the Decision points out that Villamin, et. al. were deliberately not notified of the meetings leading up and concerning their ouster or removal.[75] As Magsasaka's Secretary-General at the time, Atty. Du had the obligation to send out notices for the June 28 and November 3, 2019 meetings. As stated in the minutes of the June 28 meeting, Atty. Du expressed to the body that "he did not send invites" to Villamin et. al.

In addition, the unexplained enumeration of 13 Council of Leaders members during the June 28 and November 3 Council meetings is an irregularity too glaring for the Court to ignore. To reiterate, the undisputed facts in the case are as follows: (i) under the Saligang Batas, there shall be 11 Council members; and (ii) Villamin, et. al. are six individuals who are also Council members. From these alone, the absence of Villamin et. al. during any of the Council meetings will result in a lack of quorum. Magsasaka offered no explanation for this. Moreover, an examination of another Council of Leaders' resolution attached to the Petition only indicated 11 Council members.[76] The Court should not simply brush aside this irregularity as it touches upon the validity of Villamin's removal as the party's Chairperson, an important issue raised in the instant Petition.

I am also of the view that the existence of a quorum during the December 21, 2019 GA is unsupported by the evidence on record. In order to determine whether Villamin was validly ousted, the Court must be able to categorically determine whether there was a quorum during the December 21 GA, either with the entire membership or leader-representation as basis. This will not, in any way, amount to an intrusion by the Court of the party's method of establishing a quorum, be it the quorum of entire membership or party leaders only.

The evidence, or the utter lack thereof, is undeniable. Magsasaka failed to establish the existence of a quorum. The Court, therefore, cannot conclude that there was a quorum in the absence of any evidence to show the party's total number of members or leaders and the names of those who attended the December 21 GA. Even if this Court is to conclude that representative voting is allowed, it is incumbent upon Magsasaka to show that the representatives present during the GA constitute a quorum. In addition to the absence of quorum, Magsasaka likewise failed to show that the meeting was specially called for the election of a new Council of Leaders, as required by the party's Saligang Batas. We cannot rely on the presumption of regularity in the party's conduct of its own affairs[77] given all the aforementioned irregularities.

It is glaring how Atty. Du and his faction failed to abide by the simple procedure and requisites laid down under Magsasaka's Saligang Batas in causing the removal and suspension of Villamin et al. as members of the Council of Leaders and the party. For this reason, I cannot, in good conscience, sanction the glaring violations of Magsasaka's by-laws and the undue haste of Atty. Du and his faction to suspend and oust Villamin et al. as members of the Council and the party. In addition, the statement in the Decision which expressed that "procedural deviations in the removal of a party officer, if any, should not affect the validity of the removal itself"[78] will

serve as a dangerous precedent. This statement may be used as basis to undermine a party's by-laws or rules, regarded as self-imposed private laws binding on all members, under the pretense that it was the "intent of the party"[79] or the "totality of evidence"[80] warrant a deviation from the party's rules.

Therefore, Villamin, as Magsasaka's National Chairperson, legitimately represented the party when he filed the MIP. As such, the COMELEC properly issued a Certificate of Proclamation in favor of Villamin's nominee, Nazal, as Magsasaka's representative in the 19[th] Congress.

All told, the COMELEC could not have issued the assailed Resolutions with grave abuse of discretion amounting to lack or excess of jurisdiction.

I, therefore, vote to DISMISS the Petition.

[1] In Re: Petition to Deny Due Course to the Manifestation of Intent to Participate in the Party-List System of Representation in the 09 May 2022 Elections filed by Soliman Villamin, Jr., docketed as SPP No. 21-002 (MIP). Rollo, pp. 326-339.

[2] See *Domingo, Jr. v. Commission on Elections*, 372 Phil. 188, 202 (1999) [Per J. Gonzaga-Reyes, En Banc].

[3] *Benito v. Commission on Elections*, 402 Phil. 764, 773 (2001) [Per J. De Leon, Jr., En Banc]. See *Tugade v. Commission on Elections*, 546 Phil. 159, 164-165 (2007) [Per J. Sandoval-Gutierrez, En Banc]; and *Suliguin v. Commission on Elections*, 520 Phil. 92, 102 (2006) [Per J. Callejo, Sr., En Banc].

[4] *Benito v. Commission on Elections*, id.

[5] *Peñaflorida v. Commission on Elections*, 283 Phil. 706, 714 (1992) [Per J. Melencio-Herrera, En Banc].

[6] *Malinias v. Commission on Elections*, 439 Phil. 319, 339 (2002) [Per J. Carpio, En Banc].

[7] Decision, p. 11.

[8] Id. at 13.

[9] CONST., Article IX C, sec. 3.

[10] COMELEC RULES OF PROCEDURE, Rule 1, sec. 4. See *Caballero v. COMELEC*, 770 Phil. 94, 109 (2015) [Per J. Peralta, En Banc].

[11] See *Spouses Diaz v. Diaz*, 387 Phil. 314, 336 (2000) [Per J. De Leon, Jr., Second Division].

[12] See *Spouses Lumanas v. Sablas*, 553 Phil. 271, 277 (2007) [Per J. Corona, First Division].

[13] See *Gerian v. Boncaros*, 182 Phil. 373, 378 (1979) [Per J. Teehankee, First Division].

[14] *Vitarich Corp. v. Dagmil*, 880 Phil. 18, 22 (2020) [Per J. Lopez, First Division], citing *Spouses Lumanas v. Sablas*, 553 Phil. 276, 277 (2007) [Per J. Corona, First Division].

[15] *Vitarich Corp. v. Dagmil*, id. at 24.

[16] *Spouses Lumanas v. Sablas*, 553 Phil. 271, 277 (2007) [Per J. Corona, First Division].

[17] 344 Phil. 878 (1997) [Per J. Torres, Jr., En Banc].

[18] Id. at 885-886. See *Lim v. Commission on Elections*, 346 Phil. 733, 741 (1997) [Per J. Mendoza, En Banc].

[19] See *Land Bank of the Philippines v. Manzano*, 824 Phil. 339, 365 (2018) [Per J. Leonen, Third Division].

- [20] 372 Phil. 188 (1999) [Per J. Gonzaga-Reyes, En Banc].
- [21] 373 Phil. 802 (1999) [Per J. Ynares-Santiago, En Banc].
- [22] 443 Phil. 893 (2003) [Per J. Carpio, En Banc].
- [23] 700 Phil. 129 (2012) [Per J. Brion, En Banc].
- [24] 460 Phil. 459 (2003) [Per J. Carpio, En Banc].
- [25] 379 Phil. 953 (2000) [Per J. Ynares-Santiago, En Banc].
- [26] See *Uy, Jr. v. Commission on Elections*, G.R. Nos. 260650 & 260952, August 8, 2023 [Per J.M. Lopez, En Banc] at 16-17. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [27] See *Bautista v. Commission on Elections*, 460 Phil. 459, 481 (2003) [Per J. Carpio, En Banc].
- [28] *Saunar v. Executive Secretary*, 822 Phil. 536, 555 (2017) [Per J. Martires, Third Division].
- [29] Decision, p. 13, citing *Anciro v. People of the Philippines*, 298-A Phil. 624, 637 (1993) [Per J. Davide, Jr., First Division], citing further *Savory Luncheonette v. Lakas ng Manggagawang Pilipino*, 159 Phil. 310 (1975) [Per J. Muñoz Palma, First Division].
- [30] *De la Paz, Jr. v. Intermediate Appellate Court*, 238 Phil. 65, 72 (1987) [Per J. Gutierrez, Jr., Third Division].
- [31] *Dy Teban Trading, Inc. v. Peter C. Dy, et al.*, 814 Phil. 564, 579 (2017) [Per J. Jardeleza, Third Division]. See also *Ayala Land Inc. v. Tagle*, 504 Phil. 94, 105 (2005) [Per J. Chico-Nazario, Second Division].
- [32] *Equitable PCI Banking Corp. v. RCBC Capital Corp.*, 595 Phil. 537, 579 (2008) [Per J. Velasco, Jr., Second Division].
- [33] See Decision, p. 13.
- [34] *Id.* at 12-13.
- [35] Concurring Opinion, Associate Justice Alfredo Benjamin S. Caguioa, p. 3.
- [36] See Decision, p. 13.
- [37] CONST., Article IX-C, secs. 2(1) and (2).
- [38] See *Cagas v. Commission on Elections*, 679 Phil. 640, 654 (2012) [Per J. Bersamin, En Banc].
- [39] See *Domingo, Jr. v. Commission on Elections*, 372 Phil. 188, 201 (1999) [Per J. Gonzaga-Reyes, En Banc].
- [40] See *Lico v. Commission on Elections*, 770 Phil. 444, 462 (2015) [Per C.J. Sereno, En Banc].
- [41] See Decision, p. 14. See rollo, p. 430, *Saligang Batas and Alituntunin*, Article VIII, Section 2.
- [42] COMELEC Resolution No. 9366 (s. 2012), Rule 3, Section 2, provides that any party-list group previously registered under the party-list system of representation, which intends to participate in the next regular national and local elections, shall file with the Commission an MIP in the party-list election. Such manifestation shall be signed by the President/Chairman, or in his absence, the Secretary General of the party or group.
- [43] See rollo, pp. 74-75, MAGSASAKA's Resolution No. 002-2019 dated June 28, 2019.
- [44] See *id.* at 81-84, MAGSASAKA Council of Leaders Resolution No. 003-2019 dated November 3, 2019.

- [45] See *id.* at 332-333, Atty. Du's Petition to Deny Due Course.
- [46] *Id.*
- [47] See rollo, pp. 74-75, MAGSASAKA's Resolution No.002-2019 dated June 28, 2019.
- [48] *Id.*
- [49] *Id.*
- [50] See *id.* at 81-83, MAGSASAKA Council of Leaders Resolution No. 003-2019 dated November 3, 2019.
- [51] See *id.* at 92-97, Minutes of the Meeting dated December 21, 2019.
- [52] See *id.* at 358-359, Manifestation dated January 13, 2020.
- [53] *Id.* at 121, Assembly Resolution No. 02-2021.
- [54] *Id.* at 424-430.
- [55] See *id.* at 426, Saligang Batas and Alituntunin, Article V, Section 1.
- [56] *Id.*
- [57] See *id.*, Saligang Batas and Alituntunin, Article V, Section 3 A (2).
- [58] See *id.*, Saligang Batas and Alituntunin, Article V, Section 3 C (4).
- [59] See *id.*, Saligang Batas and Alituntunin, Article V, Section 3 C (5).
- [60] See *id.* at 430, Saligang Batas and Alituntunin, Article VIII, Section 2.
- [61] See *id.*, Saligang Batas and Alituntunin, Article VIII, Section 3.
- [62] See *id.*, Saligang Batas and Alituntunin, Article VIII, Section 5.
- [63] See *id.* at 426, Saligang Batas and Alituntunin, Article V, Section 2.
- [64] Decision, pp. 16-17.
- [65] *Id.* at 17.
- [66] *Id.*
- [67] *Id.* at 18.
- [68] *Id.*
- [69] *Id.*
- [70] *Peñalber v. Ramos*, 597 Phil. 502 (2009) [Per J. Chico-Nazario, Third Division].
- [71] See *Valley Golf & Country Club, Inc. v. Vda. de Caram*, 603 Phil. 219, 233-234 (2009) [Per J. Tinga, Second Division]. See also the Separate Opinion of J. Brion in *Atong Paglaum, Inc. v. Commission on Elections*, 707 Phil. 454, 595 (2013) [Per J. Carpio, En Banc].
- [72] See *Valley Golf & Country Club, Inc. v. Vda. de Caram*, *id.* at 233-234.
- [73] See *Valley Golf & Country Club, Inc. v. Vda. de Caram*, *id.*

[74] See *Valley Golf & Country Club, Inc. v. Vda. de Caram*, *id.*

[75] Council of Leaders Minutes of the Meeting dated June 28, 2019, *rollo*, pp. 77-78; See Decision, p. 15.

[76] *Rollo*, pp. 124-125

[77] Concurring Opinion, Associate Justice Alfredo Benjamin S. Caguioa, p. 9.

[78] Decision, p. 21.

[79] *Id.*

[80] *Id.*

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