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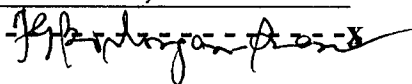
G.R. No. 221697 – MARY GRACE NATIVIDAD S. POE-LLAMANZARES, *Petitioner*, v. COMMISSION ON ELECTIONS and ESTRELLA C. ELAMPARO, *Respondents*.

G.R. Nos. 221698-700 – MARY GRACE NATIVIDAD S. POE-LLAMANZARES, *Petitioner*, v. COMMISSION ON ELECTIONS, FRANCISCO S. TATAD, ANTONIO P. CONTRERAS and AMADO T. VALDEZ, *Respondents*.

Promulgated:

March 8, 2016

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SEPARATE CONCURRING OPINION

CAGUIOA, J.:

I concur. The Commission on Elections (“**COMELEC**”) committed grave abuse of discretion amounting to lack or excess of jurisdiction when it cancelled the petitioner’s certificate of candidacy.

At the outset, this discussion is necessarily framed in the context of the nature of the petitions brought before the COMELEC and the resultant scope of this Court’s review.

The Omnibus Election Code (“**OEC**”) positively requires an aspiring candidate to formally manifest his or her intention to run through the filing of a certificate of candidacy.¹ Section 74 of the OEC enumerates the information required to be stated by a candidate in his or her certificate of candidacy, thus:

Sec. 74. *Contents of certificate of candidacy.* - The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office stated therein and that he is eligible for said office; if for Member of the Batasang Pambansa, the province, including its component cities, highly urbanized city or district or sector which he seeks to represent; the political party to which he belongs; civil status; his date of birth; residence; his post office address for all election purposes; his profession or occupation; that he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities; that he is not a permanent resident or immigrant to a foreign country; that the obligation imposed by his oath is assumed

¹ OMNIBUS ELECTION CODE, Sec. 73.



voluntarily, without mental reservation or purpose of evasion; and that the facts stated in the certificate of candidacy are true to the best of his knowledge.

x x x x

Under Section 78, a certificate of candidacy can be denied due course or cancelled in case of false material representation therein. The jurisprudential requirements for the cancellation of a certificate of candidacy under Section 78 of the OEC are clear: (1) that a representation is made with respect to a material fact, (2) that the representation is false, and (3) that there is intent to deceive or mislead the electorate.²

The Assailed Resolutions were issued by the COMELEC disposing of Petitions for Disqualification and Cancellation of Certificate of Candidacy filed by the respondents against the petitioner. Treating all petitions filed as Section 78 Petitions, the Assailed Resolutions held that (1) the representations made by the petitioner with respect to her citizenship and residence were false, and (2) she intended to deceive or mislead the electorate as to her qualifications to run for office. In determining the existence of false material representation, the COMELEC declared that the petitioner cannot claim that May 24, 2005 was the starting point of her period of residence, and that she is not a natural-born citizen. Consequently, her certificate of candidacy was cancelled.

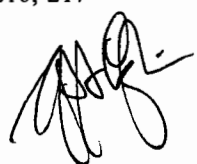
In these Consolidated Petitions for *certiorari*, the petitioner ascribes grave abuse of discretion to the COMELEC for, among others, ruling on her qualifications in a Section 78 petition. In other words, the extent of the COMELEC's jurisdiction in a Section 78 petition should have been to check the accuracy of the material representations made in a certificate of candidacy and to determine the existence of an intent to mislead – only for the purpose of deciding whether the certificate of candidacy should be denied due course or cancelled.

The limited scope of this Court's review on *certiorari* of a judgment, final order or resolution of the COMELEC under Rule 64 is well-defined. Time and again, this Court has held that the extent of its review is limited to the determination of whether the COMELEC acted without jurisdiction, or committed grave abuse of discretion amounting to lack or excess of jurisdiction.³

“Grave abuse of discretion,” under Rule 65, has been described in a number of cases as the arbitrary or despotic exercise of power due to

² *Caballero v. COMELEC*, G.R. No. 209835, September 22, 2015; See also *Villafuerte v. COMELEC*, G.R. No. 206698, February 25, 2014, 717 SCRA 312, citing *Salcedo II v. COMELEC*, 371 Phil. 377 (1999).

³ *Dela Cruz v. COMELEC*, 698 Phil. 548, 559 (2012); *Laurena, Jr. v. COMELEC*, 553 Phil. 210, 217 (2007), citing *Manzala v. COMELEC*, 551 Phil. 28, 35 (2007).



passion, prejudice or personal hostility; or the whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or a refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. For an act to be struck down as having been done with grave abuse of discretion, the abuse of discretion must be patent and gross.⁴ This Court has also previously held that wrong or irrelevant considerations in deciding an issue is sufficient to taint COMELEC's action with grave abuse of discretion, and that in exceptional cases, when the COMELEC's action on the appreciation and evaluation of evidence oversteps the limits of its discretion to the point of being grossly unreasonable, this Court is not only obliged, but has the constitutional duty to intervene.⁵

The question in these Consolidated Petitions is whether or not the Assailed Resolutions of the COMELEC are tainted with grave abuse of discretion amounting to lack or excess of jurisdiction. If the COMELEC committed grave abuse, then it becomes this Court's bounden duty to strike down the assailed judgment. Moreso in this case, when the right of an individual to run and be voted for public office and the right of the electorate to choose their leader are at stake.

Necessarily, therefore, this Court's jurisdiction and its exercise neither hinge on nor require a final determination of the petitioner's qualifications. Keeping in mind the narrow confines of this Court's *certiorari* jurisdiction as invoked, and the principle of judicial restraint, I confine my views only to those matters that are absolutely necessary to resolve the Petitions, and accordingly leave the resolution of the questions of her qualifications to the Presidential Electoral Tribunal if and when such a petition is filed before it.

With this framework, I proceed to examine whether the COMELEC acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it cancelled petitioner's certificate of candidacy.

The COMELEC acted with grave abuse of discretion when it cancelled the petitioner's certificate of candidacy.

I believe that the COMELEC committed grave abuse of discretion by (1) misinterpreting the jurisprudential requirements of cancellation of a certificate of candidacy under Section 78, and (2) for placing the burden of

⁴ *Alliance for Nationalism and Democracy (ANAD) v. COMELEC*, G.R. No. 206987, September 10, 2013, 705 SCRA 340, 344, citing *Beluso v. COMELEC*, 635 Phil. 436, 443 (2010); *Velasco v. COMELEC*, 595 Phil. 1172, 1183 (2008), citing *Gonzales v. Intermediate Appellate Court*, 252 Phil. 253, 262 (1989); *Lalican v. Vergara*, 342 Phil. 485, 495 (1997).

⁵ *Sabili v. COMELEC*, 686 Phil. 649 (2012), and *Jalover v. Osmeña*, G.R. No. 209286, September 23, 2014, 736 SCRA 267, citing *Mitra v. COMELEC*, 648 Phil. 165 (2010).



proof upon the petitioner to show that she complies with the residency and citizenship qualifications for the position of President.

The COMELEC grossly misinterpreted the law in the manner it treated the jurisprudential requirements of cancellation under Section 78. Specifically, it gravely abused its discretion by failing to determine the existence of petitioner's intent to deceive separate from the determination of whether there were false material representations in her certificate of candidacy.

In *Mitra v. COMELEC*,⁶ this Court elucidated on the nature of the element of intent to deceive, thus:

[T]he misrepresentation that Section 78 addresses cannot be the result of a mere innocuous mistake, and cannot exist in a situation where the intent to deceive is patently absent, or where no deception of the electorate results. The deliberate character of the misrepresentation necessarily follows from a consideration of the consequences of any material falsity: a candidate who falsifies a material fact cannot run; x x x.

Proceeding from this statement, this Court found in that case that Mitra did not commit any deliberate material misrepresentation in his certificate of candidacy. Moreover, this Court held that the COMELEC gravely abused its discretion in its appreciation of the evidence which led it to conclude that Mitra was not a resident of Aborlan, Palawan. The COMELEC, too, failed to critically consider whether Mitra deliberately attempted to mislead, misinform or hide a fact that would otherwise render him ineligible for the position of Governor of Palawan.

In *Jalover v. Osmeña*,⁷ the requirement of intent to deceive was restated, thus:

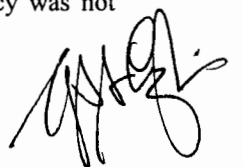
Separate from the requirement of materiality, a false representation under Section 78 must consist of a "deliberate attempt to mislead, misinform, or hide a fact, which would otherwise render a candidate ineligible." In other words, it must be made with the intention to deceive the electorate as to the would-be candidate's qualifications for public office. x x x

These cases show that there must be a *deliberate* attempt to mislead, misinform, or hide a fact which would otherwise render a candidate ineligible. Therefore, the requirement of intent cannot be disposed of by a simple finding that there was false representation of a material fact; to be sure, there must also be a showing of the candidate's intent to deceive as animating the making of the false material representation.⁸

⁶ 636 Phil. 753, 780 (2010).

⁷ Supra note 5, at 282.

⁸ In *Tagolino v. House of Representatives Electoral Tribunal*, 706 Phil. 534, 551 (2013), a case that dealt with the question of whether a disqualified candidate whose certificate of candidacy was not cancelled could be substituted, the Court ratiocinated:



In the case of petitioner, apart from the finding that there were false material representations in the petitioner's certificate of candidacy, the COMELEC relied mainly on the representation previously made by the petitioner in her 2012 certificate of candidacy for the position of Senator, and that she is a foundling, to support the inference that the petitioner intended to mislead the electorate into believing that she has the requisite residency and natural-born status. The existence of intent to mislead is not a question of law — and I find that the petitioner has adduced substantial evidence to show, contrary to any intent to mislead, that she honestly believed herself to have the requisite qualifications to run for President. Her evidence should have been directly met by the respondents. As it was, her evidence was not considered by the COMELEC. On this ground, its judgment was tainted with grave abuse of discretion.

Moreover, contrary to the rules of evidence, the COMELEC shifted the burden of proof to the petitioner, ascribing to her the onus of showing that she had the qualifications to run for President, instead of requiring the respondents to prove the three elements that furnish the grounds for denial of due course or cancellation of certificate of candidacy.

Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law.⁹ This Court has consistently held, and it is an established rule, that the burden of evidence may shift depending upon the exigencies of the case in the course of trial;¹⁰ however, the burden of proof remains with the party upon whom it is originally imposed¹¹ — he who seeks the affirmative of an issue. In this case, as with other election cases, the burden of proof is placed upon the parties seeking the denial of due course or cancellation of a certificate of candidacy.¹²

In this case, this shifting of burden of proof to the petitioner unfairly skewed the analysis and resulting conclusions reached by the COMELEC in the petitions for cancellation against the petitioner. It would appear that the

Corollary thereto, it must be noted that the deliberateness of the misrepresentation, much less one's intent to defraud, is of bare significance in a Section 78 petition as it is enough that the person's declaration of a material qualification in the CoC be false. In this relation, jurisprudence holds that an express finding that the person committed any deliberate misrepresentation is of little consequence in the determination of whether one's CoC should be deemed cancelled or not. What remains material is that the petition essentially seeks to deny due course to and/or cancel the CoC on the basis of one's ineligibility and that the same be granted without any qualification.

However, cases on cancellation of certificate of candidacy under Section 78 (which were promulgated after *Tagolino*) retained the element of intent: *Villafuerte v. COMELEC*, supra note 2 and *Hayudini v. COMELEC*, G.R. No. 207900, April 22, 2014, 723 SCRA 223.

⁹ RULES OF COURT, Rule 131, Sec. 1.

¹⁰ *Bautista v. Sarmiento*, 223 Phil. 181, 186 (1985); See also *De Leon v. Bank of the Philippine Islands*, G.R. No. 184565, November 20, 2013, 710 SCRA 443; *Vitarich Corporation v. Losin*, 649 Phil. 164 (2010).

¹¹ *Bautista v. Sarmiento*, id. at 185.

¹² *Reyes v. COMELEC*, G.R. No. 207264, June 25, 2013, 699 SCRA 522 the same discussion repeated in the Resolution dated October 22, 2013; *Tecson v. COMELEC*, 468 Phil. 421 (2004).



COMELEC relied merely on its judgment being based on substantial evidence, without considering the effect upon the petitions for cancellation of the: (1) respondents' claims and evidence being met by those of the petitioner, and (2) evidence of both parties at equipoise. This erroneous consideration similarly taints the judgment with grave abuse of discretion.

Consequent to the finding that the COMELEC gravely abused its discretion, this case falls within the exception whereby this Court can examine the factual conclusions of the COMELEC.

There was no intent to deceive.

A. With respect to residency

Mitra, while admittedly not on all fours with this case, shares enough similarities to this case on a conceptual level that the analysis used therein can be applied by parity of reasoning. Inasmuch as we held in *Mitra* that the establishment of a new domicile may be an incremental process and that the totality of the evidence should be considered in determining whether or not a new domicile was established, the same disquisition applies to the instant case.

The totality of evidence presented by the petitioner points to a decision and action to establish a new domicile of choice in the Philippines as early as 2005. Stated differently, my considered appreciation of the totality of all these overt acts done by the petitioner is that she had believed in good faith that when she filled up her certificate of candidacy she was correctly reckoning the period of her residency from the time that she had taken concrete steps to transfer her domicile. Using the standard of Section 74 of the OEC, petitioner filled in the certificate of candidacy to "the best of her knowledge". To impute intent to mislead upon a person who represents what she knows to the best of her knowledge and belief to be true, as supported by the evidence, is to commit grave abuse of discretion.

The petitioner did not falsely represent her length of residence.

All told, the evidence of petitioner preponderantly shows that she (1) has been physically present in the country from 2005; (2) had intended to remain in the Philippines, and (3) abandoned her domicile in the United States.

Actual physical presence

The petitioner sufficiently established that after she came to the Philippines in 2004 to support her father's campaign, she returned in 2005 with a more permanent stay in mind and had been physically present in the



country since; that she had brought her children to the Philippines in mid-2005.

Animus manendi and animus non revertendi

Similar to evidence showing physical presence, the petitioner sufficiently showed that since 2005, she and her entire family had taken steps to permanently relocate in the Philippines. Petitioner showed that as early as March 2005, her husband had begun the process of transporting and disposing of their household belongings in the United States. By the middle of 2005, the petitioner and her children had arrived in the Philippines; the children, enrolled in Philippine schools by June 2005. The next year, they began the construction of a home and acquired a condominium unit to stay in until the construction is completed.

Her travel documents also show that whenever she left the country, she returned to the Philippines. By July 2006, she had taken her *Oath of Allegiance to the Republic of the Philippines* pursuant to the provisions of Republic Act No. 9225. Her husband had also formally notified the United States Postal Service of their change of address. The entire process culminated in her acceptance of the Movie and Television Review and Classification Board ("*MTRCB*") Chairmanship and her renunciation of her American citizenship in 2010.

To an unbiased mind, all these overt acts would show that the intent and demonstrative acts to transfer to or establish a new domicile of choice began in 2005. The evidence clearly preponderates in favor of the conclusion that the petitioner's physical presence, *animus manendi* and *animus non revertendi* had concurred by clear overt acts obtaining as early as 2005. While admittedly, the last acts that foreclose any other conclusion were done in 2010, more than substantial evidence is present to support her claim that she had established a new domicile of choice in the Philippines from May 24, 2005. As in *Mitra*,¹³ the transfer was an incremental process, nowhere near completed in 2005, but already existing then. I submit that these facts lead to no other conclusion than that the petitioner had already determined to permanently reside in the Philippines.

On this point, I quote with approval the Separate Opinion¹⁴ of Commissioner Luie Tito F. Guia:

To prove her claims, Respondent presented, among others, the following:
a) E-mail exchanges from 18 March 2005 to 29 September 2006 with Victory Van Corporation and National Veterinary Quarantine Service Bureau of Animal Industry of the Philippines indicating respondent and her husband's plan of relocating all their movable properties from the

¹³ Supra note 5.

¹⁴ In the Consolidated Petitions docketed as SPA No. 15-002 (DC), SPA No. 15-007 (DC), and SPA No. 15-139 (DC).



United States to the Philippines; b) Official Transcripts, Permanent School Records and Registrar Certification showing the enrolment of her school-aged children in Philippine schools before June 2005; c) her Philippine Bureau of Internal Records [sic] or Tax Identification Number 239-290-513-000; and d) Condominium Certificate Titles, Declarations of Real Property and a Transfer Certificate of Title indicating acquisitions of different real properties in the country.

It is clear from the foregoing that Respondent was physically and actually present in the Philippines since May 2005. This is one of the requisites for an effective change of domicile. It is also evident that, independent of her still being a US citizen at that time, Respondent had already intended to change her domicile from the US to the Philippines. All her acts and conduct points to her intention to transfer her residence to the Philippines.

x x x x

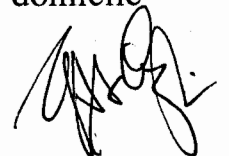
From the substantial evidence on record, I find that there is no misrepresentation in Respondent's CoC in so far as her period of residency in the Philippines is concerned. It is an error for the Commission to cancel Respondent's CoC on this ground.

x x x x

To my mind, there can be no clearer manifestation of the earlier concurrence of the petitioner's *animus manendi* and *animus non revertendi* with her physical presence in the country than when she brought her children to the Philippines in the middle of 2005 and enrolled them in the same year in Philippine schools. To any parent, this is a very big decision that is not lightly made. To uproot teens from the world they know, and to displace them from the environment in which they grew up, is, to say the least, a very significant decision for any parent to make. Indeed, as a parent, the petitioner is presumed to be acting in the best interest of her children. And that petitioner did this convinces me that petitioner's decision to permanently reside in the Philippines was already made at the time, or just before, the children were brought to the Philippines to stay with her and to study, in the middle of 2005.

Given the totality of evidence presented by petitioner, the inaccuracies with respect to the period of her residency can be considered an honest mistake. The petitioner had admitted to making a mistake in determining the precise date of the start of her residency when she filed her certificate of candidacy for the position of Senator in 2012. The filing of the 2015 certificate of candidacy is the earliest opportunity that the petitioner had to correct her previous representation — the very fact that she changed her period of residence, on its own, cannot be the basis of a finding that there was deliberate intent to mislead as to her residency.

As for the 2015 certificate of candidacy, even assuming that the representation that her period of residence began on May 24, 2005 is false, the petitioner had sufficiently shown that the effective transfer of domicile



occurred in 2005. Even in an effect-based analysis, therefore, there should not have been a finding that there was intent to mislead. By fact and law, she complies with the residency requirement, and no deception of the electorate as to her qualification ensues by virtue of her representation.

What is more, she has in her favor substantial evidence to show that she had been physically present and had taken overt actions demonstrative of her *animus manendi* and *animus non revertendi* from the time of her claimed period of residence on May 24, 2005.¹⁵ In fine, the evidence presented preponderated in favor of the petitioner. And even if we were to assume *arguendo* that the evidence of the parties is at equipoise, still, the COMELEC should have ruled against the party with the burden of proof — the respondents.

This application of burden of proof can be seen in one of the holdings in *Tecson v. COMELEC*, thus:

[B]ut while the totality of the evidence may not establish conclusively that respondent FPJ is a natural-born citizen of the Philippines, the evidence on hand still would preponderate in his favor enough to hold that he cannot be held guilty of having made a material misrepresentation in his certificate of candidacy in violation of Section 78, in relation to Section 74, of the Omnibus Election Code. Petitioner has utterly failed to substantiate his case before the Court, notwithstanding the ample opportunity given to the parties to present their position and evidence, and to prove whether or not there has been material misrepresentation, which, as so ruled in *Romualdez-Marcos vs. COMELEC*, must not only be material, but also deliberate and willful.”¹⁶

B. With respect to citizenship

On this point I deviate from the majority opinion when it proceeded to rule on the question of the petitioner’s citizenship. Keeping in mind the nature of this Court’s limited *certiorari* review, I believe that this Court need not have made a definitive ruling on petitioner’s status as a natural-born Filipino citizen.

I concur, however, that the COMELEC grossly misappreciated the evidence when it found that the petitioner deliberately intended to mislead the electorate when she stated that she is a natural-born Filipino citizen, knowing full well that she is a foundling. The COMELEC would have us believe that the petitioner knew that she was not a natural-born citizen at the time that she accomplished and filed her certificate of candidacy, and knowing this, deliberately attempted to deceive the electorate by claiming that she is a natural-born Filipino citizen.

¹⁵ The amount of evidence presented by the petitioner sufficiently distinguishes her case from the cases of *Coquilla v. COMELEC*, 434 Phil. 861 (2002), *Caballero v. COMELEC*, supra note 2 and *Reyes v. COMELEC*, supra note 12, wherein this Court was constrained to either closely link or reckon the period of residence to the reacquisition of citizenship for sheer dearth of evidence.

¹⁶ Supra note 12, at 488; citations omitted.



The question of petitioner's citizenship as a foundling is subject to legal interpretation. Any conclusion reached on this point is necessarily a legal conclusion. If one needs proof to show how intricate and susceptible to several interpretations her real status is as a foundling, one needs only to look at the different interpretations advanced by the members of the COMELEC and of this Court.

The rule is that any mistake on a doubtful or difficult question of law may be the basis of good faith.¹⁷ In *Kasilag v. Rodriguez*,¹⁸ this Court, citing Manresa, recognized the possibility of an excusable ignorance of or error of law being a basis for good faith:

We do not believe that in real life there are not many cases of good faith founded upon an error of law. When the acquisition appears in a public document, the capacity of the parties has already been passed upon by competent authority, and even established by appeals taken from final judgments and administrative remedies against the qualification of registrars, and the possibility of error is remote under such circumstances; but, unfortunately, private documents and even verbal agreements far exceed public documents in number, and while no one should be ignorant of the law, the truth is that even we who are called upon to know and apply it fall into error not infrequently. However, a clear, manifest, and truly unexcusable ignorance is one thing, to which undoubtedly refers article 2, and another and different thing is possible and excusable error arising from complex legal principles and from the interpretation of conflicting doctrines.

But even ignorance of the law may be based upon an error of fact, or better still, ignorance of a fact is possible as to the capacity to transmit and as to the intervention of certain persons, compliance with certain formalities and appreciation of certain acts, and an error of law is possible in the interpretation of doubtful doctrines.

If indeed a mistake was made by petitioner as to her real status, this could be considered a mistake on a difficult question of law that could be the basis for good faith. In this regard, good faith is presumed.¹⁹ In the same vein, it is presumed that a person is innocent of a crime or wrong, and that the law was obeyed.²⁰ Without more, the legal conclusion alleged by the respondents in the petitions for cancellation, and thereafter reached by the COMELEC, that the petitioner was not a natural-born citizen simply because she is a foundling is not sufficient to overcome the presumption that the petitioner made the representation as to her citizenship in good faith.

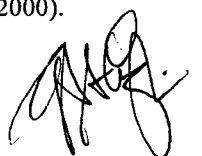
Even assuming that these presumptions cannot be considered in the petitioner's favor, the lack of intent to deceive is fully supported by evidence tending to show that she fully discharged the burden of her oath in the

¹⁷ *Lecaroz v. Sandiganbayan*, 364 Phil. 890 (1999); *Kasilag v. Rodriguez*, G.R. No. 46623, 69 Phil. 217 (1939).

¹⁸ *Id.* at 230-231, citing Manresa, Commentaries on the Spanish Civil Code, Volume IV, pp. 100, 101 and 102.

¹⁹ *GSIS v. Sps. Labung-Deang*, 417 Phil. 662 (2001); *Bermudez v. Gonzales*, 401 Phil. 38, 47 (2000).

²⁰ RULES OF COURT, Rule 131, Sec. 3, pars. (a) and (ff).

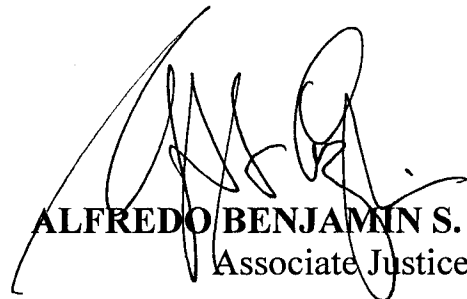


certificate of candidacy that her status as a natural-born Filipino is true and correct to the best of her knowledge. The evidence submitted by the petitioner tends to more than adequately establish that before her naturalization as an American citizen, she consistently comported herself as, and was deemed, a Filipino citizen, even by the government. Though this by no means determines her real status, it cannot be gainsaid that any reasonable person can be led to believe that he is how he was deemed or treated, i.e., a natural born citizen. Given what the petitioner believed of her status, the claim that she is a natural-born Filipino citizen is far from groundless or deceptive. It is credible that she believed in good faith that she is a natural-born Filipino citizen, and that this fact is true and correct to the best of her knowledge — as she so swore in her certificate of candidacy.

In the final analysis, even assuming falsity in her representation as to her citizenship similar to her residency, this fact alone should not have led to an automatic finding of intent to mislead and deceive the electorate, and ultimately to the cancellation of her certificate of candidacy under Rule 78.

A final word. The function of this Court's review in this Petition does not absolutely require an examination of the petitioner's qualifications, but only to determine whether the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it cancelled the petitioner's Certificate of Candidacy. This is in keeping with the limited scope of review in this *certiorari* petition. By applying the standards that have been previously set, this Court can dispense justice without presuming to make that determination.

For these reasons, I vote to **GRANT** the consolidated Petitions.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice