

ZOSIMO J. PAREDES, IN HIS CAPACITY AS PROVINCIAL CHAIRMAN OF THE KILUSANG BAGONG LIPUNAN (KBL) FOR THE PROVINCE OF IFUGAO, PETITIONER, VS. THE COMMISSION ON ELECTIONS AND JOSE G...*G.R. No. 57483. February 20, 1984*

Ponente: FERNANDO, C.J.

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The limited character of this Court's certiorari jurisdiction concerning any "decision, order, or ruling of the Commission [on Elections]" turns out to be an insuperable obstacle to the granting of this petition.

The statement of the case as set forth in the decision sought to be reviewed follows: "This petition seeks the disqualification of respondents Jose Guyguyon, Ricardo Sakai, Pascual Bulayungan, Dominga Bilibli and Paulina Bulahao as candidates for the positions of Mayor, Vice-Mayor and Members of Sangguniang Bayan, respectively, in the Municipality of Kiangnan, Province of Ifugao, in the January 30, 1980 local election on the ground of turncoatism. The respondents were official candidates of the Nacionalista Party (NP) in the aforesaid election. On January 25, 1980, the petitioner filed the instant petition. But before the resolution thereof by this Commission, the local election was held on January 30, 1980 and the respondents garnered the majority of the votes cast for the positions for which they respectively ran. Subsequently, the respondents were proclaimed by the Kiangnan Board of Canvassers, 'without prejudice, however, to the hearing and ruling hereafter* * * involving the question of respondents' disqualification,' pursuant to Item No. 9309 of the Minutes of the Session of the Commission held on February 26, 1980. On February 16, 1981, the parties submitted the case for resolution upon filing of their respective memoranda. During the hearing on said date, the counsel for respondents informed this Commission about the recent death of respondent Bulahao." [1]

Then came the finding of facts: "Considering, appreciating and evaluating the pleadings filed by parties, the evidence and memoranda submitted by them and their submissions, We find the following facts duly established: On November 26, 1979, an organizational meeting of the KBL precinct and barangay committees was held in Kiangnan, Ifugao. Respondent Guyguyon, who at that time was an Adult Education Supervisor under the Ministry of Education and Culture, upon invitation of Jose Bait, Bureau of Agricultural Extension Provincial Officer, attended said meeting. On the precinct level, he was elected Chairman of Precinct No. 27, and on the barangay level, he was elected Barangay Committeeman. He was not then aware that the meeting was a KBL organizational meeting and he was then of the impression that said meeting was only for the purpose of organizing committees that will conduct an information drive in connection with a referendum that may be held in the future. The next day, upon learning that the meeting was a KBL organizational meeting, he immediately wrote a letter (Exhibit 1) to Barangay Chairman Eduardo Sakai, declining his nomination as KBL Chairman of Precinct No. 27, in view of his being in the government service as Adult Education Supervisor under the Ministry of Education and Culture. The latter acknowledged receipt of said letter and expressed his regret for respondent Guyguyon's not joining the KBL party (Exhibit 2). Prior to the meeting on November 26, 1979, he was not a member of any political party.

On an unspecified date, respondent Bulayungan, upon invitation of Glory Dait, wife of the above-named Jose Dait, attended a meeting for the purpose of electing a Chairman of Precinct No. 17 for some future purpose that would effectuate the parliamentary system down to the grass roots level. Those who attended that meeting were not required to make known their political party affiliations. Respondent Bulayungan was elected Chairman of Precinct No. 17 during said meeting. Like respondent Guyguyon, he also attended the KBL organizational meeting on November 26, 1979 and was elected Barangay Committeeman. On November 27, 1979, an organizational meeting of the KBL municipal committee of Kiangnan was held. Respondents Sakai, Bilibli and Bulahao, in their capacity as Sangguniang Bayan Members, attended said meeting, in compliance with a written notice from then Mayor Julian Dulawan requiring all Sangguniang Bayan Members to attend. They were not informed about the nature of said meeting. Upon request of Mayor Dulawan, respondent Sakai presided over the meeting. He inquired from the Mayor what the meeting was about and the latter replied that it was for a movement of the KBL to inform the people of a possible election or referendum that may be held in the near future."^[2]

This finding in the decision under review was considered by respondent Commission decisive: "In all the aforementioned meetings, the respondents did not take an oath of affiliation as members of the KBL. They have been long standing NP members prior to said meetings, except respondent Guyguyon who was not then a member of any political party."^[3]

The petition as well as the Reply stressed strongly what it termed the arbitrary character of the decision under review. From a study of the record as well as of the Comment of Solicitor General, Estelito P. Mendoza,^[4] it cannot be said that such a charge was warranted. The petition must fail.

1. Petitioner in seeking a reversal apparently relied on the authoritative doctrine of this Court last given expression in *Sidro v. Commission on Elections*^[5] in these words: "Thus it was in the first leading case on the matter under the 1935 Constitution, *Sotto v. Commission on Elections*. The opinion of Justice Feria, after setting forth the applicable constitutional provisions and the Rules of Court, stated: 'In accordance with the provision of section 9 of Commonwealth Act No. 657, this Court can not, therefore, review the rulings or findings of fact of the Commission on Elections.' A caveat is in order. Such rulings or findings of fact of the Commission on Elections must be lacking in arbitrariness to be conclusive on this Court."^[6]

2. The above doctrine, of course, is only applicable under facts that would show arbitrariness. As is quite manifest from a reading of the Comment of the Solicitor General, the decision certainly was not tainted by arbitrariness. To that extent, it is free from the infirmity of lack of due process. As was stressed in such Comment, it was supported by substantial evidence. Thus: "Private respondents testified that, although they admittedly attended certain meetings of the KBL, they did so on the belief that these were intended for the organization of civic committees that would disseminate information regarding future plebiscites and elections. There is no reason to think otherwise. Respondents Guyguyon, et al. did not perform any affirmative act clearly establishing their affiliation with the KBL as bona fide members. There is no evidence that they applied for membership or were conferred such status by the appropriate authority in that political party. When they attended the meetings in question, they were not required to establish their credentials. Section 1, article 1 of the Rules of the KBL provides in part that 'Membership is conferred by a majority vote of the Municipal or City Committee or the Central Committee, and is evidenced by a certificate of affiliation issued by the Secretary General of the Party.' There is no evidence that the committees mentioned conferred membership upon any of the private respondents or that the latter have been issued certificates of affiliation by the Secretary General of the KBL."^[7] The probabilities as set forth in the Comment are against the contention of petitioner. Thus: "Moreover, it is not likely that civil service employees like respondent Guyguyon and the others with him would have attended and participated in the meetings in question if they knew that these had a political complexion. Indeed, the evidence shows that immediately upon learning that it was to the position of KBL chairman of Precinct No. 27 that he was elected, respondent Guyguyon wrote the barangay captain declining

said position on the ground that he was barred from accepting it, being a civil service employee." [8]

3. Then the Comment proceeded to demonstrate that the Gabatan doctrine, [9] cited in support of the petition, can readily be distinguished. Thus: "In that case, both Gabatan and Trinidad attended the convention of the KBL held on December 20, 1979 at Pagsanjan, Laguna. They were nominated to run for the positions of mayor and vice-mayor, respectively, of Pagsanjan and they accepted the nomination. Gabatan even attested the minutes of the meeting in his capacity as Chairman of the KBL, Pagsanjan Chapter. In concluding that Gabatan and Trinidad were members of the KBL, the Comelec found that the circumstances indicate that they were completely aware that the KBL meeting or convention was intended to choose the KBL candidate in the forthcoming election. The present case differs from the case of Gabatan because here the evidence shows that private respondents were not aware that the meetings they attended were KBL organizational meetings. In the Gabatan case, the convention precisely chose the KBL candidates for the local election whereas, here, there was no clear political act done by those who attended the Kiangnan meetings. The organization of the barangay and precinct level committees of the KBL could have, at least in appearance, passed for the kind of meetings which the private respondents claimed they attended. Petitioner makes capital of the fact that the names of respondents Guyguyon and Bulayungan appeared on the list of those elected to serve in the precinct and barangay committees submitted by the Barangay Captain to the governing bodies of the KBL. But this list can not be considered binding on respondents Guyguyon and Bulayungan who do not appear to have participated in the preparation of the list." [10]

4. *Reyes v. Commission on Elections* [11] was cited. The prohibited change of party affiliations by an elective official during his term of office and by a candidate for such office within six months immediately preceding or following an election was characterized in such decision as both innovative and mandatory. [12] Once the fact of turncoatism - as the practice became popularly known - had been shown, the disqualification becomes unavoidable. Nothing said in *Reyes*, however, or in subsequent cases for that matter, can be so interpreted as to call for the application of such provision unless there be clear and satisfactory proof of either the elective officer or the candidate for an elective public office having committed the prohibited act. As in ordinary litigation, it is the trier of facts that is vested with broad discretionary authority in the appraisal of the evidence offered. In election controversies, where disqualification is an issue prior to the election, as did happen in this case, although the actual trial took place after the election, it is the respondent Commission. As shown in the preceding pages, it held after a careful study of the evidence of record that there was no cause for disqualification based on turncoatism. There being then no taint of arbitrariness in the conclusion arrived at, its finding, being supported by substantial evidence, is entitled to be accorded full respect.

WHEREFORE, the petition is dismissed for lack of merit.

Teehankee, Makasiar, Aquino, Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Relova, and Gutierrez, Jr., JJ., concur.

Concepcion, Jr., J., no part.

[1] Decision, Annex A to Petition, 1.

[2] *Ibid*, 2. In the meanwhile respondent Paulino Bulahao died.

[3] *Ibid*, 3.

[4] He was assisted by Assistant Solicitor General Reynato S. Puno, Assistant Solicitor General Roberto E. Soberano and Solicitor Roberto A. Abad.

[5] G.R. No. 64033, July 25, 1983, 123 SCRA 759.

[6] Ibid, 762. The Sotto decision, promulgated in 1946, is reported in 76 Phil. 516 (1946). Eleven cases under the present Constitution were cited starting from *Aratuc v. Commission on Elections*, L-49705-09, February 8, 1979, 88 SCRA 251 to *Mangca v. Commission on Elections*, G. R. No. 58309-10, February 25, 1982, 112 SCRA 273.

[7] Comment, 7-8.

[8] Ibid, 9.

[9] *Gabatan v. Commission on Elections*, G. R. No. 52381, January 26, 1980.

[10] Comment, 9-11.

[11] No. 52699, May 15, 1980, 97 SCRA 500.

[12] Ibid, 504. According to Article XII, C, Section 10 of the Constitution: "No elective public officer may change his political affiliation during his term of office, and no candidate for any elective office may change his political party affiliation within six months immediately preceding or following an election, unless otherwise provided by law."

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