



Republic of the Philippines
Supreme Court
Manila

EN BANC

WIGBERTO "TOBY" R. TAÑADA, JR.,
Petitioner,

G.R. No. 217012

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,*
LEONARDO-DE CASTRO,
BRION,**
PERALTA,*
BERSAMIN,*
DEL CASTILLO,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.

- versus -

HOUSE OF REPRESENTATIVES
ELECTORAL TRIBUNAL,
ANGELINA "HELEN" D. TAN, and
ALVIN JOHN S. TAÑADA,
Respondents.

Promulgated:
March 1, 2016

x

DECISION

CARPIO, J.:

The Case

G.R. No. 217012 is a petition for certiorari¹ assailing the Resolutions

* No part.
** On leave.
* No part.
* No part.
¹ Under Rule 65 of the 1997 Rules of Civil Procedure.

promulgated on 25 September 2014² and 22 January 2015³ by the House of Representatives Electoral Tribunal (HRET) in HRET Case No. 13-018 (EP). The HRET dismissed Wigberto “Toby” R. Tañada, Jr.’s (Wigberto) election protest *ad cautelam* on two grounds: for being insufficient in form and substance, and for lack of jurisdiction to pronounce and declare Alvin John S. Tañada (Alvin John) as a nuisance candidate.

The Facts

The HRET recited the facts as follows:

Culled from the records and the submissions of the parties herein, as well as from the ruling of the Supreme Court in *Tañada, Jr. v. Commission on Elections, et al.*, [G.R. Nos. 207199-200, 22 October 2013, 708 SCRA 188] are the factual antecedents relevant to this resolution.

For the position of Representative of the Fourth Legislative District of the Province of Quezon contested in the National and Local Elections of 2013, three candidates filed their respective Certificates of Candidacy (CoC), namely: Wigberto R. Tañada, Jr. (Wigberto) of the Liberal Party; Angelina D. Tan (Tan) of the Nationalist People’s Coalition [(NPC)]; and Alvin John S. Tañada (Alvin John) of the Lapiang Manggagawa. In October 2012, Wigberto filed twin petitions in the Commission on Elections (COMELEC) to seek the cancellation of Alvin John’s CoC (docketed as SPA No. 13-056), and to declare Alvin John a nuisance candidate (docketed as SPA No. 13-0357). The petitions were eventually consolidated.

On January 29, 2013, the COMELEC First Division dismissed the consolidated petitions for their lack of merit.

Wigberto duly filed his motion for reconsideration of the dismissal of his petitioners [sic], alleging the following grounds, to wit:

- a) Assuming Respondent Tañada resided in Purok 3, Barangay Progreso, Gumaca, Quezon for a period of thirteen (13) years, the said period was long ago. Presently, Respondent Tañada failed to comply with the one-year residency requirement.
- b) Respondent Tañada was a resident of Parañaque where he was enrolled as a voter from 2009 until 4 June 2012, when he transferred his Voter’s Registration to Gumaca, Quezon; and

² *Rollo*, pp. 39-52. Penned by Associate Justice Lucas P. Bersamin, with Associate Justice and Chairperson Presbitero J. Velasco, Jr., Associate Justice Diosdado M. Peralta, and Representatives Ma. Theresa B. Bonoan and Wilfrido Mark M. Enverga concurring. Representative Luzviminda C. Ilagan penned a Concurring and Dissenting Opinion, which was joined by Representatives Franklin P. Bautista, Joselito Andrew R. Mendoza, and Jerry P. Treñas.

³ *Id.* at 70-71.

c) Respondent Tañada's own tweets and entries in Facebook are bereft of any political plans or activities which betray his true intentions to run as Member of the 4th District of Gumaca, Quezon.

On April 25, 2013, the COMELEC *En Banc* denied Wigberto's motion for reconsideration in SPA No. 13-057, but granted his motion for reconsideration in SPA No. 13-056, decreeing thusly:

WHEREFORE, premises considered, the Motion for Reconsideration dated 18 February 2013 is PARTIALLY GRANTED. The Motion for Reconsideration for SPA No. 13-057 (DC) is DENIED for LACK OF MERIT. However, the Motion for Reconsideration for SPA No. 13-056 (DC) is GRANTED. Accordingly, Respondent Alvin John S. Tañada's Certificate of Candidacy for the position of Member of the House of Representatives for the 4th District of the Province of Quezon is hereby CANCELLED.

On May 7, 2013, Wigberto sought the reconsideration of the denial of his petition in SPA Case No. 13-057 to urge the declaration of Alvin John as a nuisance candidate on the basis of newly discovered evidence.

For the May 13, 2013 National and Local Elections, the name of candidate Alvin John remained in the ballots. After the canvass of the votes, the following results indicated that Tan was the winning candidate, to wit:

Tan	84,782
Tañada, Wigberto	80,698
Tañada, Alvin John	7,038

On May 16, 2013, Wigberto filed with the Quezon Provincial Board of Canvassers (Quezon PBOC) his PETITION TO CORRECT MANIFEST ERRORS IN THE CERTIFICATES OF CANVASS FOR THE POSITION OF MEMBER OF THE HOUSE OF REPRESENTATIVES, 4TH DISTRICT QUEZON with URGENT MOTION TO SUSPEND CANVASS AND/OR PROCLAMATION FOR THE SAID POSITION, whereby he prayed that the COMELEC direct the Quezon PBOC to consolidate in his favor the votes canvassed for Alvin John, and to proclaim the candidate with the highest number of votes as the winner.

The Quezon PBOC denied Wigberto's motion to have the votes garnered by Alvin John credited in his favor on the same date of May 16, 2013, holding that the votes of Alvin John could not be counted in favor of Wigberto because the cancellation of the former's CoC had been on the basis of his material misrepresentations under Section 78 of the *Omnibus Election Code*, not on being a nuisance candidate under Section 69 of *Omnibus Election Code*. The Quezon PBOC then proclaimed Tan as the winning candidate.

a

On May 21, 2013, Wigberto filed a SUPPLEMENT TO THE PETITION WITH ADDITIONAL PRAYER FOR ANNULMENT OF PROCLAMATION, whereby he reiterated his prayer to be declared as the winning candidate for the position of Representative of the Fourth District of Quezon by consolidating the votes received by Alvin John with the votes he garnered.

On May 27, 2013, Wigberto brought in the Supreme Court his *AD CAUTELAM* PETITION FOR *CERTIORARI*, *MANDAMUS* AND PROHIBITION with URGENT MOTION FOR THE ISSUANCE OF A *STATUS QUO ANTE* ORDER to assail the COMELEC *En Banc*'s Resolution promulgated on April 25, 2013 declaring Alvin John not a nuisance candidate, docketed as G.R. Nos. 207199-200, thereby imploring the Supreme Court to declare Alvin John as a nuisance candidate, and to order the COMELEC to credit the votes received by Alvin John in his favor.

On May 30, 2013, Wigberto filed [with] this Tribunal this election protest *ad cautela*, pertinently alleging as follows:

13. The fraud perpetrated upon herein Protestant in the fielding of Alvin John Tañada as a nuisance candidate consists of the following:

a. The lawyers who turned out to be counsels for Protestee collaborated, in varying degrees and at various times, in support of the nuisance candidate Alvin John Tañada, in a case of an otherwise patent conflict of interest, unless their client Protestee in the first place was precisely the sponsor of the candidacy of Alvin John as a nuisance candidate in order to confuse and mislead the voters into voting for Alvin John instead of herein Protestant, to wit: x x x.

b. As found by the Comelec En Banc in SPA 13-056, Alvin John Tañada "is not a resident of and/or never resided" in the Fourth District of Quezon, and that he had the "intent to mislead, misinform, or deceive the electorate" since he is a resident of Parañaque City, and therefore disqualified from running for any elective post in the Fourth District of Quezon. x x x.

d. Alvin John Tañada was never seen campaigning in the Fourth District of Quezon Province, nor did he have any posters in the common poster areas. Neither did he attend any campaign rally or candidate's forum. To top it all, he did not even bother to vote in the May 13, 2013 Elections.



e. An avid user of social media such as Facebook and Twitter, Alvin John Tañada never made a single post or tweet to his friends, relatives or associates in said media about his political plans of the fact that he was running as Congressman. Such palpable silence, if not secrecy, on one's candidacy is a trademark attitude of nuisance candidates. They make themselves publicly scarce and difficult to track down, when the very nature of a candidacy precisely seeks nourishment from widespread publicity and maximum exposure.

f. The fraudulent fielding of Alvin John Tañada as a nuisance candidate resulted in 7,038 votes for the one and only bona fide candidate with the surname "Tañada," Wigberto "Toby" Tañada, [Jr.] whose certificate of candidacy, in the first place, had already been ordered cancelled by the Comelec in its April 25, 2013 consolidated Resolution in SPA 13-056 and 13-057. x x x.

22. Because of the perpetration of fraud upon herein Protestant through the malicious and intentional fielding of a nuisance candidate in the person of Alvin John Tañada to sabotage the candidacy of herein Protestant, and the inclusion of Alvin John's name in the ballot despite the cancellation of his certificate of candidacy, Protestant is hereby protesting the miscounting and mistabulation of the votes cast for him as votes for Alvin John in the ten (10) Municipal Board of Canvassers of the Fourth District of Quezon and the Provincial Board of Canvassers of Quezon as follows: x x x.

Meanwhile, on June 28, 2013, the COMELEC Second Division favorably acted on the motion to annul the proclamation of Tan, and annulled the proclamation, and directed the Quezon PBOC to credit the 7,038 votes of Alvin John to Wigberto, and to declare the winner after the re-computation of the votes. While Wigberto's petition for *certiorari* was still pending in the Supreme Court, the COMELEC *En Banc* affirmed the action of the COMELEC Second Division annulling Tan's proclamation. However, Tan had by then taken her oath and assumed office past noon time of June 30, 2013, thereby rendering the adverse resolution on her proclamation moot.

On October 22, 2013, the Supreme Court promulgated its resolution in G.R. Nos. 207199-200 dismissing Wigberto's *AD CAUTELAM PETITION FOR CERTIORARI, MANDAMUS AND PROHIBITION* with URGENT MOTION FOR THE ISSUANCE OF A STATUS QUO ANTE ORDER, *viz*:



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

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 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.

WHEREFORE, the petition is DISMISSED.

SO ORDERED.

Thereafter, the Tribunal directed Tan to submit her responsive pleading to the election contest.

In compliance, Tan filed her verified answer with special and affirmative defenses and counter-protest, praying that the Tribunal dismiss the election protest pursuant to Rule 16 in relation to Rule 21 of *The 2011 Rules of the House of Representatives Electoral Tribunal* (2011 HRET Rules) for being grossly deficient in form and substance under the law, and considering further that Wigberto was guilty of forum shopping.

In his reply and answer to the counter-protest, Wigberto insisted that the Supreme Court had already declared in G.R. Nos. 207199-200 that the Tribunal had exclusive jurisdiction to determine whether or not Alvin John was a nuisance candidate, and whether or not crediting the votes garnered by Alvin John to Wigberto constituted an election contest.

On February 11, 2014, Tan filed her comment with motion to dismiss and/or set the case for preliminary hearing or oral argument.

On February 27, 2014, the Tribunal granted Tan’s motion to set the oral arguments, and held oral arguments on March 13, 2014.⁴

⁴ Id. at 39-44.

The HRET's Ruling

The HRET promulgated the assailed Resolution on 25 September 2014.

The HRET held that Wigberto did not commit forum-shopping. Wigberto sought exclusive relief from the HRET for his electoral protest in the belief that it was the proper forum for his predicament. He did not go to the HRET to look for a friendly forum to obtain a favorable result.

However, the HRET held that Wigberto's election protest was insufficient in form and substance. The HRET found that Wigberto's election protest failed to allege the facts to support a valid election protest as required by Rule 16 of the 2011 HRET Rules. Although the pleading was captioned as an election protest, its contents were more appropriate for a petition to annul Tan's proclamation. The HRET further stated that the material fraud in an election protest must be of an "intrinsic nature as to which the protestant was caught off his guard," and not extrinsic, or "one that he could have effectively prevented after the filing of Alvin John's CoC but still during the campaign period."

Finally, the HRET ruled that it has no jurisdiction to declare that Alvin John was a nuisance candidate. The HRET relied on Section 17, Article VI of the 1987 Constitution and Rule 15 of the 2011 HRET Rules to declare that its power to judge election contests is limited to Members of the House of Representatives. Alvin John, admittedly, is not a Member of the House of Representatives.

The dispositive portion of the HRET's Resolution reads:

WHEREFORE, the election protest *ad cautela* of protestant WIGBERTO "TOBY" R. TAÑADA, JR. is DISMISSED for being insufficient in form and in substance, and for lack of jurisdiction to pronounce and declare Alvin John S. Tañada as a nuisance candidate.

No pronouncement as to costs.

SO ORDERED.⁵

Representative Luzviminda C. Ilagan (Rep. Ilagan) of Gabriela Women's Party wrote a Concurring and Dissenting Opinion.

Rep. Ilagan stated that Wigberto's election protest is sufficient in form and substance. The purpose of an election protest is to ascertain whether the candidate proclaimed by the board of canvassers is the lawful choice of the people. Wigberto was not raising matters of irregularities in the counting of

⁵ Id. at 50.



votes at the precinct level, so there was no need to cite the specific precincts in the protest filed before the HRET. Rep. Ilagan further stated that the principle of liberal interpretation and application of the HRET Rules is consistent with the HRET's constitutional duty to ensure that the will of the electorate is not defeated.

Rep. Ilagan declared that the HRET has jurisdiction to determine whether Tan committed fraud by fielding Alvin John, and whether Alvin John is a nuisance candidate. The jurisdiction of the HRET in the adjudication of election contests is intended to be full, complete and unimpaired. The facts and circumstances of the case, that is, the limitations in the procedures of the computerized elections that led to the non-deletion of Alvin John's name in the ballots despite the cancellation of his certificate of candidacy, the refusal of the COMELEC to declare Alvin John a nuisance candidate, and the eventual decision of the COMELEC to annul Tan's proclamation and credit Alvin John's votes to Wigberto, show that the electorate's will was not realized.

Finally, Rep. Ilagan concurred with the Resolution that Wigberto did not commit forum-shopping. Even if Wigberto instituted actions before different institutions, the actions had different causes of action.

Wigberto filed his Motion for Reconsideration of the HRET's Resolution on 3 November 2014. He raised the following grounds: (1) the jurisdiction of the HRET in election protests is defined by the Constitution, the law and jurisprudence, and cannot be arbitrarily limited by the HRET; (2) the opening of ballot boxes and the revision of ballots are not essential to an election protest; and (3) the HRET cannot refuse the exercise of its jurisdiction over the fraud committed by a protestee on the ground that it has no power to reverse a COMELEC ruling on a nuisance candidate.

The HRET denied Wigberto's Motion for Reconsideration in its Resolution dated 22 January 2015.

Wigberto filed the present Petition for Certiorari on 18 March 2015.

The Issues

Wigberto enumerated the following grounds warranting allowance of his petition:

1. Public respondent HRET gravely abused its discretion, amounting to lack or excess of jurisdiction, when it whimsically, capriciously, and arbitrarily limited its own jurisdiction in election protests as defined by the Constitution, the law, and jurisprudence.



2. Public respondent HRET gravely abused its discretion, amounting to lack or excess of jurisdiction, when it whimsically, capriciously, and arbitrarily declared that an election protest is limited to the opening of ballot boxes and the revision of ballots.
3. Public respondent HRET gravely abused its discretion, amounting to lack or excess of jurisdiction, when it whimsically, capriciously, and arbitrarily declared that it cannot look into the fraudulent fielding of a nuisance candidate as perpetrated by herein private respondent, because it has no power to review, modify, or reverse the factual finding of the COMELEC on nuisance candidates.⁶

The Court's Ruling

The petition has no merit. We affirm the Resolutions of the HRET.

Wigberto's Procedural Errors

In G.R. Nos. 207199-200, this Court narrated the following events:

In a Resolution dated January 29, 2013, the COMELEC First Division dismissed both petitions for lack of merit. On Wigberto's motion for reconsideration, **the COMELEC En Banc, in a Resolution dated April 25, 2013**, upheld the COMELEC First Division's ruling in SPA No. 13-057 (DC) that Alvin John was not a nuisance candidate as defined under Section 69 of Batas Pambansa Bilang 881, as amended, otherwise known as the "Omnibus Election Code of the Philippines" (OEC). However, in SPA No. 13-056 (DC), it granted the motion for reconsideration and cancelled Alvin John's CoC for having committed false material representations concerning his residency in accordance with Section 78 of the OEC.

On May 15, 2013, Wigberto filed a 2nd Motion for Partial Reconsideration of the COMELEC En Banc's ruling in SPA No. 13-057 (DC) on the ground of newly discovered evidence. He alleged that Alvin John's candidacy was not bona fide because: (a) Alvin John was merely forced by his father to file his CoC; (b) he had no election paraphernalia posted in official COMELEC posting areas in several barangays of Gumaca, Quezon Province; (c) he did not even vote during the May 13, 2013 National Elections; and (d) his legal representation appeared to have been in collusion with the lawyers of Angelina.

On May 15 and 16, 2013, Wigberto filed with the COMELEC En Banc an Extremely Urgent Motion to Admit Additional and Newly Discovered Evidence and to Urgently Resolve Motion for Reconsideration and an Urgent Manifestation and Supplemental thereto. These motions, however, remained un-acted upon until **the filing of the present petition before the Court on May 27, 2013.** Thus, in

⁶ Id. at 14.



order to avoid charges of forum-shopping, said motions were withdrawn by Wigberto.⁷

Wigberto committed several fatal procedural errors.

First, Wigberto filed a prohibited pleading: a motion for reconsideration of a resolution of the COMELEC En Banc. Section 1(d), Rule 13 of the COMELEC Rules of Procedure specifically prohibits the filing of a “motion for reconsideration of an en banc ruling, resolution, order or decision except in election offense cases.” Consequently, the COMELEC En Banc ruling became final and executory,⁸ precluding Wigberto from raising again in any other forum Alvin John’s nuisance candidacy as an issue.

Second, Wigberto filed his petition beyond the period provided by the COMELEC Rules of Procedure. The COMELEC En Banc promulgated its resolution on Alvin John’s alleged nuisance candidacy on 25 April 2013. Wigberto filed his petition in G.R. Nos. 207199-200 before this Court on 27 May 2013. By this date, the COMELEC En Banc’s resolution on Alvin John’s alleged nuisance candidacy was already final and executory. Section 3, Rule 37 of the COMELEC Rules of Procedure provides:

Section 3. *Decisions Final After Five Days.* - Decisions in pre-proclamation cases and petitions to deny due course to or cancel certificates of candidacy, to declare a candidate as nuisance candidate or to disqualify a candidate, and to postpone or suspend elections shall become final and executory after the lapse of five (5) days from their promulgation, unless restrained by the Supreme Court.

What Wigberto should have done was to file a petition for certiorari with this Court within five days from promulgation of the 25 April 2013 resolution of the COMELEC En Banc. Wigberto failed to timely assail before this Court through a petition for certiorari the COMELEC En Banc resolution declaring that Alvin John was not a nuisance candidate.

The HRET’s Exercise of its Jurisdiction

The HRET did not commit any grave abuse of discretion in declaring that it has no jurisdiction to determine whether Alvin John was a nuisance

⁷ *Tañada, Jr. v. Commission on Elections*, G.R. Nos. 207199-200, 22 October 2013, 708 SCRA 188, 191-192. Citations omitted. Emphases added.

⁸ The HRET’s 25 September 2014 Resolution stated that Wigberto sought reconsideration of the denial of his petition before the COMELEC En Banc in SPA Case No. 13-057 on 7 May 2013. On the other hand, our resolution in G.R. Nos. 207199-200 stated that Wigberto filed a second motion for partial reconsideration of the COMELEC En Banc’s ruling in SPA Case No. 13-057 on 15 May 2013. Wigberto also filed with the COMELEC En Banc on 15 and 16 May 2013 an Extremely Urgent Motion to Admit Additional and Newly Discovered Evidence and to Urgently Resolve Motion for Reconsideration and an Urgent Manifestation and Supplemental thereto. In any event, Wigberto still filed said pleadings beyond the reglementary period.



candidate. If Wigberto timely filed a petition before this Court within the period allotted for special actions and questioned Alvin John's nuisance candidacy, then it is proper for this Court to assume jurisdiction and rule on the matter. As things stand, the COMELEC En Banc's ruling on Alvin John's nuisance candidacy had long become final and executory.

To our mind, it appears that Wigberto's petition challenging Alvin John's nuisance candidacy filed before the HRET, and now before this Court, is a mere afterthought. It was only after Angelina was proclaimed a winner that Wigberto renewed his zeal in pursuing Alvin John's alleged nuisance candidacy. It is not enough for Wigberto to have Alvin John's COC cancelled, because the effect of such cancellation only leads to stray votes.⁹ Alvin John must also be declared a nuisance candidate, because only then will Alvin John's votes be credited to Wigberto.¹⁰

Wigberto further argues that this Court directed him to seek resolution regarding Alvin John's purported nuisance candidacy before the HRET. This is inaccurate. We directed Wigberto to the HRET to question the conduct of the canvass and Tan's proclamation. We stated thus:

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 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.¹¹

⁹ Section 6, Republic Act No. 6646, The Electoral Reforms Law of 1987 provides:
Sec. 6. *Effect of Disqualification Case.* – Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him shall not be counted. If for any reason a candidate is not declared by final judgment before an election to be disqualified and he is voted for and receives the winning number of votes in such election, the Court or Commission shall continue with the trial and hearing of the action, inquiry, or protest and, upon motion of the complainant or any intervenor, may during the pendency thereof order the suspension of the proclamation of such candidate whenever the evidence of his guilt is strong.

¹⁰ Our ruling in *Dela Cruz v. Commission on Elections*, 698 Phil. 548 (2012), prompted the issuance of COMELEC Resolution No. 9599, In The Matter of the Amendment to Rule 24 of the Comelec Rules of Procedure as amended by Resolution No. 9523 (2012). The amendment reads:

Section 5. *Applicability of Rule 23.* – Except for *motu proprio* cases, Sections 3, 4, 5, 6, 7, and 8 of Rule 23 shall apply in proceedings against nuisance candidates.

If the person declared as a nuisance candidate and whose certificate of candidacy has been cancelled or denied due course does not have the same name and/or surname as a *bona fide* candidate for the same office, the votes cast for such nuisance candidate shall be deemed stray pursuant to Section 9 of Rule 23.

If the person declared as a nuisance candidate and whose certificate of candidacy has been cancelled or denied due course has the same name and/or surname as a *bona fide* candidate for the same office, the votes cast shall not be considered stray but shall be counted and tallied for the *bona fide* candidate. However, if there are two or more *bona fide* candidates with the same name and/or surname as the nuisance candidate, the votes cast for the nuisance candidate shall be considered as stray votes.

¹¹ *Tañada, Jr. v. Commission on Elections*, G.R. Nos. 207199-200, 22 October 2013, 708 SCRA 188, 196. Citations omitted.

WHEREFORE, we **DISMISS** the petition and **AFFIRM** the assailed Resolutions promulgated on 25 September 2014 and 22 January 2015 by the House of Representatives Electoral Tribunal in HRET Case No. 13-018 (EP).

SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

WE CONCUR:



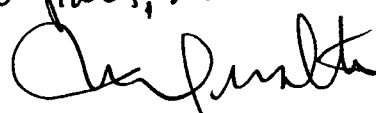
MARIA LOURDES P. A. SERENO
Chief Justice

(no part-HRET Chairman)

PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

(on leave)
ARTURO D. BRION
Associate Justice

No part, member of the HRET

DIOSDADO M. PERALTA
Associate Justice

I take no part, being a Member of HRET

no admission
✓
LUCAS P. BERSAMIN
Associate Justice

Mariano C. Del Castillo
MARIANO C. DEL CASTILLO
Associate Justice

Jose Portugal Perez
concur. See
short concurrence
JOSE PORTUGAL PEREZ
Associate Justice

Jose Catral Mendoza
JOSE CATRAL MENDOZA
Associate Justice

Reynaldo L. Reyes
BIENVENIDO L. REYES
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

Marvic M.V.F. Leonen
MARVIC M.V.F. LEONEN
Associate Justice

Francis H. Jardeleza
FRANCIS H. JARDELEZA
Associate Justice

Alfredo Benjamin S. Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



MARIA LOURDES P. A. SERENO
Chief Justice