

COALITION OF ASSOCIATIONS OF SENIOR CITIZENS IN THE PHILIPPINES, INC. [SENIOR CITIZENS PARTY-LIST], REPRESENTED HEREIN BY ITS CHAIRPERSON AND FIRST NOMINEE, FRANCISCO G. DATOL, ...

G.R. Nos. 206844-45. July 23, 2013

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

The present petitions were filed by the two rival factions within the same party-list organization, the Coalition of Associations of Senior Citizens in the Phil., Inc. (SENIOR CITIZENS) that are now praying for essentially the same reliefs from this Court.

One group is headed by Godofredo V. Arquiza (Rep. Arquiza), the organization's incumbent representative in the House of Representatives. This group shall be hereinafter referred to as the Arquiza Group. The other group is led by Francisco G. Datol, Jr., the organization's erstwhile third nominee. This group shall be hereinafter referred to as the Datol Group.

G.R. Nos. 206844-45 is the Extremely Very Urgent Petition for Certiorari (With Prayer for the Forthwith Issuance of a Writ of Preliminary Injunction and Temporary Restraining Order [TRO] and/or Status Quo Ante Order [SQA0])[1] filed in the name of SENIOR CITIZENS by Francisco G. Datol, Jr. For brevity, we shall refer to this petition as the Datol Group's petition.

G.R. No. 206982 is the Very Urgent Petition for Certiorari (With Application for a Temporary Restraining Order and Writ of Preliminary Injunction)[2] filed on behalf of SENIOR CITIZENS by Rep. Arquiza. We shall refer to this as the Arquiza Group's petition.

The above petitions were filed pursuant to Rule 64[3] in relation to Rule 65[4] of the Rules of Court, both assailing the Omnibus Resolution 5 dated May 10, 2013 of the Commission on Elections (COMELEC) En Banc in SPP No. 12-157 (PLM) and SPP No. 12-191 (PLM). Said Resolution disqualified SENIOR CITIZENS from participating in the May 13, 2013 elections and ordered the cancellation of its registration and accreditation as a party-list organization.

THE ANTECEDENTS

On March 16, 2007, the COMELEC En Banc accredited SENIOR CITIZENS as a party-list organization in a Resolution[6] issued on even date in SPP No. 06-026 (PL).

SENIOR CITIZENS participated in the May 14, 2007 elections. However, the organization failed to get the required two percent (2%) of the total votes cast.[7] Thereafter, SENIOR CITIZENS was granted leave to intervene in the case of Barangay Association for National Advancement and Transparency (BANAT) v. Commission on Elections.[8] In accordance with the procedure set forth in BANAT for the allocation of additional seats under the party-list system, SENIOR CITIZENS was allocated one seat in Congress. Rep.

Arquiza, then the organization's first nominee, served as a member of the House of Representatives.

Subsequently, SENIOR CITIZENS was allowed to participate in the May 10, 2010 elections.

On May 5, 2010, the nominees of SENIOR CITIZENS signed an agreement, entitled Irrevocable Covenant, the relevant terms of which we quote:

IRREVOCABLE COVENANT

KNOW ALL MEN BY THESE PRESENT

We, in representation of our respective personal capacity, hereby covenant and agree as follows:

ARTICLE I

PARTIES AND PERSONS

- ATTY. GODOFREDO V. ARQIDZA, of legal age, married, Filipino, and residing at 1881 C.M. Recto Avenue, Sampaloc, Manila, and representing the Senior Citizens Party-list in my capacity as President with our General Headquarters at Room 404 West Trade Center, 132 West Avenue, hereinafter referred to as the FIRST PARTY;

- ATTY. DAVID L. KHO, of legal age, married, Filipino, and residing at 35 Quezon Avenue, Quezon City, hereinafter referred to as the SECOND PARTY;

- FRANCISCO G. DATOL, JR., of legal age, married, Filipino, and residing at North Olympus Blk., 3, Lot 15 Ph4 Grieg St., Novaliches, Quezon City, hereinafter referred to as the THIRD PARTY;

- REMEDIOS D. ARQUIZA, of legal age, married, Filipino, and residing at 1881 C.M. Recto Avenue, Sampaloc, Manila, hereinafter referred to as the FOURTH PARTY;

- LINDA GADDI DAVID, of legal age, married, Filipino, and residing at 150 Don Francisco, St. Francis Vii., San Fernando, Pampanga City (sic) hereinafter referred to as the FIFTH PARTY;

xxxx

ARTICLE III

THE LIST OF CANDIDATES

We agree that official candidates of the SENIOR CITIZENS PARTY-LIST and in the following order shall be:

Name

CTC No.

Issued at

Issued on

1. Godofredo V. Arquiza

S.C.I.D.#2615256

Manila

04-02-04

2. David L. Kho

16836192

Quezon City

03-15-09

3. Francisco G. Datal, Jr.

27633197

Quezon City

02-10-10

4. Remedios D. Arquiza

S.C.I.D.#50696

Quezon City

01-02-07

5. Linda Gaddi David

CCI2009 12306699

Pampanga

01-04-10

ARTICLE IV

SHARING OF POWER

The Nominees agreed and pledged on their legal and personal honor and interest as well as the legal privileges and rights of the respective party-list offices, under the following circumstances and events:

ELECTION RESULTS

Where only ONE (1) candidate qualifies and is proclaimed, then No. 1 shall assume the Office of Party-list Representative in CONGRESS from July 1, 2010 to June 30, 2012 and shall relinquish his seat in Congress by the proper and legal acts and No. 2 shall assume said seat from July 1, 2012 to June 30, 2013;

In the event TWO (2) candidates qualify and are proclaimed, then, No. 1 shall serve for three (3) years, and No. 2 and No. 3 will each serve for one-and-a-half years.

In the event THREE (3) candidates qualify and are proclaimed, then No. 1 shall serve for three years; No. 2 will serve for two (2) years and afterwards shall relinquish the second seat to No.4 nominee, who will then serve for one (1) year; No. 3 will occupy the third seat for two (2) years and afterwards shall relinquish said seat on the third year to Nominee 5, who will serve for the remaining one (1) year.

In Fine:

If only one (1) seat is won

If three (3) seats are won:

No. 1 nominee = 2 years

No. 1 nominee 3 years

No. 2 nominee = 1 year

No. 2 nominee 2 years

No.3 nominee= 2 years

If two (2) seats are won

No.4 nominee= 1 year

No. 1 nominee= 3 years

No.5 nominee= 1 year

No.2 nominee 1 1/2 years

No.3 nominee= 1 1/2 years

All beginning July 1, 2010

SHARING OF RIGHTS

BENEFITS AND PRIVILEGES

That serving incumbent Congress Representative in the event one or more is elected and qualified shall observe proper sharing of certain benefits by virtue of his position as such, to include among others, appointment of persons in his office, projects which may redound to the benefits and privileges that may be possible under the law.

The above mentioned parties shall oversee the implementation of this COVENANT.

IN WITNESS WHEREOF, the parties hereto have set their hands this [MAY 05 2010] in [QUEZON CITY].

(Signed)

(Signed)

Godofredo V. Arquiza
S.C.L.D. #2615256 Iss. at Manila
on 04-02-04

David L. Kho
CTC#16836192 Iss. at
Quezon City on 03-15-09

(Signed)

(Signed)

Francisco G. Datol, Jr.
CTC#16836192 Iss. at
Quezon City on 03-15-09

Remedios D. Arquiza
S.C.I.D.#50696 Iss. at
Quezon City on 01-02-07

(Signed)

Linda Gaddi David
CTC#CCI2009 12306699 Iss. at
San Fernando, Pampanga on 01-04-10[9]

After the conduct of the May 10, 2010 elections, SENIOR CITIZENS ranked second among all the party-list

candidates and was allocated two seats in the House of Representatives. The first seat was occupied by its first nominee, Rep. Arquiza, while the second was given to its second nominee, David L. Kho (Rep. Kho).

The split among the ranks of SENIOR CITIZENS came about not long after. According to the Datol Group's petition, the members of SENIOR CITIZENS held a national convention on November 27, 2010 in order to address "the unfulfilled commitment of [Rep. Arquiza] to his constituents." [10] Further, a new set of officers and members of the Board of Trustees of the organization were allegedly elected during the said convention. SENIOR CITIZENS' third nominee, Francisco G. Datol, Jr., was supposedly elected as the organization's Chairman. Thereafter, on November 30, 2010, in an opposite turn of events, Datol was expelled from SENIOR CITIZENS by the Board of Trustees that were allied with Rep. Arquiza. [11]

Thenceforth, the two factions of SENIOR CITIZENS had been engaged in a bitter rivalry as both groups, with their own sets of officers, claimed leadership of the organization.

The Resignation of Rep. Kho

On December 14, 2011, Rep. Arquiza informed the office of COMELEC Chairman Sixto S. Brillantes, Jr. in a letter [12] dated December 8, 2011 that the second nominee of SENIOR CITIZENS, Rep. Kho, had tendered his resignation, which was to take effect on December 31, 2011. The fourth nominee, Remedios D. Arquiza, was to assume the vacant position in view of the previous expulsion from the organization of the third nominee, Francisco G. Datol, Jr.

The letter of Rep. Arquiza was also accompanied by a petition [13] dated December 14, 2011 in the name of SENIOR CITIZENS. The petition prayed that the "confirmation and approval of the replacement of Congressman David L. Kho, in the person of the fourth nominee, Remedios D. Arquiza, due to the expulsion of the third nominee, Francisco G. Datol, Jr., be issued immediately in order to pave the way of her assumption into the office." [14] Before the COMELEC, the petition was docketed as E.M. No. 12-040.

Attached to the petition was the resignation letter of Rep. Kho, which was addressed to the Speaker of the House of Representatives. The letter stated thus:

THE HONORABLE SPEAKER
House of Representatives
Congress
Republic of the Philippines
Quezon City

Sir:

I am hereby tendering my irrevocable resignation as Representative of the Senior Citizens Party-list in the House of Representatives, effective December 31, 2011 in the event that only two (2) seats are won by our party-list group; and will resign on June 30, 2012 in case three seats are won.

As a consequence thereof, the Coalition of Associations of Senior Citizens in the Philippines, Inc. shall nominate my successor pursuant to law and Rules on the matter.

Please accept my esteem and respect.

Truly yours,

(Signed)
Rep. David L. Kho
Party-list Congressman

Copy furnished:

The Board of Trustees

Coalition of Associations of Senior Citizens in the Philippines, Inc.[16]

According to the Datol Group, Rep. Kho submitted to them a letter dated December 31, 2011, notifying them of his resignation in this wise:

December 31, 2011

COALITION OF ASSOCIATIONS OF SENIOR CITIZENS IN THE PHILS., INC.

Rm. 405, 4th Floor, WTC Building

132 West Avenue, Quezon City

Gentlemen/Ladies:

It is with deepest regret that I inform this esteemed organization of my decision to resign as the party-list nominee for the House of Representatives this 15th Congress for personal reason already conveyed to you.

Thank you for the opportunity to serve the Senior Citizens of our dear country.

Very truly yours,

(Signed)

DAVID L. KHO[17]

In the interim, during the pendency of E.M. No. 12-040, COMELEC Resolution No. 9366[18] was promulgated on February 21, 2012. Pertinently, Section 7 of Rule 4 thereof provided that:

SEC. 7. Term sharing of nominees. Filing of vacancy as a result of term sharing agreement among nominees of winning party-list groups/organizations shall not be allowed.

On March 12, 2012, the Board of Trustees of SENIOR CITIZENS that were allied with Rep. Arquiza issued Board Resolution No. 003-2012, which pertinently stated thus:

BOARD RESOLUTION NO. 003-2012

Series of 2012

A RESOLUTION RECALLING THE ACCEPTANCE OF THE BOARD IN RESOLUTION NO. 11-0012 OF THE RESIGNATION OF CONGRESSMAN DAVID L. KHO AND ALLOWING HIM TO CONTINUE REPRESENTING THE SENIOR CITIZENS PARTY-LIST IN THE HOUSE OF REPRESENTATIVES, ALLOWING HIM TO CONTINUE HIS TERM AND IMPOSING CERTAIN CONDITIONS ON HIM TO BE PERFORMED WITH THE COALITION;

WHEREAS, the second nominee, Congressman David L. Kho, tendered his resignation as representative of the Senior Citizens Party-list effective December 31, 2011, x x x;

WHEREAS, the said resignation was accepted by the Board of Trustees in a resolution signed unanimously, in view of the nature of his resignation, and in view of his determination to resign and return to private life, x x x;

WHEREAS, after much deliberation and consultation, the said nominee changed his mind and requested the Board of Trustees to reconsider the acceptance, for he also reconsidered his resignation, and requested to continue his term;

WHEREAS, in consideration of all factors affecting the party-list and in view of the forthcoming elections, the Board opted to reconsider the acceptance, recall the same, and allow Cong. David L. Kho to continue his term;

WHEREAS, the Coalition, in recalling the acceptance of the Board, is however imposing certain conditions on

Cong. Kho to be performed;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to recall the acceptance of the resignation of Congressman David L. Kho in view of his request and change of mind, hence allow him to continue his term subject to conditions stated above.[19]

Thereafter, on April 18, 2012, the COMELEC En Banc conducted a hearing on SENIOR CITIZENS' petition in E.M. No. 12-040. At the hearing, the counsel for SENIOR CITIZENS (Arquiza Group) admitted that Rep. Kho's tender of resignation was made pursuant to the agreement entered into by the organization's nominees.[20] However, said counsel also stated that the Board of Trustees of the organization reconsidered the acceptance of Rep. Kho's resignation and the latter was, instead, to complete his term.[21] Also, from the transcript of the hearing, it appears that the Arquiza Group previously manifested that it was withdrawing its petition, but the same was opposed by the Datol Group and was not acted upon by the COMELEC.[22]

On June 27, 2012, the COMELEC En Banc issued a Resolution[23] in E.M. No. 12-040, dismissing the petition of the SENIOR CITIZENS (Arquiza Group). The pertinent portions of the Resolution stated, thus:

First, resignation of Kho, pursuant to the party nominees' term-sharing agreement, cannot be recognized and be given effect so as to create a vacancy in the list and change the order of the nominees.

Under Section 8 of Republic Act No. 7941, the withdrawal in writing of the nominee of his nomination is one of the three (3) exemptions to the rule that "[n]o change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC. " While we can consider the resignation of Rep. Kho as akin to the withdrawal of his own nomination, we are constrained however NOT to recognize such resignation but only in so far as to change the order of petitioner's nominees as submitted to the Commission.

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Considering that it is an admitted fact that the resignation of Rep. Kho was made by virtue of a prior agreement of the parties, we resolve and hereby rule that we cannot recognize such arrangement and accordingly we cannot approve the movement in the order of nominees for being contrary to public policy. The term of office of public officials cannot be made subject to any agreement of private parties. Public office is not a commodity that can be shared, apportioned or be made subject of any private agreement. Public office is vested with public interest that should not be reined by individual interest

In fact, to formalize the policy of disallowing term sharing agreements among party list nominees, the Commission recently promulgated Resolution No. 9366, which provides:

"SEC. 7. Term sharing of nominees. - Filing of vacancy as a result of term sharing agreement among nominees of winning party-list groups/organizations shall not be allowed."

Considering all these, we find the term sharing agreement by the nominees of the Senior Citizen's Party-List null and void. Any action committed by the parties in pursuit of such term-sharing arrangement- including the resignation of Congressman David Kho--cannot be recognized and be given effect. Thus, in so far as this Commission is concerned, no vacancy was created by the resignation of Rep. Kho and there can be no change in the list and order of nominees of the petitioner party-list.

Second, the expulsion of Datol - even if proven true- has no effect in the list and in the order of nominees, thus Remedios Arquiza (the fourth nominee) cannot be elevated as the third nominee.

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It must be noted that the list and order of nominees, after submission to this Commission, is meant to be

permanent. The legislature in crafting Republic Act No. 7941 clearly deprived the party-list organization of the right to change its nominees or to alter the order of nominees once the list is submitted to the COMELEC, except for three (3) enumerated instances such as when: (a) the nominee dies; (b) the nominee withdraws in writing his nomination; or (c) the nominee becomes incapacitated.

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Thus, even if the expulsion of Datol in the petitioner party-list were true, the list and order of nominees of the Senior Citizen's party-list remains the same in so far as we are concerned as it does not fall under one of the three grounds mentioned above. Neither does it have an automatic effect on the organization's representative in the House of Representatives, for once a party-list nominee is "elected" into office and becomes a member of the House, he is treated similarly and equally with the regular district representatives. As such, they can only be expelled or suspended upon the concurrence of the two-thirds of all its Members and never by mere expulsion of a party-list organization.

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WHEREFORE, there being no vacancy in the list of nominees of the petitioner organization, the instant petition is hereby DISMISSED for lack of merit. The list and order of nominees of petitioner hereby remains the same as it was submitted to us there being no legally recognizable ground to cause any changes thereat.[24] (Citation omitted.)

The Datol Group filed A Very Urgent Motion for Reconsideration[25] of the above resolution, but the same remained unresolved.

The Review o(SENIOR CITIZENS' Registration

Meanwhile, the Datol Group and the Arquiza Group filed their respective Manifestations of Intent to Participate in the Party-list System of Representation in the May 13, 2013 Elections under the name of SENIOR CITIZENS[26] The Manifestation of the Datol Group was docketed as SPP No. 12-157 (PLM), while that of the Arquiza Group was docketed as SPP No. 12-191 (PLM).

On August 2, 2012, the COMELEC issued Resolution No. 9513,[27] which, inter alia, set for summary evidentiary hearings by the COMELEC En Banc the review of the registration of existing party-list organizations, which have filed their Manifestations of Intent to Participate in the Party-list System of Representation in the May 13, 2013 Elections.

The two factions of SENIOR CITIZENS appeared before the COMELEC En Banc on August 24, 2012 and they both submitted their respective evidence, which established their continuing compliance with the requirements of accreditation as a party-list organization.[28]

On December 4, 2012, the COMELEC En Banc issued a Resolution[29] in SPP Nos. 12-157 (PLM) and 12-191 (PLM). By a vote of 4-3, the COMELEC En Banc ordered the cancellation of the registration of SENIOR CITIZENS. The resolution explained that:

It shall be recalled that on June 27, 2012, this Commission promulgated its resolution in a petition that involved SENIOR CITIZENS titled "In Re: Petition for Confirmation of Replacement of Resigned Party- List Nominee" and docketed as EM No. 12-040. In the process of resolving the issues of said case, this Commission found that SENIOR CITIZENS nominees specifically nominees David L. K.ho and Francisco G. Datol, Jr. have entered into a term-sharing agreement. x x x.

Nominee David K.ho's term as party-list congressman is three (3) years which starts on June 30, 2010 and to

end on June 30, 2013 as directed no less than by the Constitution of the Philippines. Section 7, Article VI of the 1987 Constitution states:

"Sec. 7. The Members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election."

But following the term-sharing agreement entered into by SENIOR CITIZENS, David Kho's term starts on June 30, 2010 and ends on December 31, 2011, the date of effectivity of Kho's resignation. By virtue of the term-sharing agreement, the term of Kho as member of the House of Representatives is cut short to one year and six months which is merely half of [the] three-year term. This is totally opposed to the prescription of the Constitution on the term of a Member of the House of Representatives. Hence, when confronted with this issue on term sharing done by SENIOR CITIZENS, this Commission made a categorical pronouncement that such term-sharing agreement must be rejected.

x x x x

From the foregoing, SENIOR CITIZENS failed to comply with Section 7, Article VI of the 1987 Constitution and Section 7, Rule 4 of Comelec Resolution No. 9366. This failure is a ground for cancellation of registration under Section 6 of Republic Act No. 7941 which states:

"Section 6. [Refusal] and/or Cancellation of Registration.- The COMELEC may, motu proprio or upon verified [complaint] of any interested party, [refuse] or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization or coalition on any of the following grounds:

xxxx

(5) It violates or fails to comply with laws, rules or regulations relating to elections;

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WHEREFORE, premises considered, the Commission RESOLVED, as it hereby RESOLVES, to CANCEL the registration of Coalition of Associations of Senior Citizens in the Philippines (SENIOR CITIZENS) under the Party-List System of Representation.

The rival factions of SENIOR CITIZENS challenged the above resolution before this Court by filing their respective petitions for certiorari. The petition filed by the Datol Group was docketed as G.R. No. 204421, while the petition of the Arquiza Group was docketed as G.R. No. 204425. On December 11, 2012, the Court initially granted status quo ante orders on said petitions, directing the COMELEC to include the name of SENIOR CITIZENS in the printing of official ballots for the May 13, 2013 party-list elections. Eventually, both petitions were consolidated with the petition in *Atong Paglaum, Inc. v. Commission on Elections*, which was docketed as G.R. No. 203766.

On April 2, 2013, the Court promulgated its Decision in *Atong Paglaum*, which ordered the remand to the COMELEC of the petitions that have been granted mandatory injunctions to include the names of the petitioners in the printing of ballots. Following the parameters set forth in the Court's Decision, the COMELEC was to determine whether said petitioners, which included the two factions of SENIOR CITIZENS, were qualified to register under the party-list system and to participate in the May 13, 2013 elections. For this purpose, the Court stated that the COMELEC may conduct summary evidentiary hearings.

Thereafter, on May 10, 2013, the COMELEC En Banc rendered the assailed Omnibus Resolution in SPP Nos. 12-157 (PLM) and 12-191 (PLM), ruling in this wise:

Guided by these six new parameters [enunciated by the Court in *Atong Paglaum, Inc. v. Commission on*

Elections], as well as the provisions of the Constitution, Republic Act No. 7941 ("R.A. No. 7941") or the Party-List System Act, and other pertinent election laws, and after a careful and exhaustive reevaluation of the documents submitted by the petitioners per their compliance with Resolution No. 9513 ("Res. No. 9513"), the Commission En Banc RESOLVES as follows:

I. SPP Nos. 12-157 (PLM) & 12-191 (PLM)- SENIOR CITIZENS

To DENY the Manifestations of Intent to Participate, and to CANCEL the registration and accreditation, of petitioner Senior Citizens, for violating laws, rules, and regulations relating to elections pursuant to Section 6 (5) of R.A. No. 7941.

The Commission En Banc finds no cogent reason to reverse its earlier finding in the Resolution for SPP Nos. 12-157 (PLM) & 12-191 (PLM) promulgated on 04 December 2012, in relation to the Resolution for E.M. No. 12-040 promulgated on 27 June 2012. The sole ground for which the petitioner Senior Citizens was disqualified was because of the term-sharing agreement between its nominees, which the Commission En Banc found to be contrary to public policy. It will be noted that this ground is independent of the six parameters in Atong Paglaum, and there is nothing in the doctrine enunciated in that case which will absolve the petitioner Senior Citizen of what, to the Commission En Banc, is a clear bastardization of the term of office fixed by Section 7, Article VI of the Constitution as implemented by Section 14 of R.A. No. 7941, which expressly provides that Members of the House of Representatives, including party-list representatives, shall be elected for a term of three years. A term, in the legal sense, is a fixed and definite period of time during which an officer may claim to hold office as a matter of right, a fixed interval after which the several incumbents succeed one another. Thus, service of the term is for the entire period; it cannot be broken down to accommodate those who are not entitled to hold the office.

That the term-sharing agreement was made in 2010, while the expression of the policy prohibiting it was promulgated only in 2012 via Section 7, Rule 4 of Resolution No. 9366 ("Res. No. 9366"), is of no moment. As it was in 2010 as it is now, as it was in 1987 when the Constitution was ratified and as it was in 1995 when R.A. No. 7941 was enacted into law, the agreement was and is contrary to public policy because it subjects a Constitutionally-ordained fixed term to hold public elective office to contractual bargaining and negotiation, and treats the same as though it were nothing more than a contractual clause, an object in the ordinary course of the commerce of men. To accept this defense will not only open the floodgates to unscrupulous individuals, but more importantly it will render inutile Section 16 of R.A. No. 7941 which prescribes the procedure to be taken to fill a vacancy in the available seats for a party-list group or organization. For this mistake, the petitioner Senior Citizens cannot hide behind the veil of corporate fiction because the corporate veil can be pierced if necessary to achieve the ends of justice or equity, such as when it is used to defeat public convenience, justify wrong, or protect fraud. It further cannot invoke the prohibition in the enactment of ex post facto laws under Section 22, Article III of the Constitution because the guarantee only the retrospectivity of penal laws and definitely, Reso. No. 9366 is not penal in character.

From the foregoing, the cancellation of the registration and accreditation of the petitioner Senior Citizens is therefore in order, and consequently, the two Manifestations of Intent to Participate filed with the Commission should be denied.

xxxx

WHEREFORE, the Commission En Banc RESOLVES:

A. To DENY the Manifestations of Intent to Participate, and CANCEL the registration and accreditation, of the following parties, groups, or organizations:

(1) SPP No. 12-157 (PLM) & SPP No. 12-191 (PLM) - Coalition of Associations of Senior Citizens in the Philippines, Inc.;

xxxx

Accordingly, the foregoing shall be REMOVED from the registry of party-list groups and organizations of the Commission, and shall NOT BE ALLOWED to PARTICIPATE as a candidate for the Party-List System of Representation for the 13 May 2013 Elections and subsequent elections thereafter.[30] (Citations omitted.)

On May 13, 2013, the elections proceeded. Despite the earlier declaration of its disqualification, SENIOR CITIZENS still obtained 677,642 votes.

Questioning the cancellation of SENIOR CITIZENS' registration and its disqualification to participate in the May 13, 2013 elections, the Datol Group and the Arquiza Group filed the instant petitions.

On May 15, 2013, the Datol Group filed a Very[2] Urgent Motion to Reiterate Issuance of Temporary Restraining Order and/or Status Quo Ante Order,[31] alleging that the COMELEC had ordered the stoppage of the counting of votes of the disqualified party-list groups. The Datol Group urged the Court to issue a TRO and/or a status quo ante order during the pendency of its petition.

Meanwhile, on May 24, 2013, the COMELEC En Banc issued a Resolution,[32] which considered as final and executory its May 10, 2013 Resolution that cancelled the registration of SENIOR CITIZENS. On even date, the COMELEC En Banc, sitting as the National Board of Canvassers (NBOC), promulgated NBOC Resolution No. 0006-13,[33] proclaiming fourteen (14) party-list organizations as initial winners in the party-list elections of May 13, 2013.

The Arquiza Group filed on May 27, 2013 a Supplement to the "Very Urgent Petition for Certiorari,"[34] also reiterating its application for a TRO and a writ of preliminary injunction.

On May 28, 2013, the COMELEC En Banc issued NBOC Resolution No. 0008-13,[35] which partially proclaimed the winning party-list organizations that filled up a total of fifty-three (53) out of the available fifty-eight (58) seats for party-list organizations.

On May 29, 2013, the Chief Justice issued a TRO,[36] which ordered the COMELEC to submit a Comment on the instant petitions and to cease and desist from further proclaiming the winners from among the party-list candidates in the May 13, 2013 elections.

On June 3, 2013, the Datol Group filed a Most Urgent Motion for Issuance of an Order Directing Respondent to Proclaim Petitioner Pendente Lite.[37]

In a Resolution[38] dated June 5, 2013, the Court issued an order, which directed the COMELEC to refrain from implementing the assailed Omnibus Resolution dated May 10, 2013 in SPP No. 12-157 (PLM) and SPP No. 12-191 (PLM), insofar as SENIOR CITIZENS was concerned and to observe the status quo ante before the issuance of the assailed COMELEC resolution. The Court likewise ordered the COMELEC to reserve the seat(s) intended for SENIOR CITIZENS, in accordance with the number of votes it garnered in the May 13, 2013 Elections. The Court, however, directed the COMELEC to hold in abeyance the proclamation insofar as SENIOR CITIZENS is concerned until the instant petitions are decided. The Most Urgent Motion for Issuance of an Order Directing Respondent to Proclaim Petitioner Pendente Lite filed by the Datol Group was denied for lack of merit.

On June 7, 2013, the COMELEC, through the Office of the Solicitor General (OSG), filed a Comment[39] on the instant petitions. In a Resolution[40] dated June 10, 2013, the Court required the parties to submit their respective memoranda. On June 19, 2013, the Arquiza Group filed its Reply[41] to the Comment of the COMELEC. Subsequently, the Datol Group and the Arquiza Group filed their separate memoranda.[42] On the other hand, the OSG manifested[43] that it was adopting its Comment as its memorandum in the instant case.

THE ISSUES

The Datol Group's memorandum raised the following issues for our consideration:

IV. STATEMENT OF THE ISSUES

4.1

WHETHER OR NOT RESPONDENT COMELEC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT ADDED ANOTHER GROUND (VIOLATION OF PUBLIC POLICY) FOR CANCELLATION OF REGISTRATION OF A PARTY-LIST GROUP AS PROVIDED UNDER SECTION 6, REPUBLIC ACT NO. 7941.

4.2

WHETHER OR NOT RESPONDENT COMELEC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT CANCELLED PETITIONER'S CERTIFICATE OF REGISTRATION/ACCREDITATION WITHOUT DUE PROCESS OF LAW.

4.3

WHETHER OR NOT RESPONDENT COMELEC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT CONCLUDED THAT PETITIONER VIOLATED PUBLIC POLICY ON TERM SHARING.

4.4

WHETHER OR NOT RESPONDENT COMELEC COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT ORDERED THE AUTOMATIC REVIEW BY THE EN BANC OF THE REGISTRATION/ACCREDITATION GRANTED BY ITS DIVISION, NOTWITHSTANDING THE CONSTITUTIONAL PROVISION THAT THE EN BANC CAN ONLY REVIEW DECISIONS OF THE DIVISION UPON FILING OF A MOTION FOR RECONSIDERATION.[44] (Citation omitted.)

Upon the other hand, the memorandum of the Arquiza Group brought forward the following arguments:

4.1. Whether or not COMELEC EN BANC RESOLUTION of MAY 10, q2013 is invalid for being contrary to law and having been issued without or in excess of jurisdiction or in grave abuse of discretion amounting to lack of jurisdiction?

(1) The Comelec En Banc Resolution of May 10, 2013 was issued pursuant to the directive of the Supreme Court in Atong Paglaum. Therefore, the SUBSIDIARY ISSUES arising therefrom are:

- Are there guidelines prescribed in Atong Paglaum to be followed by respondent Comelec in determining which party-list groups are qualified to participate in party-list elections?

- If there are these guidelines to be followed, were these adhered to [by] respondent Comelec?

(2) Is the ground -- the Term-Sharing Agreement between Senior Citizens nominees -- a legal ground to cancel Senior Citizens' Certificate of Registration?

4.2. Whether or not COMELEC EN BANC RESOLUTION of MAY 24, 2013 is invalid for being contrary to law and having been issued without or in excess of jurisdiction or in grave abuse of discretion amounting to lack of jurisdiction?

(1) The SUBSIDIARY ISSUES are:

a. Is the factual basis thereof valid?

b. Has the Comelec En Banc Resolution of May 20, 2013, in fact, become final and executory?

4.3. Whether or not NATIONAL BOARD of CANVASSERS' (NBOC) RESOLUTION No. 0006-13 of MAY

24, 2013 is invalid for being contrary to law and having been issued without or in excess of jurisdiction or grave abuse of discretion amounting to lack of jurisdiction?

(1) The SUBSIDIARY ISSUES are:

- a. Is the factual basis thereof valid?
- b. Is the total of the party-list votes cast which was made as the basis thereof correct?
- c. Has the Justice Carpio Formula prescribed in Banal vs. Comelec been followed?

4.4. Whether or not NBOC RESOLUTION No. 0008-13 of MAY 28, 2013 is invalid for being contrary to law and having been issued without or in excess of jurisdiction or in grave abuse of discretion amounting to lack of jurisdiction?

(1) The SUBSIDIARY ISSUES are identical with those of Issue No.

4.3, namely:

- a. Is the factual basis thereof valid?
- b. Is the total of the party-list votes cast which was made as the basis thereof correct?
- c. Has the Justice Carpio Formula prescribed in Banat vs. Comelec been followed?

4.5. What is the cardinal rule in interpreting laws/rules on qualifications and disqualifications of the candidates after the election where they have received the winning number of votes?

4.6. May the COMELEC En Banc Resolutions of May 10 and 24, 2013 and NBOC Resolutions of May 24 and 28, 2013 be annulled and set aside?[45]

THE COURT'S RULING

After reviewing the parties' pleadings, as well as the various resolutions attached thereto, we find merit in the petitioners' contentions.

SENIOR CITIZENS' Right to Due Process

First, we shall dispose of the procedural issue. In their petitions, the two rival groups of SENIOR CITIZENS are actually one in asserting that the organization's disqualification and cancellation of its registration and accreditation were effected in violation of its right to due process.

The Arquiza Group argues that no notice and hearing were given to SENIOR CITIZENS for the cancellation of its registration on account of the term-sharing agreement of its nominees. The Arquiza Group maintains that SENIOR CITIZENS was summoned only to a single hearing date in the afternoon of August 24, 2012 and the COMELEC's review therein focused on the group's programs, accomplishments, and other related matters. The Arquiza Group asserts that SENIOR CITIZENS was not advised, before or during the hearing, that the issue of the term-sharing agreement would constitute a basis for the review of its registration and accreditation.

Likewise, the Datol Group faults the COMELEC for cancelling the registration and accreditation of SENIOR CITIZENS without giving the latter the opportunity to show that it complied with the parameters laid down in Atong Paglaum. The Arquiza Group confirms that after the promulgation of Atong Paglaum, the COMELEC conducted summary hearings in executive sessions, without informing SENIOR CITIZENS. The Arquiza Group says that it filed a "Very Urgent Motion To Set Case For Hearing Or To Be Included In The Hearing Set On Thursday, May 9, 2013," but its counsel found that SENIOR CITIZENS was not included in the hearings wherein

other party-list groups were heard by the COMELEC. The Arquiza Group subsequently filed on May 10, 2013 a "2nd Very Urgent Motion To Set Case For Public Hearing," but the same was also not acted upon. The Arquiza Group alleges that it only found out after the elections that the assailed May 10, 2013 Omnibus Resolution was issued and the Arquiza Group was not actually served a copy thereof.

Section 6 of Republic Act No. 7941[46] provides for the procedure relative to the review of the registration of party-list organizations, to wit:

SEC. 6. Refusal and/or Cancellation of Registration. - The COMELEC may, motu proprio or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization or coalition on any of the following grounds:

- (1) It is a religious sect or denomination, organization or association organized for religious purposes;
- (2) It advocates violence or unlawful means to seek its goal; (3) It is a foreign party or organization;
- (4) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- (5) It violates or fails to comply with laws, rules or regulations relating to elections;
- (6) It declares untruthful statements in its petition;
- (7) It has ceased to exist for at least one (1) year; or
- (8) It fails to participate in the last two (2) preceding elections or fails to obtain at least two per centum (2%) of the votes cast under the party-list system in the two (2) preceding elections for the constituency in which it has registered.

Unquestionably, the twin requirements of due notice and hearing are indispensable before the COMELEC may properly order the cancellation of the registration and accreditation of a party-list organization. In connection with this, the Court lengthily discussed in *Mendoza v. Commission on Elections* [47] the concept of due process as applied to the COMELEC. We emphasized therein that:

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. x x x.
- (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. (Emphases ours, citations omitted.)

In the instant case, the review of the registration of SENIOR CITIZENS was made pursuant to COMELEC Resolution No. 9513 through a summary evidentiary hearing carried out on August 24, 2012 in SPP No. 12-157 (PLM) and SPP No. 12-191 (PLM). In this hearing, both the Arquiza Group and the Dato! Group were indeed given the opportunity to adduce evidence as to their continuing compliance with the requirements for party-list accreditation. Nevertheless, the due process violation was committed when they were not apprised of the fact that the term-sharing agreement entered into by the nominees of SENIOR CITIZENS in 2010 would be a material consideration in the evaluation of the organization's qualifications as a party-list group for the May 13, 2013 elections. As it were, both factions of SENIOR CITIZENS were not able to answer this issue squarely. In other words, they were deprived of the opportunity to adequately explain their side regarding the term-sharing agreement and/or to adduce evidence, accordingly, in support of their position.

In its Comment[48] to the petitions, the COMELEC countered that petitioners were actually given the opportunity to present their side on the issue of the term-sharing agreement during the hearing on April 18, 2012.[49] Said hearing was allegedly conducted to determine petitioners' continuing compliance for accreditation as a party-list organization.

The Court is not persuaded. It is true that during the April 18, 2012 hearing, the rival groups of SENIOR CITIZENS admitted to the existence of the term-sharing agreement. Contrary to the claim of COMELEC,

however, said hearing was conducted for purposes of discussing the petition of the Arquiza Group in E.M. No. 12-040. To recall, said petition asked for the confirmation of the replacement of Rep. Kho, who had tendered his resignation effective on December 31, 2011. More specifically, the transcript of the hearing reveals that the focus thereof was on the petition filed by the Arquiza group and its subsequent manifestation, praying that the group be allowed to withdraw its petition. Also, during the hearing, COMELEC Chairman Brillantes did admonish the rival factions of SENIOR CITIZENS about their conflicts and warned them about the complications brought about by their term-sharing agreement. However, E.M. No. 12-040 was not a proceeding regarding the qualifications of SENIOR CITIZENS as a party-list group and the issue of whether the term-sharing agreement may be a ground for disqualification was neither raised nor resolved in that case. Chairman Brillantes's remonstrance was not sufficient as to constitute a fair warning that the term-sharing agreement would be considered as a ground for the cancellation of SENIOR CITIZENS' registration and accreditation.

Furthermore, after the promulgation of *Atong Paglaum*, which remanded, among other cases, the disqualification cases involving SENIOR CITIZENS, said organization should have still been afforded the opportunity to be heard on the matter of the term-sharing agreement, either through a hearing or through written memoranda. This was the proper recourse considering that the COMELEC was about to arrive at a final determination as to the qualification of SENIOR CITIZENS. Instead, the COMELEC issued the May 10, 2013 Omnibus Resolution in SPP No. 12-157 (PLM) and SPP No. 12-191 (PLM) without conducting any further proceedings thereon after its receipt of our Decision in *Atong Paglaum*.

The Prohibition on Term-sharing

The second issue both raised by the petitioners herein constitute the threshold legal issue of the instant cases: whether the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the assailed Omnibus Resolution, disqualifying and cancelling the registration and accreditation of SENIOR CITIZENS solely on account of its purported violation of the prohibition against term-sharing.

The Datol Group argues that the public policy prohibiting term-sharing was provided for under Section 7, Rule 4 of COMELEC Resolution No. 9366, which was promulgated only on February 21, 2012. Hence, the resolution should not be made to apply retroactively to the case of SENIOR CITIZENS as nothing therein provides for its retroactive effect. When the term-sharing agreement was executed in 2010, the same was not yet expressly proscribed by any law or resolution.

Furthermore, the Datol Group points out that the mere execution of the Irrevocable Covenant between the nominees of SENIOR CITIZENS for the 2010 elections should not have been a ground for the cancellation of the organization's registration and accreditation because the nominees never actually implemented the agreement.

In like manner, the Arquiza Group vehemently stresses that no term-sharing actually transpired between the nominees of SENIOR CITIZENS. It explained that whatever prior arrangements were made by the nominees on the term-sharing agreement, the same did not materialize given that the resignation of Rep. Kho was disapproved by the Board of Trustees and the members of SENIOR CITIZENS.

Still, granting for the sake of argument that the term-sharing agreement was actually implemented, the Arquiza Group points out that SENIOR CITIZENS still cannot be held to have violated Section 7 of Resolution No. 9366. The term-sharing agreement was entered into in 2010 or two years prior to the promulgation of said resolution on February 21, 2012. Likewise, assuming that the resolution can be applied retroactively, the Arquiza Group contends that the same cannot affect SENIOR CITIZENS as it already earned a vested right in 2010 as party-list organization.

Article 4 of the Civil Code states that "[l]aws shall have no retroactive effect, unless the contrary is provided." As held in *Commissioner of Internal Revenue v. Reyes*,^[50] "[t]he general rule is that statutes are prospective. However, statutes that are remedial, or that do not create new or take away vested rights, do not fall under the general rule against the retroactive operation of statutes." We also reiterated in *Lintag and Arrastia v. National Power Corporation*^[51] that:

It is a well-entrenched principle that statutes, including administrative rules and regulations, operate prospectively unless the legislative intent to the contrary is manifest by express terms or by necessary implication because the retroactive application of a law usually divests rights that have already become vested. This is based on the Latin maxim: *Lex prospicit non respicit* (the law looks forward, not backward). (Citations omitted.)

True, COMELEC Resolution No. 9366 does not provide that it shall have retroactive effect. Nonetheless, the Court cannot subscribe to the argument of the Arquiza Group that SENIOR CITIZENS already earned a vested right to its registration as a party-list organization.

Montesclaros v. Commission on Elections^[52] teaches that "[a] public office is not a property right. As the Constitution expressly states, a '[P]ublic office is a public trust.' No one has a vested right to any public office, much less a vested right to an expectancy of holding a public office." Under Section 2(5), Article IX-C of the Constitution, the COMELEC is entrusted with the function to "[r]egister, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government." In fulfilling this function, the COMELEC is duty-bound to review the grant of registration to parties, organizations, or coalitions already registered in order to ensure the latter's continuous adherence to the requirements prescribed by law and the relevant rulings of this Court relative to their qualifications and eligibility to participate in party-list elections.

The Arquiza Group cannot, therefore, object to the retroactive application of COMELEC Resolution No. 9366 on the ground of the impairment of SENIOR CITIZENS' vested right.

Be that as it may, even if COMELEC Resolution No. 9366 expressly provided for its retroactive application, the Court finds that the COMELEC En Banc indeed erred in cancelling the registration and accreditation of SENIOR CITIZENS.

The reason for this is that the ground invoked by the COMELEC En Banc, i.e., the term-sharing agreement among the nominees of SENIOR CITIZENS, was not implemented. This fact was manifested by the Arquiza Group even during the April 18, 2012 hearing conducted by the COMELEC En Banc in E.M. No. 12-040 wherein the Arquiza Group manifested that it was withdrawing its petition for confirmation and approval of Rep. Kho's replacement. Thereafter, in its Resolution dated June 27, 2012 in E.M. No. 12-040, the COMELEC En Banc itself refused to recognize the term-sharing agreement and the tender of resignation of Rep. Kho. The COMELEC even declared that no vacancy was created despite the execution of the said agreement. Subsequently, there was also no indication that the nominees of SENIOR CITIZENS still tried to implement, much less succeeded in implementing, the term-sharing agreement. Before this Court, the Arquiza Group and the Datol Group insist on this fact of non-implementation of the agreement. Thus, for all intents and purposes, Rep. Kho continued to hold his seat and served his term as a member of the House of Representatives, in accordance with COMELEC Resolution No. 9366 and the COMELEC En Banc ruling in E.M. No. 12-040. Curiously, the COMELEC is silent on this point.

Indubitably, if the term-sharing agreement was not actually implemented by the parties thereto, it appears that SENIOR CITIZENS, as a party-list organization, had been unfairly and arbitrarily penalized by the COMELEC

En Banc. Verily, how can there be disobedience on the part of SENIOR CITIZENS when its nominees, in fact, desisted from carrying out their agreement? Hence, there was no violation of an election law, rule, or regulation to speak of. Clearly then, the disqualification of SENIOR CITIZENS and the cancellation of its registration and accreditation have no legal leg to stand on.

In sum, the due process violations committed in this case and the lack of a legal ground to disqualify the SENIOR CITIZENS spell out a finding of grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the COMELEC En Banc. We are, thus, left with no choice but to strike down the assailed Omnibus Resolution dated May 10, 2013 in SPP No. 12-157 (PLM) and SPP No. 12-191 (PLM).

In light of the foregoing discussion, the Court finds no need to discuss the other issues raised by the petitioners. In particular, the dispute between the rival factions of SENIOR CITIZENS, not being an issue raised here, should be threshed out in separate proceedings before the proper tribunal having jurisdiction thereon.

Having established that the COMELEC En Banc erred in ordering the disqualification of SENIOR CITIZENS and the cancellation of its registration and accreditation, said organization is entitled to be proclaimed as one of the winning party-list organizations in the recently concluded May 13, 2013 elections.

WHEREFORE, the Court hereby rules that:

(1) The Extremely Very Urgent Petition for Certiorari (With Prayer for the Forthwith Issuance of a Writ of Preliminary Injunction and Temporary Restraining Order [TRO] and/or Status Quo Ante Order [SQAQO]) in G.R. Nos. 206844-45 and the Very Urgent Petition for Certiorari (With Application for a Temporary Restraining Order and Writ of Preliminary Injunction) in G.R. No. 206982 are GRANTED;

(2) The Omnibus Resolution dated May 10, 2013 of the Commission on Elections En Banc in SPP No. 12-157 (PLM) and SPP No. 12-191 (PLM) is REVERSED and SET ASIDE insofar as Coalition of Associations of Senior Citizens in the Philippines, Inc. is concerned; and

(3) The Commission on Elections En Banc is ORDERED to PROCLAIM the Coalition of Associations of Senior Citizens in the Philippines, Inc. as one of the winning party-list organizations during the May 13, 2013 elections with the number of seats it may be entitled to based on the total number of votes it garnered during the said elections.

No costs.

SO ORDERED.

Sereno, C.J., Carpio, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, and Leonen, JJ., concur.

Velasco, Jr., J., no part due to party list affiliation of wife.

[1] Rollo (G.R. Nos. 206844-45), pp. 3-47.

[2] Rollo (G.R. No. 206982), pp. 3-23.

[3] Rule 64 of the Rules of Court provides for the Review of Judgments and Final Orders or Resolutions of the Commission on Elections and the Commission on Audit.

[4] Rule 65 of the Rules of Court deals with the special civil actions of Certiorari, Prohibition and Mandamus.

[5] Rollo (G.R. Nos. 206844-45), pp. 48-60.

[6] Rollo (G.R. No. 206982), pp. 38-43.

[7] Id. at 6.

[8] G.R. No. 179271, April 21, 2009, 586 SCRA 210.

[9] Rollo (G.R. Nos. 206844-45), pp. 70-72.

[10] Id. at 10.

[11] Id. at 61. See COMELEC Resolution dated December 4, 2012.

[12] Id. at 204. The letter dated December 8, 2011 was quoted in the Excerpt from the Minutes of the Regular En Banc Meeting of the Commission on Elections held on February 21, 2012, which was part of the annexes attached to the Datol Group's petition.

[13] Id. at 205. The petition dated December 14, 2011 was partly quoted in the Excerpt from the Minutes of the Regular En Banc Meeting of the Commission on Elections held on February 21, 2012, which was part of the annexes attached to the Datol Group's petition.

[14] Id.

[15] The letter itself was undated, but on its face, the same was notarized on May 14, 2010.

[16] Rollo (G.R. Nos. 206844-45), p. 76.

[17] Id. at 109.

[18] COMELEC Resolution No. 9366 is entitled "Rules and Regulations Governing the 1) Filing of Petitions for Registration; 2) Filing of Manifestation of Intent to Participate; 3) Submission of Names of Nominees; and 4) Filing of Disqualification Cases Against Nominees of Party-List Groups or Organizations Participating under the Party-List System of Representation in Connection with the May 13, 2013 National and Local Elections, and Subsequent Elections Thereafter." ; (visited July II, 2013).

[19] Rollo (G.R. Nos. 206844-45), p. 591.

[20] Id. at 118-122; TSN, April 18, 2012, pp. 9-13.

[21] Id. at 124; id. at 15.

[22] Id. at 136-138, 161-162; id. at 27-29, 52-53.

[23] Id. at 183-188; penned by COMELEC Chairman Sixto S. Brillantes, Jr.

[24] Id. at 184-188.

[25] Id. at 189-200.

[26] The Datol Group filed its Manifestation on May 9, 2012 (Rollo [G.R. Nos. 206844-45], pp. 310-321) while the Arquiza Group filed its Manifestation on May 28, 2012 (Rollo [G.R. No. 206982], pp. 44-57).

[27] COMELEC Resolution No. 9513 is entitled "In the Matter of: (1) the Automatic Review by the Commission En Banc of Pending Petitions for Registration of Party-List Groups; and (2) Setting for Hearing the Accredited Party-List Groups Or Organizations which are Existing and which have filed Manifestations of Intent to Participate in the 2013 National and Local Elections." The relevant portions of the fallo thereof states:

NOW THEREFORE, in view of the foregoing, the Commission on Elections, virtue of the powers vested in it by

the Constitution, the Omnibus Election Code, and Republic Act No. 7941 or the "Party-List System Act", hereby RESOLVES to promulgate the following:

xxxx

2. To set for summary evidentiary hearings by the Commission En Bane, for purposes of determining their continuing compliance with the requirements of R.A. No. 7941 and the guidelines in the Ang Bagong Bayani case, and, if non-compliant, cancel the registration of the following:

(a) Party-list groups or organizations which are already registered and accredited and will participate in the May 13, 2013 Elections, provided that the Commission En Banc has not passed upon the grant of their respective Petitions for Registration; and

(b) Party-list groups or organizations which are existing and retained in the list of Registered Party-List Parties per Resolution No. 9412, promulgated on 27 April 2012, and which have filed their respective Manifestations of Intent to Participate in the Part-List System of Representation in the May 13, 2013 Elections.

Let the Clerk of the Commission implement this Resolution.

The Education and Information Department of the Commission shall cause the publication of this Resolution in two (2) daily newspapers of general circulation.

SO ORDERED. ; (visited July 11, 2013).

[28] Rollo (G.R. Nos. 206844-45), p. 13; rollo (G.R. No. 206982), p. 10.

[29] Id. at 61-69.

[30] Id. at 51-59.

[31] Id. at 322-329.

[32] Rollo (G.R. No. 206982), pp. 150-153.

[33] Id. at 154-155.

[34] Id. at 109-131.

[35] Rollo (G.R. Nos. 206844-45), pp. 580-582.

[36] Id. at 351-353.

[37] Id. at 330-344.

[38] Id. at 354-356.

[39] Id. at 371-406.

[40] Id. at 441-442.

[41] Id. at 443-458.

[42] Id. at 492-527, 528-574.

[43] Id. at 631-636.

[44] Id. at 499-500.

[45] Rollo (G.R. No. 206982), pp. 544-546.

[46] Republic Act No. 7941 is entitled "An Act Providing for the Election of Party-List Representatives Through the Party-List System, and Appropriating Funds Therefor."

[47] G.R. No. 188308, October 15, 2009, 603 SCRA 692, 712-714.

[48] Rollo (G.R. Nos. 206844-45), pp. 371-406.

[49] In the Comment of the COMELEC, the date of the hearing was erroneously stated as August 18, 2012.

[50] 516 Phil. 176, 188 (2006).

[51] 555 Phil. 263, 272 (2007).

[52] 433 Phil. 620, 637 (2002).

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