EN BANC

G.R. No. 211140 - *Lord Allan Jay Q. Velasco v. Hon. Speaker Feliciano R. Belmonte, Jr., Secretary General Marilyn B. Barua-Yap and Regina Ongsiako Reyes*

Promulgated

January 12, 2016

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CONCURRING OPINION

PEREZ, *J.*:

The *ponencia*, upon which this concurrence hinges, postulates that the administration of oath and the registration of petitioner Lord Allan Jay Velasco (Velasco) in the Roll of Members of the House of Representatives for the Lone District of the Province of Marinduque is no longer a matter of discretion on the part of respondents House Speaker Feliciano R. Belmonte, Jr. (Belmonte) and Secretary General Marilyn B. Barua-Yap (Barua-Yap).[1] Hence, the petition for *mandamus* must be granted.

I join the *ponencia* in the vote to grant the instant petition.

I

Preliminarily, the theory of respondent Regina Ongsiako Reyes (Reyes) - that the instant petition is in actuality an election contest, a veiled action for *quo warranto* - is rejected.

While *quo warranto* and *mandamus* are often concurrent remedies, there exists a clear distinction between the two. The authorities are agreed that *quo warranto* is the remedy to try the right to an office or franchise and to oust the holder from its enjoyment, while *mandamus* only lies to enforce clear legal duties.[2] In the case at bench, I concur with the *ponencia* that the present petition seeks the "enforcement of clear legal duties" as it does not seek to try disputed title.[3] It no longer puts in issue the validity of Reyes's claim to office - a question that has long been resolved by the Court in its twin Resolutions in the antecedent case of *Reyes v. COMELEC (Reyes),*[4] docketed as G.R. No. 207264, wherein the Court sustained

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1 *Ponencia,* p. 13.

2 *Lota v. Court of Appeals*, G.R. No. L-14803, June 30, 1961, 2 SCRA 715, 718.

3 *Ponencia,* p. 12.

4 G.R. No. 207264, June 25, 2013, 699 SCRA 522, 538, and G.R. No. 207264, October 22, 2013, 708 SCRA 197.

the polling commission's cancellation of respondent Reyes' Certificate of Candidacy (CoC) on the ground that she does not possess the necessary eligibility to hold elective office as a member of Congress. In *Reyes,* the Court pronounced in no less than categorical terms that:[5]

> As to the issue of whether the petitioner failed to prove her Filipino citizenship, as well as her one-year residency in Marinduque, suffice it to say that the COMELEC committed no grave abuse of discretion in finding her ineligible for the position of Member of the House of Representatives.

Our edict became final and executory, as a matter of course, upon denial of Reyes' motion for reconsideration on October 22, 2013. There is, consequently, no "disputed title" to speak of which ought to be resolved through a *quo warranto* proceeding.

Instead, the primordial issue, in this case for *mandamus*, is whether or not respondents Belmonte and Barua-Yap can and should be compelled (1) to swear in petitioner as the duly elected Representative of the lone legislative district of Marinduque, and (2) to include petitioner's name and delete that of Reyes' in the Roll of Members of the House of Representatives, respectively. Petitioner asserts that in the aftermath of *Reyes*, his clear and enforceable legal right to assume office must be recognized.

The claim is meritorious.

It is a fundamental precept in remedial law that for the extraordinary writ of *mandamus* to be issued, it is essential that the petitioner has **a clear legal right to the thing demanded and** it must be **the imperative duty of the respondent to perform the act required**.[6] As will be demonstrated, it is beyond cavil that the dual elements for the *mandamus* petition to prosper evidently obtain in the case at bar.

a. *Petitioner's clear legal right*

Well-settled is that the legal right of the petitioner to the performance of the particular act which is sought to be compelled by *mandamus* must be clear and complete. A clear legal right within the meaning of this rule means a right clearly founded in, or granted by law; a right which is inferable as a matter of law.[7]

Here, petitioner indubitably established his right to be acknowledged as a member of the House of Representatives. To elucidate, there were only two (2) candidates in the 2013 congressional race for the Lone District of Marinduque: petitioner Velasco and respondent Reyes. In the initial canvassing results, Reyes garnered more votes than Velasco.[8] Before she could be proclaimed the winner,

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5 Id.

6 *Philippine Coconut Authority v. Primex Coco Products, Inc.*, G.R. No. 163088, July 20, 2006, 495 SCRA 763, 777.

7 *Palileo v. Ruiz Castro*, No. L-3261, December 29, 1949, 85 Phil 272, 275.

8 J. Leonen, Dissenting Opinion, p. 11.

however, the COMELEC First Division, acting on the Petition to Deny Due Course or Cancel the Certificate of Candidacy[9] filed by one Joseph Socorro Tan and docketed as SPA No. 13-053,[10] by Resolution dated March 27, 2013, cancelled Reyes' CoC.[11] Borrowing the words of the Court in *Reyes*:

> The COMELEC First Division found that, contrary to the declarations that she made in her COC, [Reyes] is not a citizen of the Philippines because of her failure to comply with the requirements of Republic Act (R.A.) No. 9225 or the *Citizenship Retention and Re-acquisition Act of 2003*, namely: (1) to take an oath of allegiance to the Republic of the Philippines; and (2) to make a personal and sworn renunciation of her American citizenship before any public officer authorized to administer an oath. In addition, the COMELEC First Division ruled that she did not have the one-year residency requirement under Section 6, Article VI of the 1987 Constitution. **Thus, she is ineligible to run for the position of Representative for the lone district of Marinduque.** (Emphasis and words in brackets added)

The division ruling, in no time, was elevated to the COMELEC *en banc*, only to be affirmed on May 14, 2013.[12] Reyes would receive a copy of the *en banc* Resolution two (2) days later on May 16, 2013. Nevertheless, she would only assail the ruling *via* petition for certiorari with the Court on June 7, 2013. Needless to say, no injunctive writ was issued by the Court in the interim. There was, effectively, no restraint against the enforcement of Reyes' disqualification, a legal bar to a valid proclamation. As held in *Reyes*:[13]

> It is error to argue that the five days should pass before the petitioner is barred from being proclaimed. Petitioner lost in the COMELEC as respondent. Her certificate of candidacy has been ordered cancelled. She could not be proclaimed because there was a final finding against her by the COMELEC. She needed a restraining order from the Supreme Court to avoid the final finding. After the five days when the decision adverse to her became executory, the need for Supreme Court intervention became even more imperative. She would have to base her recourse on the position that the COMELEC committed grave abuse of discretion in cancelling her certificate of candidacy and that a restraining order, which would allow her proclamation, will have to be based on irreparable injury and demonstrated possibility of grave abuse of discretion on the part of the

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9 Filed on October 10, 2012.

10 Petition for Cancellation of Certificate of Candidacy, entitled *Joseph Socorro Tan v. Regina Ongsiako Reyes*.

11 See *Reyes v. COMELEC*, supra note 4 at 529.

12 Id. at 530.

13 Footnote No. 3 of the October 22, 2013 Resolution distinguished between a final judgment and one that is final and executory in the following wise: "The concept of 'final' judgment, as distinguished from one which has 'become final' (or 'executory' as of right [final and executory]), is definite and settled. A 'final' judgment or order is one that finally disposes of a case, leaving nothing more to be done by the Court in respect thereto, e.g., an adjudication on the merits which, on the basis of the evidence presented at the trial, declares categorically what the rights and obligations of the parties are and which party is in the right; or a judgment or order that dismisses an action on the ground, for instance, of *res adjudicata* or prescription. Once rendered, the task of the Court is ended, as far as deciding the controversy or determining the rights and liabilities of the litigants is concerned. Nothing more remains to be done by the Court except to await the parties' next move (which among others, may consist of the filing of a motion for new trial or reconsideration, or the taking of an appeal) and ultimately, of course, to cause the execution of the judgment once it becomes 'final' or, to use the established and more distinctive term, 'final and executory.' *See Investments Inc v. Court of Appeals*, 231 Phil. 302, 307 (1987)."

> COMELEC. In this case, before and after the 18 May 2013 proclamation, there was not even an attempt at the legal remedy, clearly available to her, to permit her proclamation. What petitioner did was to "take the law into her hands" and secure a proclamation in complete disregard of the COMELEC *En Banc* decision that was final on 14 May 2013 and final and executory five days thereafter.

SPA No. 13-053 eventually made its way to this Court (the *Reyes* case), docketed as G.R. No. 207264, but We dismissed Reyes' petition and subsequent motion for reconsideration questioning the findings of the COMELEC for lack of merit on June 25, 2013 and October 22, 2013, respectively.[14] Undeterred, Reyes, on November 27, 2013, filed a Motion for Leave of Court to File and Admit Motion for Reconsideration, which was treated as a second motion for reconsideration, a prohibited pleading. Unavoidably, the motion was denied on December 3, 2013, serving as the final nail in the coffin, laying the highly-contested issue regarding Reyes' eligibility to rest.[15]

Upon resolving with finality that Reyes is ineligible to run for Congress and that her CoC is a nullity, the only logical consequence is to declare Velasco, Reyes' only political rival in the congressional race, as the victor in the polling exercise. This finds basis in the seminal case of *Aratea v. COMELEC (Aratea),*[16] wherein it was held that a void CoC cannot give rise to a valid candidacy, and much less to valid votes.[17] Hence, as concluded in *Aratea*:[18]

> Lonzanida's certificate of candidacy was cancelled, because he was ineligible or not qualified to run for Mayor. Whether his certificate of candidacy is cancelled before or after the elections is immaterial because the cancellation on such ground means he was never a candidate from the very beginning, his certificate of candidacy being void *ab initio*. There was only one qualified candidate for Mayor in the May 2010 elections - Antipolo, who therefore received the highest number of votes.

Thus, notwithstanding the margin of votes Reyes garnered over Velasco, the votes cast in her favor are considered strays since she is not eligible for the congressional post, a non-candidate in the bid for the coveted seat of Representative for the Lone District of Marinduque. Following the doctrinal teaching in *Aratea*, Velasco, as the only remaining qualified candidate in the congressional race, is, for all intents and purposes, the rightful member of the lower house.

Associate Justice Marvic M.V.F. Leonen (Justice Leonen), however, echoing the position of the OSG and that of the respondents, asserts in his Dissent that Velasco is a second-placer during the elections who is not entitled to hold the subject position. The honorable Justice suggests that petitioner cannot seek refuge under the Court's pronouncements in *Aratea* and the subsequent cases of *Jalosjos*

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14 Supra note 4.
15 *Ponencia*, p. 6.
16 G.R. No. 195229, October 9, 2012, 683 SCRA 105.
17 See also *Hayudini v. COMELEC*, G.R. No. 207900, April 22, 2014, 723 SCRA 223.
18 Supra note 16.

v. COMELEC[19] and *Maquiling v. COMELEC*[20] because the positions involved in the said cases were not for members of Congress.[21]

What the Dissent failed to take into account though is the most significant similarity of the present petition to the above-mentioned cases – that there exists a final and executory decision of the COMELEC ordering the cancellation of the CoC of the candidate who committed false material representations therein and declaring them ineligible to hold public office. In all these cases, and as it should likewise be in this case, the Court ruled that the CoC was deemed *void ab initio* and as such:

> "If the certificate of candidacy is void ab initio, then legally the person who filed such void certificate of candidacy was never a candidate in the elections at any time. All votes for such non-candidate are stray votes and should not be counted. Thus, such non-candidate can never be a first-placer in the elections. If a certificate of candidacy void ab initio is cancelled on the day, or before the day, of the election, prevailing jurisprudence holds that all votes for that candidate are stray votes. If a certificate of candidacy void ab initio is cancelled one day or more after the elections, all votes for such candidate should also be stray votes because the certificate of candidacy is void from the very beginning. x x x"[22]

In *Maquiling,* this Court also said:

> Thus, the votes cast in favor of the ineligible candidate are not considered at all in determining the winner of an election.
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> Even when the votes for the ineligible candidate are disregarded, the will of the electorate is still respected, and even more so. The votes cast in favor of an ineligible candidate do not constitute the sole and total expression of the sovereign voice. The votes cast in favor of eligible and legitimate candidates form part of that voice and must also be respected.
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> As in any contest, elections are governed by rules that determine the qualifications and disqualifications of those who are allowed to participate as players. When there are participants who turn out to be ineligible, their victory is voided and the laurel is awarded to the next in rank who does not possess any of the disqualifications nor lacks any of the qualifications set in the rules to be eligible as candidates.
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> x x x
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> The electorate's awareness of the candidate's disqualification is not a prerequisite for the disqualification to attach to the candidate. The very existence of a disqualifying circumstance makes the candidate ineligible. Knowledge by the electorate of a candidate's disqualification is not necessary before a qualified candidate who placed second to a disqualified one can be proclaimed as the winner. The second-placer in the vote count is actually the first-placer among the qualified candidates.

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19 *Jalosjos, Jr. v. COMELEC*, G.R. No. 193237, October 9, 2012, 683 SCRA 1.
20 G.R. No. 195649, April 16, 2013, 696 SCRA 420.
21 J. Leonen, Dissenting Opinion, p. 13.
22 *Jalosjos, Jr. v. COMELEC*, supra note 19 at 32.

That the disqualified candidate has already been proclaimed and has assumed office is of no moment. The subsequent disqualification based on a substantive ground that existed prior to the filing of the certificate of candidacy voids not only the COC but also the proclamation.[23]

In *Velasco v. COMELEC*, this Court further expounded:

x x x. Section 78 may likewise be emasculated as mere delay in the resolution of the petition to cancel or deny due course to a COC can render a Section 78 petition useless if a candidate with false COC data wins. To state the obvious, candidates may risk falsifying their COC qualifications if they know that an election victory will cure any defect that their COCs may have. Election victory then becomes a magic formula to bypass election eligibility requirements.

In the process, the rule of law suffers; the clear and unequivocal legal command, framed by a Congress representing the national will, is rendered inutile because the people of a given locality has decided to vote a candidate into office despite his or her lack of the qualifications Congress has determined to be necessary.

In the present case, Velasco is not only going around the law by his claim that he is registered voter when he is not, as has been determined by a court in a final judgment. Equally important is that he has made a material misrepresentation *under oath in his COC* regarding his qualification. For these violations, he must pay the ultimate price - the nullification of his election victory. He may also have to account in a criminal court for making a false statement under oath, but this is a matter for the proper authorities to decide upon.

We distinguish our ruling in this case from others that we have made in the past by the clarification that COC defects *beyond matters of form* and that involve *material misrepresentations* cannot avail of the benefit of our ruling that COC mandatory requirements before elections are considered merely directory after the people shall have spoken. A mandatory and material election law requirement involves more than the will of the people in any given locality. Where a *material COC misrepresentation under oath* is made, thereby violating both our election and criminal laws, we are faced as well with an assault on the will of the people of the Philippines as expressed in our laws. In a choice between provisions on material qualifications of elected officials, on the one hand, and the will of the electorate in any given locality, on the other, we believe and so hold that we cannot choose the electorate will. The balance must always tilt in favor of upholding and enforcing the law. To rule otherwise is to slowly gnaw at the rule of law.[24]

Therefore, considering that Reyes' CoC was cancelled and was deemed *void ab initio* by virtue of the final and executory decisions rendered by the COMELEC and this Court, Velasco is a not second-placer as claimed by the Dissent; rather, Velasco is the **only placer and the winner** during the May elections and thus, for all intents and purposes, Velasco has a clear legal right to office as Representative of the Lone District of Marinduque.

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23 *Maquiling v. COMELEC*, supra note 20 at 462-463.

24 *Velasco v. COMELEC*, G.R. No. 180051, December 24, 2008, 575 SCRA 590, 614-615.

Unconvinced, Justice Leonen would protest in his Dissent that petitioner Velasco, a non-party to SPC No. 13-053 and G.R. No. 207264, is a stranger to the case and cannot be bound by Our factual findings and rulings therein.[25]

The proposition is devoid of merit.

Sec. 1, Rule 23 of the COMELEC Rules of Procedure, as amended, pertinently reads:

> **Section 1. Ground for Denial or Cancellation of Certificate of Candidacy.** — A verified Petition to Deny Due Course to or Cancel a Certificate of Candidacy for any elective office **may be filed by any registered voter** or a duly registered political party, organization, or coalition of political parties on the exclusive ground that any material representation contained therein as required by law is false. xxx (emphasis added)

By lodging a petition for denial or cancellation of CoC, a voter seeks to ensure that the candidate who purports to be qualified to represent his or her constituents is indeed eligible to do so. Such petition, therefore, is for and in benefit of the electorate, and not for one's personal advantage. This is in clear consonance with the afore-quoted rule, which never required the petition to be filed by a candidate's political rival. Otherwise stated, it is not required for petitioner Tan in SPA No. 13-053 to have a claim to the contested electoral post to be permitted by law to challenge the validity of Reyes' CoC. At the same time, petitioner Velasco herein is not under any legal obligation to intervene in SPA No. 13-053 and G.R. No. 207264 before he could benefit directly or indirectly from the ruling. Unlike civil cases which only involve private rights, petitions to deny or cancel certificates of candidacy are so imbued with public interest that they cannot be deemed binding only to the parties thereto. Indeed, it would be an absurd situation, after all, to declare Reyes ineligible only insofar as Tan is concerned, and presumed eligible as to the rest of the Marinduqueños, including Velasco.

Furthermore, for a petition for *mandamus* to prosper, Sec. 3, Rule 65 of the Rules of Court provides:

> **Section 3.** *Petition for mandamus.* — When any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

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[25] J. Leonen, Dissenting Opinion, p. 8.

Apparently, there is nothing in foregoing provision which requires that the person applying for a writ of *mandamus* should establish that he or she was the prevailing party litigant to a prior case (*i.e.* a petitioner, respondent or an intervenor) to be entitled to the writ's issuance. Contrary to the opinion espoused in the Dissent, Sec. 3, Rule 65 merely requires the applicant to establish a clear legal right to the ministerial function to be performed, without distinction on whether this right emanates from a final judgment in a prior case or not. Thus, there is no basis to the opinion that Velasco should have been a party in *Reyes* in order for this Court to grant a of writ of *mandamus* in his favor.

b. *Respondent Belmonte and Barua-Yap'sministerial duties*

Anent the second element for *mandamus* to lie, it is critical that the duty the performance of which is to be compelled be ministerial in nature, rather than discretionary. A purely ministerial act or duty is one that an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of its own judgment upon the propriety or impropriety of the act done.[26] The writ neither confers powers nor imposes duties. It is simply a command to exercise a power already possessed and to perform a duty already imposed.[27]

Without a doubt, petitioner herein seeks the performance of a ministerial act, without which he is unjustly deprived of the enjoyment of an office that he is clearly entitled to, as earlier discussed. It must be borne in mind that this petition was brought to fore because, despite repeated demands from petitioner and their receipt of the "*Certificate of Canvass of Votes and Proclamation of Winning Candidate for the position of Member of House of Representatives for the Lone District of Marinduque,*" respondents Belmonte and Barua-Yap refused to allow Velasco to sit in the Lower House as Marinduque Representative

The non-discretionary function of respondents Belmonte and Barua-Yap is underscored in *Codilla, Sr. v. De Venecia (Codilla)*,[28] wherein the Court held that the House Speaker and the Secretary General of the Lower House are duty-bound to recognize the legally elected district representatives as members of the House of Representatives. In the concluding statements of *Codilla*, the Court, speaking through retired Chief Justice Reynato Puno, instructs that:

> In the case at bar, the administration of oath and the registration of the petitioner in the Roll of Members of the House of Representatives representing the 4th legislative district of Leyte is no longer a matter of discretion on the part of the public respondents. The facts are settled and beyond dispute: petitioner garnered 71,350 votes as against respondent Locsin who only got 53, 447 votes in the May 14, 2001 elections. The COMELEC Second Division initially ordered the

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26 *Special People, Inc. Foundation v. Canda*, G.R. No. 160932, January 14, 2013, 688 SCRA 403, 424.
27 *Philippine Coconut Authority v. Primex Coco Products, Inc.*, supra note 6.
28 G.R. No. 150605, December 10, 2002, 393 SCRA 639, 681.

> proclamation of respondent Locsin; on Motion for Reconsideration the COMELEC *en banc* set aside the order of its Second Division and ordered the proclamation of the petitioner. The Decision of the COMELEC *en banc* has not been challenged before this Court by respondent Locsin and said Decision has become final and executory.
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> In sum, the issue of who is the rightful Representative of the 4th legislative district of Leyte has been finally settled by the COMELEC *en banc*, the constitutional body with jurisdiction on the matter. **The rule of law demands that its Decision be obeyed by all officials of the land. There is no alternative to the rule of law except the reign of chaos and confusion.**[29] (Emphasis in the original)

As in *Codilla*, the fact of Reyes' disqualification can no longer be disputed herein, in view of the consecutive rulings of the COMELEC and the Court in SPA No. 13-053, G.R. No. 207624, and SPA No. 13-010. Reyes' ineligibility and Velasco's consequent membership in the Lower House is then beyond the discretion of respondents Belmonte and Barua-Yap, and the rulings upholding the same must therefore be recognized and respected. To hold otherwise – that the Court is not precluded from entertaining questions on Reyes' eligibility to occupy Marinduque's congressional seat - would mean substantially altering, if not effectively vacating, Our ruling in *Reyes* that has long attained finality, a blatant violation of the immutability of judgments. Under the doctrine, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down.[30] Justice Leonen, however, urges this Court to revisit, nay re-litigate, *Reyes* two (2) years after the date of its finality and abandon the same, in clear contravention of the doctrine of immutability and finality of Supreme Court decisions.

It matters not that respondents Belmonte and Barua-Yap are non-parties to *Reyes*. It is erroneous to claim that Our final ruling therein is not binding against Belmonte and Barua-Yapon ground that that they were neither petitioners nor respondents in the said case,[31] and that they were not given the opportunity to be heard on the issues raised therein.[32] Again, SPA No. 13-053, G.R. No. 207264, and SPA No. 13-010 are not civil cases and do not involve purely private rights which requires notice and full participation of respondents Belmonte and Barua-Yap. It must also be noted that the said case originated as petition to deny or cancel Reyes' COC, which does not require the participation of the Speaker and Secretary General of the House of Representatives. In fact, there is nothing in BP 881, the COMELEC Rules of Procedure, nor in Rule 64, in relation to Rule 65 of the Rules of Court, which requires that the Speaker and Secretary General to be included

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29 Id.

30 *FGU Insurance Corporation v. Regional Trial Court of Makati City, Br. 66*, G.R. No. 161282, February 23, 2011, 644 SCRA 50, 56.

31 Memorandum for the OSG in behalf of public respondents, p. 9.

32 Ibid, p. 12.

either in the original petition for cancellation of CoC or when the case is elevated to this Court via petition for certiorari. In any event, the fact that they were not made parties in *Reyes* does not mean that the public respondents are not bound by the said decision considering that the same already form part of the legal system of the Philippines.[33]

The Dissent endeavors to divert our attention to the peculiarities of *Codilla* that allegedly preclude the Court from applying its doctrine in the case at bar. It was noted that (i) the petitioner in *Codilla* acquired the plurality of votes, which according to the dissent is the primary reason for the grant of the petition;[34] (ii) that respondent Reyes' proclamation was never nullified in SPA 13-053;[35] and (iii) that the second placer rule was not yet abandoned when *Codilla* was promulgated.[36]

With all due respect, the arguments are bereft of merit. Their rehashed version fails to persuade now as they did before in *Reyes.*

First, the ruling on *Codilla* was not primarily hinged on the plurality of votes acquired by petitioner therein, but on the **certainty** as to who the lawfully elected candidate was. To reiterate the holding in *Codilla*: *"the issue of who is the rightful Representative xxx has been **finally settled** by the COMELEC en banc, the constitutional body with jurisdiction on the matter."* (Emphasis added) Hence, it became ministerial on the part of then House Speaker Jose de Venecia and then Secretary General Roberto P. Nazareno of the House of Representatives to swear in and include the name of petitioner Eufrocino Codilla (Codilla) in the Roll of Members.

Acquiring the plurality of votes may be one way of asserting one's claim to office, but the cancellation of the CoC of the candidate who garnered the highest number of votes is likewise a viable alternative in light of *Aratea*. Thus, in spite of the initial determination that Velasco failed to obtain the plurality of votes, he could still validly claim that his right to be seated as Marinduque's Representative in Congress has been settled by virtue of Reyes' disqualification.

Second, the ruling in *Reyes* may have been silent as to the validity of her proclamation, but the Dissent failed to take into account the developments in SPC No. 13-010, wherein Velasco assailed the proceedings of the Provincial Board of Canvassers (PBOC) and prayed before the COMELEC that the May 18, 2013 proclamation of Reyes be declared null and void.[37]

On June 19, 2013, the COMELEC would deny Velasco's petition. But on reconsideration, the COMELEC *en banc,* on July 9, 2013, made a reversal and

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33 Article 8, Civil Code of the Philippines.
34 J. Leonen, Dissenting Opinion, p. 10.
35 Id. at 11.
36 Id. at 12.
37 *Ponencia*, p. 4.

declared null and void and without legal effect the proclamation of Reyes, and, in the very issuance, declared petitioner Velasco as the winning candidate.[38] And so it was that on July 16, 2013, Velasco would be proclaimed by a newly constituted PBOC as the duly elected member of the House of Representatives for the Lone District of Marinduque, in congruence with the COMELEC's rulings in SPA No. 13-053 and SPC No. 13-010.[39] This proclamation was never questioned by Reyes before any judicial or quasi-judicial forum.

This sequence of events bears striking resemblance with the factual milieu of *Codilla* wherein Codilla, on June 20, 2001, seasonably moved for reconsideration of the June 14, 2001 order for his disqualification and additionally questioned therein the validity of the proclamation of Ma Victoria Locsin (Locsin). On the next day, he would lodge a separate petition challenging the validity of Locsin's proclamation anew. The petition, however, would suffer the same fate of being initially decided against his favor. It will not be until August 29, 2001 when the COMELEC *en banc*, by a 4-3 vote, would reverse the rulings that disqualified Codilla and upheld the validity of Locsin's proclamation. Notably, Locsin did not appeal from this Resolution annulling her proclamation and so the COMELEC *en banc*'s ruling then became final and executory.

Thereafter, on September 6, 2001, the COMELEC *en banc* reconstituted the PBOC of Leyte to implement its August 29, 2001 Resolution, and to proclaim the candidate who obtained the highest number of votes in the district as the duly elected Representative of the 4th Legislative District of Leyte. So it was that on September 12, 2001, petitioner Codilla was proclaimed winner of the congressional race.

With the finality of the COMELEC ruling disqualifying Locsin and nullifying her proclamation, and the consequent proclamation of Codilla as the lawfully elected Representative of the 4th District of Leyte, the Court saw no legal obstacle in directing then House Speaker Jose de Venecia and then Secretary General Roberto Nazareno of the House of Representatives to swear in and include petitioner Codilla's name in the Roll of Members of the House of Representatives. This very same outcome in *Codilla* should be observed in the present case.

Third, that the second placer rule was not yet abandoned when *Codilla* was decided is inconsequential in this case. As earlier discussed, what is of significance in *Codilla* is the **certainty** on who the rightful holder of the elective post is. It may be that when *Codilla* was decided, plurality of votes and successional rights, in disqualifications cases, may have been the key considerations, but as jurisprudence has been enriched by *Aratea* and by the subsequent cases that followed,[40] the qualified second placer rule was added to the enumeration. Synthesizing *Aratea* with *Codilla*, petitioner Velasco may now successfully invoke the qualified second

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38 Id. at 4-5.

39 Id. at 6.

40 *Jalosjos Jr., v. COMELEC*, supra note 19; *Maquiling v. COMELEC*, supra note 20.

placer rule to prove the certainty of his claim to office, and compel the respondent Speaker and Secretary General to administer his oath and include his name in the Roll of Members of the House of Representatives.

With the presence of the twin requirements, the extraordinary writ of *mandamus* must be issued in the case at bar.

II

We now discuss the collateral issues raised.

The Dissent cites the cases of *Tañada v. COMELEC (Tañada), Limkaichong v. COMELEC (Limkaichong),* and *Vinzons-Chato v. COMELEC (Vinzons-Chato)*, to persuade Us to revisit the ruling in *Reyes v. COMELEC*, and divest the COMELEC of its jurisdiction over the issue of Reyes' qualification in favor of the House of Representatives Electoral Tribunal (HRET). Similarly, respondents raised the issue of jurisdiction arguing that the proclamation alone of the winning candidate is the operative act that triggers the commencement of HRET's exclusive jurisdiction,[41] and insisted that to rule otherwise would result in the clash of jurisdiction between the HRET and the COMELEC.[42]

On the outset, I express my strong reservations on revisiting herein the issue on the HRET's jurisdiction, which has already been settled with finality in *Reyes*, for **it is not at issue in this petition for *mandamus***. I SHARE THE OBSERVATION BY THE *PONENCIA* THAT RESPONDENTS ARE TAKING ADVANTAGE OF THIS PETITION TO RE-LITIGATE WHAT HAS BEEN SETTLED IN *REYES* AND DOES NOT SEEM TO RESPECT THE ENTRY OF JUDGMENT THAT HAS BEEN ISSUED THEREIN ON OCTOBER 22, 2013. Nevertheless, assuming *in arguendo* that there is no impropriety in taking a second look at the issue in this case, I see no irreconcilability between *Reyes*, on the one hand, and the cases cited in the Dissent, on the other.

As a review, the doctrine in *Reyes* is that the HRET only has jurisdiction over **Members** of the House of Representatives. To be considered a Member of the House of Representatives, the following requisites must concur: (1) a valid proclamation, (2) a proper oath, and (3) assumption of office.[43]

Our ruling in *Reyes* does not run in conflict with *Tañada*, which was decided by the Court *en banc* by a unanimous vote, as our esteemed colleague pointed out. As held in *Tañada*:

> In the foregoing light, considering that Angelina **had already been proclaimed** as Member of the House of Representatives for the 4th District of Quezon Province on May 16, 2013, **as she has in fact taken her oath** and

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41 Memorandum of the OSG, p. 16.
42 Id. at 24.
43 *Reyes v. COMELEC*, supra note 4 at 535.

> **assumed office** past noon time of June 30, 2013, the Court is now without jurisdiction to resolve the case at bar. As they stand, the issues concerning the conduct of the canvass and the resulting proclamation of Angelina as herein discussed are matters which fall under the scope of the terms "election" and "returns" as above-stated and hence, properly fall under the HRET's sole jurisdiction. (Emphasis added)

Hence, the Court's ruling in *Tañada,* disclaiming jurisdiction in favor of the HRET, is premised on the concurrence of the three (3) requirements laid down in *Reyes*. In any case, *Tañada* is a Minute Resolution not intended to amend or abandon *Reyes*, as was made evident by the subsequent case *Bandara v. COMELEC*,[44] to wit:

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

Limkaichong is even more blunt as the Court decided the case with the following opening statement:[45]

> Once a **winning candidate** has been **proclaimed, taken his oath,** and **assumed office** as a Member of the House of Representatives, the **jurisdiction of the House of Representatives Electoral Tribunal begins. x x x.** (Emphasis in the original)

And in *Vinzons-Chato v. COMELEC*:[46]

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

Verily, *Reyes* delineated the blurred lines between the jurisdictions of the COMELEC and the HRET, explicitly ruling where one ends and the other begins. Our ruling therein was not wanting in jurisprudential basis and is in fact supported by cases cited by in the Dissent no less.

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44 G.R. Nos. 207144 and 208141, February 3, 2015.

45 *Limkaichong v. COMELEC,* G.R. Nos. 178831-32 and 179120, 179132-33, 179240-41, April 1, 2009, 583 SCRA 1, 8-9.

46 G.R. No. 172131, April 2, 2007, 520 SCRA 166, 180, citing *Guerrero v. COMELEC*, G.R. No. 105278, November 18, 1993, 228 SCRA 36, 43.

Certainly, the principle in *Reyes* does not offend Art. VI, Sec. 17 of the Constitution nor does it undermine the adjudicatory powers of the HRET. On the contrary, it strictly adheres to the textual tenor of the constitutional provision, to wit:

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

It has to be emphasized that the Court, in deciding *Reyes*, did not divest the Senate and House of Representative Electoral Tribunals of their jurisdiction over their respective members, but merely set the parameters on who these "Members" are. The jurisprudence earlier reviewed are in unison in holding that to be considered a "Member" within the purview of the constitutional provision, the three indispensable elements must concur.

As to the alleged clash of jurisdiction, the Court, in its October 22, 2013 Resolution in *Reyes*, explained:

> "11. It may need pointing out that there is no conflict between the COMELEC and the HRET insofar as the petitioner's being a Representative of Marinduque is concerned. The COMELEC covers the matter of petitioner's certificate of candidacy, and its due course or its cancellation, which are the pivotal conclusions that determines who can be legally proclaimed. The matter can go to the Supreme Court but not as a continuation of the proceedings in the COMELEC, which has in fact ended, but on an original action before the Court grounded on more than mere error of judgment but on error of jurisdiction for grave abuse of discretion. At and after the COMELEC *En Banc* decision, there is no longer any certificate cancellation matter than can go to the HRET. In that sense, the HRET's constitutional authority opens, over the qualification of its MEMBER, who becomes so only upon a duly and legally based proclamation, the first and unavoidable step towards such membership. The HRET jurisdiction over the qualification of the Member of the House of Representatives is original and exclusive, and as such, proceeds *de novo* unhampered by the proceedings in the COMELEC which, as just stated has been terminated. The HRET proceedings is a regular, not summary, proceeding. It will determine who should be the Member of the House. **It must be made clear though, at the risk of repetitiveness, that no hiatus occurs in the representation of Marinduque in the House because there is such a representative who shall sit as the HRET proceedings are had till termination. Such representative is the duly proclaimed winner resulting from the terminated case of cancellation of certificate of candidacy of petitioner. The petitioner [Reyes] is not, cannot, be that representative.** And this, all in all, is the crux of the dispute between the parties: who shall sit in the

> House in representation of Marinduque, while there is yet no HRET decision on the qualifications of the Member.[47] (Emphasis and words in brackets added)

It thus appears that there is no conflict of jurisdiction, and that if a *quo warranto* case should be filed before HRET as espoused by the respondents and in the Dissent, it cannot be one against Reyes who never became a member of the House of Representatives over whom the HRET could exercise jurisdiction.

III

The Dissent also claims that when respondent Reyes was proclaimed by the PBOC as the duly elected Representative of the Lone District of Marinduque of May 18, 2013, petitioner Velasco should have continued his election protest *via* a *quo warranto* petition before the HRET.[48]

This suggestion is legally flawed considering that the HRET is without authority to review, modify, more so annul, the illegal acts of PBOC. On the contrary, this authority is lodged with the COMELEC and is incidental to its power of "direct control and supervision over the Board of Canvassers."[49] Therefore, the COMELEC is the proper entity that can legally and validly nullify the acts of the PBOC. As held by this Court held in *Mastura v. COMELEC*:[50]

> "Pursuant to its administrative functions, the COMELEC exercises direct supervision and control over the proceedings before the Board of Canvassers. In *Aratuc v. Commission on Elections*[51] we held —
>
> > "While nominally, the procedure of bringing to the Commission objections to the actuations of boards of canvassers has been quite loosely referred to in certain quarters, even by the Commission and by this Court . . . as an appeal, the fact of the matter is that the authority of the Commission in reviewing such actuations does not spring from any appellate jurisdiction conferred by any specific provision of law, for there is none such provision anywhere in the Election Code, but from the plenary prerogative of direct control and supervision endowed to it by the above-quoted provisions of Section 168. And in administrative law, it is a too well settled postulate to need any supporting citation here, that a superior body or office having supervision and control over another may do directly what the latter is supposed to do or ought to have done. xxxx"

Furthermore, the illegal proclamation of the PBOC cannot operate to automatically oust the COMELEC of its supervisory authority over the PBOC. As clearly explained in *Reyes*:

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47 G.R. No. 207264, October 22, 2013, 708 SCRA 197, 231-232.

48 J. Leonen, Dissenting Opinion, p. 6.

49 Section 227, Omnibus Election Code:

> **Section 227. Supervision and control over board of canvassers.** – The Commission shall have direct control and supervision over the board of canvassers.

50 G.R. No. 124521, January 29, 1998, 285 SCRA 493, 499-500.

51 G.R. Nos. L-49705-09 and L-49717-21, February 8, 1979, 88 SCRA 251.

> "More importantly, we cannot disregard a fact basic in this controversy – that before the proclamation of petitioner on 18 May 2013, the COMELEC *En Banc* had already finally disposed of the issue of petitioner's lack of Filipino citizenship and residency via its Resolution dated 14 May 2013. **After 14 May 2013, there was, before the COMELEC, no longer any pending case on petitioner's qualifications to run for the position of Member of the House of Representative.** We will inexcusably disregard this fact if we accept the argument of the petitioner that the COMELEC was ousted of jurisdiction when she was proclaimed, which was four days after the COMELEC *En Banc* decision. **The Board of Canvasser which proclaimed petitioner cannot by such act be allowed to render nugatory a decision of the COMELEC En Banc which affirmed a decision of the COMELEC First Division.**"[52] (Emphasis supplied.)

It must likewise be noted that the COMELEC *en banc*'s May 14, 2013 Decision in SPA No. 13-053 was already final as "there was, before the COMELEC, no longer any pending case on petitioner's qualifications to run for the position of Member of the House of Representative," and in the absence of a restraining order from this Court, it became executory. Thus, as held in *Reyes*, it was an error for the PBOC to proclaim Reyes, a non-candidate, on May 18, 2013. As aptly observed by Chief Justice Sereno in her Concurring Opinion in the said case:[53]

> "On 14 May 2013, the COMELEC *En Banc* had already resolved the Amended Petition to Deny Due Course or to Cancel the Certificate of Candidacy filed against Reyes. Based on Sec. 3, Rule 37 of the COMELEC Rules of Procedure, this Resolution was already final and should have become executory five days after its promulgation. **But despite this unrestrained ruling of the COMELEC *En Banc* the PBOC still proclaimed Reyes as the winning candidate on 18 May 2013.**
>
> **On 16 May 2013, petitioner had already received the judgment cancelling her Certificate of Candidacy. As mentioned, two days thereafter, the PBOC still proclaimed her as the winner. Obviously, the proclamation took place notwithstanding that petitioner herself already knew of the COMELEC *En Banc* Resolution.**
>
> It must also be pointed out that even the PBOC already knew of the cancellation of the Certificate of Candidacy of petitioner when it proclaimed her. The COMELEC *En Banc* Resolution dated 9 July 2013 and submitted to this Court through the Manifestation of private respondent, quoted the averments in the Verified Petition of petitioner therein as follows:
>
> > xxx While the proceedings of the PBOC is suspended or in recess, the process server of this Honorable Commission, who identified himself as PEDRO P. STA. ROSA II ('Sta. Rosa,' for brevity), arrived at the session hall of the Sangguniang Panlalawigan of Marinduque where the provincial canvassing is being held.

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52 Supra note 4, at 537.

53 Chief Justice Sereno, Concurring Opinion, supra note 4 at 243-248, dated October 22, 2013.

> xxx The process server, Sta. Rosa, was in possession of certified true copies of the *Resolution* promulgated by the Commission on Elections *En Banc* on 14 May 2013 in SPA No. 13-053 (DC) entitled Joseph Socorro B. Tan vs. Atty. Regina Ongsiako Reyes' and an *Order* dated 15 May 2013 to deliver the same to the Provincial Election Supervisor of Marinduque. The said Order was signed by no less than the Chairman of the Commission on Elections, the Honorable Sixto S. Brillantes, Jr.
>
> xxx Process Server Pedro Sta. Rosa II immediately approached Atty. Edwin Villa, the Provincial Election Supervisor (PES) of Marinduque, upon his arrival to serve a copy of the aforementioned Resolution dated 14 May 2013 in SPA No. 13-05 3 (DC). Despite his proper identification that he is a process server from the COMELEC Main Office, the PES totally ignored Process Server Pedro Sta. Rosa II.
>
> xxx Interestingly, the PES likewise refused to receive the copy of the Commission on Elections En Banc Resolution dated 14 May 2013 in SPA No. 13-053 (DC) despite several attempts to do so.
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> xxx Instead, the PES immediately declared the resumption of the proceedings of the PBOC and instructed the Board Secretary to immediately read its Order proclaiming Regina Ongsiako Reyes as winner for the position of Congressman for the Lone District of Marinduque.

This narration of the events shows that **the proclamation was in contravention of a COMELEC *En Banc* Resolution cancelling the candidate's Certificate of Candidacy.**

The PBOC, a subordinate body under the direct control and supervision of the COMELEC, cannot simply disregard a COMELEC *En Banc* Resolution brought before its attention and hastily proceed with the proclamation by reasoning that it has not officially received the resolution or order.

x x x x x x

The PBOC denied the motion to proclaim candidate Velasco on the ground that neither the counsel of petitioner nor the PBOC was duly furnished or served an official copy of the COMELEC *En Banc* Resolution dated 14 May 2013 and forthwith proceeded with the proclamation of herein petitioner, whose Certificate of Candidacy has already been cancelled, bespeaks *mala fide* on its part.

As early as 27 March 2013, when the COMELEC First Division cancelled petitioner's Certificate of Candidacy, the people of Marinduque, including the COMELEC officials in the province, were already aware of the impending disqualification of herein petitioner upon the finality of the cancellation of her Certificate of Candidacy. When the COMELEC *En Banc* affirmed the cancellation of the certificate of candidacy on the day of the elections, but before the proclamation of the winner, it had the effect of declaring that herein petitioner was not a candidate.

Thus, **when the PBOC proclaimed herein petitioner, it proclaimed not a winner but a non-candidate.**

The proclamation of a non-candidate cannot take away the power vested in the COMELEC to enforce and execute its decisions. It is a power that enjoys

> **precedence over that emanating from any other authority, except the Supreme Court, x x x.**" (Emphasis supplied.)

Hence, at that moment, the COMELEC is not only bestowed with the authority, but more so, duty-bound to rectify the PBOC's mistake. Consequently, the COMELEC *En Banc*, in its July 9, 2013 Resolution in SPC No. 13-010, nullified the proclamation of Reyes, proceeded to constitute a special PBOC and on July 9, 2013, proclaimed Velasco as the winning Representative for the Lone District of Marinduque for the 2013-2016 term. As emphasized in the *ponencia*, this proclamation of Velasco was never questioned before this Court and likewise became final and executory.[54]

The Dissent makes much of the cases questioning Reyes' eligibility that are pending before the HRET, and argues that the Court should deny the instant petition and defer to the action of the electoral tribunal.[55]

The argument is specious.

It is of no moment that there are two *quo warranto* cases currently pending before the HRET that seek to disqualify Reyes from holding the congressional office.[56] These cases cannot oust the COMELEC and the Court of their jurisdiction over the issue on Reyes' eligibility, which they have already validly acquired and exercised in SPA No. 13-053 and *Reyes*. The petitioners in the *quo warranto* cases themselves recognize the enforceability of the COMELEC and the Court's ruling in SPA No. 13-053 and *Reyes,* and even invoked the rulings therein to support their respective petitions. They seek not a trial *de novo* for the determination of whether or not Reyes is eligible to hold office as Representative, but seek the implementation of the final and executory decisions of the COMELEC and of the High Court. Interestingly, Reyes merely prayed for the dismissal of these cases, but never asked the HRET for any affirmative relief to counter the executory rulings in SPA No. 13-053, G.R. No. 207264, and SPA No. 13-010.

IV

All told, We cannot turn a blind eye to the undisputed fact that the Court's pronouncements in *Reyes* and the pertinent resolutions of the COMELEC have established that the title and clear right to the contested office belongs to petitioner. In reinforcing this conclusion, the *ponencia* aptly observed that:[57]

> xxx In this case, given the present factual milieu, *i.e.* the final and executory resolutions of this Court in G.R. No. 207264, the final and executory resolutions of the COMELEC in SPA No. 13-053 (DC) cancelling Reyes' Certificate of Candidacy, and the final and executory resolution of the COMELEC in SPA No.

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54 *Ponencia*, p. 12.

55 J. Leonen, Dissenting Opinion, p. 7.

56 HRET Case No. 13-036, entitled "*Noeme Mayores Lim and Jeasseca L. Mapacpac v. Regina Ongsiako Reyes*," and HRET Case No. 13-037, entitled "*Eric D. Junio v. Regina Ongsiako Reyes*".

57 *Ponencia*, p. 12.

> 13-010 declaring null and void the proclamation of Reyes and proclaiming Velasco as the winning candidate for the position of Representative for the Lone District of the Province of Marinduque, it cannot be claimed that the present petition is one for the determination of the right of Velasco to the claimed office.

It has thus been conclusively proven that Velasco is the winning candidate for the position of Representative for the Lone District of Marinduque during the May 2013 Elections. As a consequence, when respondents Belmonte and Barua-Yap received the *"Certificate of Canvass of Votes and Proclamation of Winning Candidate for the position of Member of House of Representatives for the Lone District of Marinduque"* issued by the COMELEC in favor of the herein petitioner, they should have, without delay, abide by their respective ministerial duties to administer the oath in favor of the petitioner and to register his name in Roll of Members of the House of Representatives for the 2013-2016 term. Upon their unlawful refusal to do so despite repeated demands from petitioner, the extraordinary writ of *mandamus* ought to lie.

In the end, Reyes has no legal basis whatsoever to continue exercising the rights and prerogatives as the Lone District Representative of Marinduque as there is at present no pending action or petition which was instituted by her either before the HRET or the Court challenging petitioner Velasco's proclamation. Respondents Belmonte and Barua-Yap must thus honor the rights of petitioner and execute the final COMELEC and Supreme Court Resolutions in accordance with and furtherance of the rule of law.

May I just be permitted one last word.

In what was in all ill designed as a master stroke, Reyes, after all have been said and done by this Court in the petition, she herself filed, submitted a motion to withdraw that petition, G.R. No. 207264, *Regina Ongsiako Reyes v. COMELEC and Tan.*[58] I had the opportunity to say, in the Court's denial of her motion to reconsider the dismissal of her petition, that:

xxx

> The motion to withdraw petition filed AFTER the Court has acted thereon, is noted. It may well be in order to remind petitioner that jurisdiction, once acquired, is not lost upon the instance of the parties, but continues until the case is terminated. When petitioner filed her Petition for Certiorari, jurisdiction vested in the Court and, in

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58 October 22, 2013, 708 SCRA 197, 233.

fact, the Court exercised such jurisdiction when it acted on the petition. Such jurisdiction cannot be lost by the unilateral withdrawal of the petition by petitioner.

More importantly, the Resolution dated 25 June 2013, being a valid court issuance, undoubtedly has legal consequences. Petitioner cannot, by the mere expediency of withdrawing the petition, negative and nullify the Court's Resolution and its legal effects. At this point, we counsel petitioner against trifling with court processes. Having sought the jurisdiction of the Supreme Court, petitioner cannot withdraw her petition to erase the ruling adverse to her interests. Obviously, she cannot, as she designed below, subject to her predilections the supremacy of the law.

I cannot be moved one bit away from the conclusion, then as now, that parties to cases cannot trifle with our Court processes. If we deny the petition at hand, we will ourselves do for Reyes what we said in judgment cannot be done by her.

WHEREFORE, premises considered, I register my vote to **GRANT** the petition.

JOSE PORTUGAL PEREZ
Associate Justice

CERTIFIED XEROX COPY:
FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT