Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

HONORATA A. LABAY,
Petitioner,

G.R. No. 241850

- *versus* -

Present:

LEONEN, *J., Chairperson,*
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J., *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

April 28, 2021

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RESOLUTION

INTING, *J.*:

This is a Petition for Review on *Certiorari* under Rule 45[1] assailing the Decision[2] dated October 24, 2017 and the Resolution[3] dated September 6, 2018 of the Court of Appeals (CA) in CA G.R. CR No. 38793 which affirmed the Decision[4] dated December 2, 2014 of Branch 39, Regional Trial Court (RTC), Calapan City, Oriental Mindoro, finding Honorata A. Labay (petitioner) guilty beyond reasonable doubt of

[1] *Rollo*, pp. 14-37.

[2] *Id.* at 41-56; penned by Associate Justice Edwin D. Sorongon with Associate Justices Jane Aurora C. Lantion and Maria Filomena D. Singh, concurring.

[3] *Id.* at 58-61.

[4] *Id.* at 63-72; penned by Judge Manuel C. Luna, Jr.

violation of Section 10(j),[5] in relation to Sections 45(j)[6] and 46[7] of Republic Act No. (RA) 8189.[8]

The Antecedents

Petitioner was charged with violation of Section 10(j) in relation to Section 45(j) of RA 8189 in an Information which states:

> That on or about December 26, 2001, during the continuing Registration of Voters under Republic Act No. 8189, in the City of Calapan, Province of Oriental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, a registered voter of Barangay Malitam, Batangas City, with Voter Registration Record (VRR) No. 22561463, did then and there willfully and unlawfully, file an application for registration on December 26, 2001 at Precinct No. 109A of Barangay Maidlang 2, Calapan City, as evidenced by Voter Registration Record (VRR) No. 01119681, where she declared under oath, in her application that she is not a registered voter in any precinct in the city, when in truth and in fact, she is a registered voter of Barangay Malitam, Batangas City, under Voter Registration Record (VRR) No. 22561463, dated June 22, 1997.
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> CONTRARY TO LAW.[9]

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[5] Section 10(j) of Republic Act No. (RA) 8189 provides:

SECTION 10. *Registration of Voters.* — A qualified voter shall be registered in the permanent list of voters in a precinct of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application form for registration as prescribed by the Commission in three (3) copies before the Election Officer on any date during office hours after having acquired the qualifications of a voter.

The application shall contain the following data:

x x x x.

j) A statement that the applicant is not a registered voter of any precinct;

x x x x.

[6] Section 45(j) of RA 8189 provides:

SECTION 45. *Election Offenses.* — The following shall be considered election offenses under this Act:

x x x x.

j) Violation of any of the provisions of this Act.

[7] Section 46 of RA 8189 provides:

SECTION 46. *Penalties.* — Any person found guilty of any Election offense under this Act shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be deported after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine not less than One hundred thousand pesos (₱100,000) but not more than Five hundred thousand pesos (₱500,000).

[8] The Voter's Registration Act of 1996, approved on June 11, 1996.

[9] As culled from the Court of Appeals Decision dated October 24, 2017, *rollo*, p. 42.

The prosecution established that on June 22, 1997, petitioner filed an application for new registration with the Commission on Elections (COMELEC), Batangas City (COMELEC-Batangas City). After going through the procedure, she became a registered voter in Batangas City and voted in the 1998 and 2001 elections.[10]

However, on December 26, 2001, petitioner again filed an application for new registration and this time with the COMELEC, Calapan City, Oriental Mindoro (COMELEC-Calapan City). When asked whether she was a voter in any other place, petitioner categorically replied in the negative. Relying on petitioner's claim that she was not a registered voter in any other precinct, the COMELEC-Calapan City approved her application for new registration.[11]

On July 2, 2002, petitioner sent a request to the City Election Officer of COMELEC-Batangas City for the cancellation of her voter's registration and the subsequent transfer of her records to Calapan City.[12] On July 18, 2002, the COMELEC-Batangas City issued a certification that petitioner's Voter's Registration Record (VRR) was already cancelled as of July 8, 2002.[13]

Petitioner filed a certificate of candidacy for a *barangay* chairman position in Calapan City, Oriental Mindoro during the July 15, 2002 *barangay* and *Sangguniang Kabataan* synchronized elections.[14] When petitioner won the election, her opponent filed several cases against her including the instant case.[15]

For her defense, petitioner insisted that her registration records in Batangas City had already been cancelled by COMELEC-Batangas City on July 8, 2002. She stated that she did not cast her vote in Batangas City during the July 15, 2002 election and the succeeding elections thereafter. She argued that she was in good faith in accomplishing her voter's registration in the COMELEC-Calapan City as she did not vote

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[10] *Id.* at 43.
[11] *Id.*
[12] *Id.* at 43-44.
[13] *Id.* at 44.
[14] *Id.*
[15] *Id.*

twice or more in any given election.[16]

The Ruling of the RTC

The RTC convicted petitioner and sentenced her to suffer the penalty of imprisonment of one (1) year which shall not be subject to probation. The RTC also disqualified her to hold public office and deprived her of the right to vote, thus:

> ACCORDINGLY, this Court finds the accused HONORATA ACLAN LABAY *GUILTY* beyond reasonable doubt as principal of the crime charged in the aforequoted Information and pursuant to Section 10(j) in relation to Sections 45(j) and 46 of R.A. No. 8189, said accused is hereby sentenced to suffer imprisonment of ONE (1) YEAR, which shall not be subject to probation, and with the accessory penalties provided by law and with credit for preventive imprisonment undergone, if any. As provided by Section [46] of said law, the accused is likewise hereby sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage.
>
> SO ORDERED.[17]

The RTC ruled that double registration as an election offense is *malum prohibitum* thus, the intention of petitioner is immaterial. According to the RTC, when petitioner filled out the VRR and applied as a new voter in Calapan City, Oriental Mindoro, she violated the law because of her prior registration at COMELEC-Batangas City.[18]

The Ruling of the CA

On October 24, 2017, the CA affirmed petitioner's conviction, thus:

> WHEREFORE, premises considered, the Appeal is DISMISSED. Accordingly, the December 2, 2014 Decision of the Regional Trial Court of Calapan City, Branch 39, convicting accused-appellant Honorata Aclan Labay in *Criminal Case No. CR-05-8037* for violation of Section 10 (j) in relation to Sections 45 (j) and 46 of Republic Act No. 8189, otherwise known as "*The Voter's Registration Act of 1996*" is AFFIRMED.

[16] *Id.* at 44-45.
[17] *Id.* at 72. Underscoring omitted; italics in the original.
[18] *Id.* at 69.

SO ORDERED.[19]

Undaunted, petitioner filed a Motion for Reconsideration[20] which the CA denied in its Resolution[21] dated September 6, 2018.

Hence, the instant petition.

The Issues

I

WHETHER PETITIONER WAS CONVICTED OF THE SAME OFFENSE AS THAT WHICH WAS ACTUALLY CHARGED IN THE INFORMATION.

II

WHETHER PETITIONER WAS DULY INFORMED OF THE CAUSE OF ACCUSATION OF WHICH SHE WAS CONVICTED.

III

WHETHER SECTION 45(j) OF RA 8189 IS UNCONSTITUTIONAL.[22]

The Ruling of the Court

The petition lacks merit.

Being interrelated, the first and second issues shall be discussed jointly.

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[19] *Id.* at 55.
[20] *Id.* at 86-91.
[21] *Id.* at 58-61.
[22] See Petition for Review on *Certiorari* under Rule 45, *id.* at 21.

At the outset, the Court reiterates that in a petition for review on *certiorari* under Rule 45 of the Rules of Court, its jurisdiction is generally limited to reviewing errors of law. Section 1, Rule 45 of the Rules of Court states that the petition filed shall raise only questions of law, which must be distinctly set forth. The Court explained the difference between a question of fact and a question of law in this wise:

> A question of law arises when there is doubt as to what law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, its resolution must not involve an examination of the probative value of the evidence presented by the litigants but must rely solely on what the law provides on the given set of facts. If the facts are disputed or if the issues require an examination of the evidence, the question posed is one of fact. The test, therefore, is not the appellation given to a question by the party raising it, but whether the appellate court can resolve the issue without examining or evaluating the evidence, in which case, it is a question of law, otherwise, it is a question of fact.[23]

In *Torres v. People*,[24] the Court explained:

> It is fundamental rule that only questions of law may be raised in a petition for review on *certiorari* under Rule 45. The factual findings of the trial court, especially when affirmed by the Court of Appeals, are generally binding and conclusive on this Court. This Court is not a trier of facts. It is not duty-bound to analyze, review, weight the evidence all over again in the absence of any arbitrariness, capriciousness, or palpable error.[25]

A judicious examination of petitioner's allegations in the instant petition shows that the questions raised, particularly the first and second issues, refer to factual matters which are not proper subjects of a petition for review on *certiorari* under Rule 45 of the Rules of Court. Petitioner would like the Court to review whether the Information contains the elements of the offense that she was charged with.

However, this is question of fact which is beyond the ambit of the

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[23] *Tiña v. Sta. Clara Estate, Inc.*, G.R. No. 239979, February 17, 2020, citing *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 767 (2013).

[24] 803 Phil 480 (2017).

[25] *Id.* at 487. Citations omitted.

Court's jurisdiction in a petition for review on *certiorari*. Again, it is worthy to emphasize that the "Court is confined to the review of errors of law that may have been committed in the judgment under review."[26] Although the rules do admit exceptions,[27] none of the exceptions are present in this case.

Even assuming *arguendo* that petitioner availed herself of the proper remedy, still the instant petition deserves to be denied for lack of merit. A careful scrutiny of the assailed Information shows that it sufficiently alleges facts constituting the gravamen of the offense of violating Section 10(j), in relation to Sections 45(j) and 46 of RA 8189. Section 10(j) of RA 8189 requires the application to include a statement that the applicant is not a registered voter of any precinct. However, in the instant case, petitioner was still a registered voter of Batangas City when she filed an application for new registration with the COMELEC-Calapan City on December 26, 2001. These facts were clearly alleged in the assailed Information.[28]

Jurisprudence dictates that the true test in ascertaining the validity and sufficiency of an Information is "whether the crime is described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty of the offense charged."[29] Hence, it is sufficient that petitioner be apprised of the offense she committed. In the case at bench,

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[26] See *Estate of Honorio Poblador, Jr. v. Manzano*, 811 Phil. 66, 79 (2017).

[27] As provided in *Twin Towers Condominium Corp. v. Court of Appeals*, 446 Phil. 280, 310 (2003), citing *Fuentes v. CA*, 335 Phil. 1163, 1168-1169 (1997), the following are the exceptions: "(a) where there is grave abuse of discretion; (b) when the finding is grounded entirely on speculations, surmises or conjectures; (c) when the inference made is manifestly mistaken, absurd or impossible; (d) when the judgment of the Court of Appeals was based on a misapprehension of facts; (e) when the factual findings are conflicting; (f) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same are contrary to the admissions of both appellant and appellee; (g) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and, (h) where the findings of fact of the Court of Appeals are contrary to those of the trial court, or are mere conclusions without citation of specific evidence, or where the facts set forth by the petitioner are not disputed by the respondent, or where the findings of fact of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record."

[28] That on or about December 26, 2001, during the continuing Registration of Voters under Republic Act No. 8189, in the City of Calapan, Province of Oriental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, a registered voter of Barangay Malitam, Batangas City, with Voter Registration Record (VRR) No. 22561463, did then and there willfully and unlawfully, file an application for registration on December 26, 2001 at Precinct No. 109A of Barangay Maidlang 2, Calapan City, as evidenced by Voter Registration Record (VRR) No. 01119681, where she declared under oath, in her application that she is not a registered voter in any precinct in the city, when in truth and in fact, she is a registered voter of Barangay Malitam, Batangas City, under Voter Registration Record (VRR) No. 22561463, dated June 22, 1997.

[29] See *People v.* Sandiganbayan, 769 Phil 378, 388 (2015).

the Information[30] clearly shows that petitioner was being charged with double registration or violation of Section 10(j), in relation to Sections 45(j) and 46 of RA 8189.

The Information specifically alleged that petitioner, as a registered voter of Brgy. Malitam, Batangas City with VRR No. 22561463, did then and there, willfully and unlawfully, filed an application for registration on December 26, 2001 at Precinct No. 109A of Brgy. Maidlang 2, Calapan City, as evidenced by VRR No. 01119681, where she declared under oath, in her application that she is not a registered voter in any precinct in the city, when in truth and in fact, she is a registered voter of Brgy. Malitam, Batangas City, under VRR No. 22561463. The Information sufficiently apprised petitioner that she did not declare under oath that she was still a registered voter of Batangas City when she applied for a new registration in Calapan City, an act which violated Section 10(j), in relation to Sections 45(j) and 46 of RA 8189.

The issue on the constitutionality of Section 45(j) of RA 8189 has long been settled by the Court in *Spouses Romualdez v. Commission on Elections*,[31] to wit:

> *Second.* Petitioners would have this court declare Section 45 (j) of Republic Act No. 8189 vague, on the ground that it contravenes the fair notice requirement of the 1987 Constitution, in particular, Section 14 (1) and Section 14 (2), Article III of thereof. Petitioners submit that Section 45 (j) of Republic Act No. 8189 makes no reference to a definite provision of the law, the violation of which would constitute an election offense.
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> We are not convinced.
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> The void-for-vagueness doctrine holds that a law is facially invalid if men of common intelligence must necessarily guess at its meaning and differ as to its application. However, this Court has imposed certain limitations by which a criminal statute, as in the challenged law at bar, may be scrutinized. This Court has declared that facial invalidation or an "on-its-face" invalidation of criminal statutes is not appropriate. We have so enunciated in no uncertain terms in *Romualdez v. Sandiganbayan*, thus:
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> > In sum, the doctrines of strict scrutiny, overbreadth, and vagueness are analytical tools developed for testing "on their faces" statutes in free speech cases or,

[30] *Id.* at 42 as culled from the CA Decision.
[31] 576 Phil. 357 (2008).

> as they are called in American law, First Amendment cases. They cannot be made to do service when what is involved is a criminal statute. With respect to such statute, the established rule is that 'one to whom application of a statute is constitutional will not be heard to attack the statute on the ground that impliedly it might also be taken as applying to other persons or other situations in which its application might be unconstitutional.' As has been pointed out, 'vagueness challenges in the First Amendment context, like overbreadth challenges typically produce facial invalidation, while statutes found vague as a matter of due process typically are invalidated [only] 'as applied' to a particular defendant.'" (underscoring supplied)
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> x x x x
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> Indeed, an "on-its-face" invalidation of criminal statutes would result in a mass acquittal of parties whose cases may not have even reached the courts. Such invalidation would constitute a departure from the usual requirement of "actual case and controversy" and permit decisions to be made in a sterile abstract context having no factual concreteness. In *Younger v. Harris*, this evil was aptly pointed out by the U.S. Supreme Court in these words:
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> "[T]he task of analyzing a proposed statute, pinpointing its deficiencies, and requiring correction of these deficiencies before the statute is put into effect, is rarely if ever an appropriate task for the judiciary. The combination of the relative remoteness of the controversy, the impact on the legislative process of the relief sought, and above all the speculative and amorphous nature of the required line-by-line analysis of detailed statutes, . . . ordinarily results in a kind of case that is wholly unsatisfactory for deciding constitutional questions, whichever way they might be decided."
>
> For this reason, generally disfavored is an on-its-face invalidation of statutes, described as a "manifestly strong medicine" to be employed "sparingly and only as a last resort." In determining the constitutionality of a statute, therefore, its provisions that have allegedly been violated must be examined in the light of the conduct with which the defendant has been charged. (Emphasis supplied.)

x x x An appropriate "as applied" challenge in the instant Petition should be limited only to Section 45 (j) in relation to Sections 10 (g) and (j) of Republic Act No. 8189 — the provisions upon which

> petitioners are charged. An expanded examination of the law covering provisions which are alien to petitioners' case would be antagonistic to the rudiment that for judicial review to be exercised, there must be an existing case or controversy that is appropriate or ripe for determination, and not conjectural or anticipatory.
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> x x x x
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> As structured, Section 45 of Republic Act No. 8189 makes a recital of election offenses under the same Act. Section 45 (j) is, without doubt, crystal in its specification that a violation of any of the provisions of Republic Act No. 8189 is an election offense. The language of Section 45 (j) is precise. The challenged provision renders itself to no other interpretation. A reading of the challenged provision involves no guesswork. We do not see herein an uncertainty that makes the same vague.[32]

In addition, the Court provided a list of laws containing similar phraseology employed in Section 45(j) that has not been declared unconstitutional, thus:

> The phraseology in Section 45 (j) has been employed by Congress in a number of laws which have not been declared unconstitutional:
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> 1) The Cooperative Code
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> Section 124 (4) of Republic Act No. 6938 reads:
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> "Any violation of any provision of this Code for which no penalty is imposed shall be punished by imprisonment of not less than six (6) months nor more than one (1) year and a fine of not less than One Thousand Pesos (P1,000.00) or both at the discretion of the Court."
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> 2) The Indigenous Peoples Rights Act
>
> Section 72 of Republic Act No. 8371 reads in part:
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> "Any person who commits violation of any of the provisions of this Act, such as, but not limited to . . ."
>
> 3) The Retail Trade Liberalization Act
>
> Section 12, Republic Act No. 8762, reads:

[32] *Id.* at 389-394. Emphasis omitted; italics in the original.

> "Any person who would be found guilty of violation of any provisions of this Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than eight (8) years, and a fine of at least One Million (P1,000,000.00) but not more than Twenty Million (P20,000,000.00).[33] (Underscoring in the original.)

In *Spouses Romualdez v. Commission on Elections*, the Court stressed that every statute has in its favor the presumption of validity. To justify its nullification, there must be a clear and unequivocal breach of the Constitution, and not one that is doubtful, speculative or argumentative.[34] Here, petitioner failed to overcome the presumption of validity of Section 45 (j) of RA 8189. Thus, there is no reason to deviate from the findings of the RTC as affirmed by the CA.

WHEREFORE, the petition is **DENIED**. The Decision dated October 24, 2017 and the Resolution dated September 6, 2018 of the Court of Appeals in CA-G.R. CR No. 38793 are **AFFIRMED** *in toto*.

SO ORDERED.

HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

RAMON PAUL L. HERNANDO
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

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[33] *Spouses Romualdez v. Commission on Elections*, G.R. No. 167011 (Resolution), December 11, 2008.

[34] *Spouses Romualdez v. Commission on Elections*, *supra* note 31 at 398, citing *Arceta v. Judge Mangrobang*, 476 Phil. 106, 115 (2004).

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice