



Republic of the Philippines
Supreme Court
Manila

EN BANC

JOENAR VARGAS AGRAVANTE,
Petitioner,

G.R. No. 264029

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,*
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

- versus -

COMMISSION ON ELECTIONS,
MUNICIPAL TRIAL COURT OF
GOA, CAMARINES SUR, and
JOSEPH AMATA BLANCE,
Respondents.

Promulgated:

August 8, 2023

X ----- X

DECISION

GESMUNDO, C.J.:

This is a Petition for *Certiorari*¹ under Rule 64, in relation to Rule 65 of the Rules of Court, with an urgent prayer for the issuance of a temporary restraining order (*TRO*) and/or preliminary injunction filed by Joenar Vargas

* On leave.
¹ *Rollo*, pp. 6-26.

Agravante (*petitioner*), assailing the July 2, 2019 Order² of the Commission on Elections (*COMELEC*) First Division (*COMELEC Division*) and the September 20, 2022 Resolution³ of the *COMELEC En Banc* in EAC No. 167-2018-B.

The Antecedents

Petitioner and Joseph Amata Blance (*private respondent*) were candidates for the position of *Punong Barangay* of Matacla, Goa, Camarines Sur, in the May 14, 2018 *Barangay* and *Sangguniang Kabataan* Elections (*BSKE*). Private respondent garnered 786 votes, while petitioner got 789 votes, the latter winning by a margin of three votes. Thus, petitioner was proclaimed the duly elected *Punong Barangay* of Matacla on May 15, 2018.⁴

Not satisfied with the election result, private respondent filed a protest on May 23, 2018 before the Municipal Trial Court (*MTC*) of Goa, Camarines Sur. On May 30, 2018, petitioner filed an Answer with Counterclaim and with Affirmative Defenses which are Grounds for a Motion to Dismiss and with Counter-Protest. Private respondent subsequently filed his Answer to Counterclaim/Counter-Protest on June 6, 2018.⁵

After the issues were joined and due course given to the protest and counter-protest, a preliminary conference was held on June 25, 2018 whereby a revision committee was constituted. In said conference, the parties agreed that after revision, they will simultaneously make their formal offer of documentary evidence together with their memoranda with the end in view of expediting the resolution of the case. Thereafter, the case shall be decided on the basis of the memoranda, if any, revision reports, evidence so marked and offered, and other pleadings forming part of the record.⁶

MTC Decision

On October 15, 2018, the MTC promulgated its Decision⁷ granting the protest, the dispositive portion of which reads:

² Id. at 29-30; signed by Presiding Commissioner Al A. Parreño, and Commissioners Ma. Rowena Amelia V. Guanzon and Marlon S. Casquejo.

³ Id. at 46-51; signed by Chairman George Erwin M. Garcia, and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, and Rey E. Bulay.

⁴ Id. at 52.

⁵ Id.

⁶ Id.

⁷ Id. at 52-77; penned by Judge Ramon V. Efono.

WHEREFORE, premises considered, the proclamation of Joenar V. Agravante as the winning candidate is hereby SET ASIDE and Joseph A. Blance is hereby DECLARED as the elected *Punong Barangay* of Matacla, Goa, Camarines Sur in the May 14, 2018 BSKE.

Costs against the Protestee.

SO ORDERED.⁸

According to the MTC, Section 2, Rule 13 of A.M. No. 07-4-15-SC provides that no evidence shall be considered by the court unless it has been formally offered.⁹ On the basis of this provision, the MTC excluded from the official count a certain number of ballots that were not formally offered in evidence by either petitioner or private respondent.¹⁰ Thus, after the revision of the ballots, the MTC held that private respondent obtained 789 votes as against petitioner who received 784 votes, the former winning by a margin of five votes.¹¹

Aggrieved, petitioner appealed to the COMELEC.

COMELEC Division Order

On July 2, 2019, the COMELEC Division issued an Order, the *fallo* of which reads:

Accordingly, the Commission (**First Division**) **RESOLVED** as it hereby **RESOLVES** to **DISMISS** the instant appeal for appellant's failure to submit his *Brief* within the prescribed period pursuant to Section 9 (b), Rule 22 of the COMELEC Rules of Procedure, as amended.

SO ORDERED.¹²

According to the COMELEC Division, based on petitioner's brief, he furnished the same to private respondent through registered mail. However, petitioner failed to submit an affidavit of mailing, the registry receipt as proof of service, and a written explanation as to why service by mail was resorted to in accordance with Secs. 11 and 13, Rule 13 of the Rules of Court, in relation to Sec. 3, Rule 12 of the COMELEC Rules of Procedure, as

⁸ Id. at 77.

⁹ Id. at 62.

¹⁰ Id. at 55-61; petitioner failed to formally offer 12 of his exhibits, while respondent failed to offer 7 of his exhibits.

¹¹ Id. at 75-77.

¹² Id. at 30.

amended.¹³ Thus, petitioner's brief was deemed not filed for failure to comply with the said mandatory requirements.¹⁴

Dissatisfied with the said Order, petitioner filed a Motion for Reconsideration.¹⁵

COMELEC *En Banc* Resolution

On September 20, 2022, the COMELEC *En Banc* issued the assailed Resolution, the dispositive portion of which reads:

WHEREFORE, the Commission hereby **RESOLVES** to **DENY** the instant *Motion for Reconsideration*. Accordingly, the Order promulgated by the Commission (*First Division*) on 02 July 2019 is hereby **AFFIRMED**.

SO ORDERED.¹⁶

The COMELEC *En Banc* found no reason to reverse the ruling of the COMELEC Division, holding that petitioner failed to present any controverting evidence to justify his noncompliance with the rules and merely stated that his failure was only due to inadvertence. Considering that the submission of documentary requirements is mandatory in nature and noncompliance is a clear ground for dismissal, the COMELEC *En Banc* held that the motion for reconsideration failed to raise new issues and substantial matters that would warrant the reversal of the assailed Order.¹⁷

Hence, this Petition.

Arguments of the Parties

Petitioner argues that the COMELEC *En Banc* acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it dismissed his appeal outright based on technical grounds. He argues that he immediately rectified his procedural lapse by promptly filing a motion for reconsideration and attaching the following: 1) affidavit of service and explanation of service by registered mail, 2) certification from the Provincial Capitol Complex Post Office of the fact of mailing, and 3) copies of the registry receipts. Despite his

¹³ Id. at 29.

¹⁴ Id. at 30.

¹⁵ Id. at 31-38.

¹⁶ Id. at 51.

¹⁷ Id. at 50.

substantial compliance, the COMELEC *En Banc* still denied his motion without taking into account the importance of the issues raised and the *prima facie* merit of his brief.¹⁸

Moreover, petitioner argues that he is the real winner of the 2018 BSKE with a winning margin of at least seven votes. In fact, even the MTC itself acknowledged the fact that if the ballots that were not formally offered were to be considered, the outcome of the revision might change in his favor.¹⁹ According to petitioner, the said ballots were marked as exhibits by the Revision Committee, attached to the records of the election protest, and listed in the revision report.²⁰

Petitioner also pointed out that the COMELEC has already issued a certificate of finality and entry of judgment on October 26, 2022, even though he received the assailed Resolution of the COMELEC *En Banc* only on October 18, 2022. Thus, unless a TRO and/or a *status quo ante* order is issued by this Court, the Decision of the MTC and the Resolution of the COMELEC *En Banc* may be implemented anytime to the great detriment of the people of Barangay Matacla.²¹

In its Comment,²² respondent COMELEC, through the Office of the Solicitor General, argues that it did not commit grave abuse of discretion in denying petitioner's appeal due to the latter's failure to perfect the said appeal in accordance with law.²³ The COMELEC emphasized that petitioner merely offered flimsy excuses for his noncompliance with the rules and asked for liberality as if it were a right he is entitled to.²⁴

According to the COMELEC, the required documents specified in the COMELEC Division's Order are mandatory, and petitioner's noncompliance therewith is a valid reason for the dismissal of his appeal. In addition, petitioner failed to provide any evidence to excuse his noncompliance with the rules when he filed a motion for reconsideration with the COMELEC *En Banc*.²⁵ The COMELEC also argues that petitioner is not entitled to injunctive relief for failing to establish the necessary requisites for its issuance.²⁶ Thus,

¹⁸ Id. at 11-14.

¹⁹ Id. at 14-15 and 114.

²⁰ Id. at 17.

²¹ Id. at 20-21.

²² Id. at 134-149.

²³ Id. at 136.

²⁴ Id. at 140.

²⁵ Id. at 140-141.

²⁶ Id. at 165.

the COMELEC prays that the petition be dismissed similar to this Court's ruling in the recent case of *Coro v. Commission on Elections*²⁷ (*Coro*).

In his Reply,²⁸ petitioner argues that there is compelling reason for this Court to exercise its *certiorari* jurisdiction on the ground of his substantial compliance with the rules.²⁹ He also argues that the instant case warrants relaxation or liberality in the application of the rules in the interest of substantial justice.³⁰ Furthermore, petitioner is of the opinion that the case of *Coro* is not on all fours with the instant case.³¹ Aside from his substantial compliance with the rules, petitioner invokes the 1958 case of *Reforma v. De Luna*³² (*Reforma*), where this Court held that the lower court erred in not examining certain ballots for the sole reason that they were not formally presented as evidence.³³

Issues

I.

WHETHER THE COMELEC *EN BANC* COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DISMISSING PETITIONER'S APPEAL DUE TO THE LATTER'S FAILURE TO PERFECT THE APPEAL IN ACCORDANCE WITH LAW.

II.

WHETHER PETITIONER IS ENTITLED TO A TRO, *STATUS QUO ANTE* ORDER, OR A WRIT OF PRELIMINARY INJUNCTION.

The Court's Ruling

The scope of this Court's jurisdiction in a petition for *certiorari* under Rule 64, in relation to Rule 65 of the Rules of Court, is limited; the petition must show that the COMELEC *En Banc* acted without or in excess of its

²⁷ *Id.* at 163-165; G.R. No. 258307, July 26, 2022.

²⁸ *Id.* at 176-187.

²⁹ *Id.* at 177-178.

³⁰ *Id.* at 178.

³¹ *Id.* at 180.

³² 104 Phil. 278 (1958).

³³ *Id.* at 287.

jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction.³⁴

Grave abuse of discretion has been defined as a whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law.³⁵ In the process of determining the existence of grave abuse of discretion, this Court looks into: (1) whether the act involved was done contrary to the Constitution, the law or jurisprudence; or (2) whether it was executed whimsically, capriciously or arbitrarily out of malice, ill will or personal bias.³⁶ Additionally, mere abuse of discretion is not enough; it must be grave.³⁷ Unless it is firmly established that the COMELEC *En Banc* committed grave abuse of discretion, this Court would not interfere with its decision.³⁸

In this case, the COMELEC *En Banc* did not commit abuse of discretion, much less grave abuse of discretion, when it dismissed petitioner's appeal considering that its September 20, 2022 Resolution is duly supported by law and the records of the case.

It is undisputed that when petitioner was required by the COMELEC Division to file his brief, he failed to submit an affidavit of mailing, the registry receipt as proof of service, and a written explanation as to why service by mail was resorted to. Given that these are mandatory requirements under Secs. 11³⁹ and 13,⁴⁰ Rule 13 of the Rules of Court, in relation to Sec. 3,⁴¹ Rule 12 of the COMELEC Rules of Procedure, as amended, the COMELEC Division considered petitioner's brief as not filed. Consequently, it dismissed

³⁴ *Buenafe v. Commission on Elections*, G.R. No. 260374, June 28, 2022.

³⁵ *Aggabao v. Commission on Elections*, G.R. No. 258456, July 26, 2022.

³⁶ *Marquez v. Commission on Elections*, 861 Phil. 667, 684 (2019).

³⁷ *Buenafe v. Commission on Elections*, supra.

³⁸ *Id.*

³⁹ Section 11. *Priorities in modes of service and filing.* — Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

⁴⁰ Section 13. *Proof of service.* — Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with Section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

⁴¹ Section 3. *Mode, Completion and Proof of Service.* — Service of pleadings, motions, notices, orders or judgment and other papers, the completeness thereof, and proof of such service shall be made in the manner prescribed by the Rules of Court of the Philippines.

petitioner's appeal for his failure to submit his brief within the prescribed period, pursuant to Sec. 9(b),⁴² Rule 22 of the COMELEC Rules of Procedure.

When petitioner filed his motion for reconsideration with the COMELEC *En Banc*, the latter denied the motion since petitioner failed to justify his noncompliance with the rules and failed to raise new issues or substantial matters that would warrant reversal of the COMELEC Division's Order. The COMELEC *En Banc* cited Sec. 1, Rule 19 of the COMELEC Rules of Procedure, which provides that "[a] motion for reconsideration may be filed on the grounds that the evidence is insufficient to justify the decision, order or ruling; or that the said decision, order or ruling is contrary to law." Considering that petitioner was unable to show the existence of either ground, and merely argued that his failure to comply with the rules should not automatically result in the dismissal of his appeal, the COMELEC *En Banc* denied his motion.

Based on the foregoing, it is clear that the COMELEC Division and the COMELEC *En Banc* acted in full conformity with applicable laws, rules, and jurisprudence without any hint of whimsicality, arbitrariness, or capriciousness. Their strict adherence to the rules cannot be deemed grave abuse of discretion nor even mere abuse of discretion. In fact, it is the inverse that holds true; the manifest disregard of basic rules and procedures is precisely what constitutes grave abuse of discretion.⁴³ Time and again, this Court has held that procedural rules are tools designed to facilitate adjudication of cases, deliberately set in place to prevent arbitrariness in the administration of justice.⁴⁴ Since the right to appeal is not a constitutional right but a mere statutory privilege, anyone who seeks to invoke such privilege must comply with the applicable rules; otherwise, the right to appeal is forfeited.⁴⁵

While petitioner does not deny his procedural lapses, he argues that the COMELEC *En Banc* should have afforded him liberality considering his substantial compliance with the rules and the *prima facie* merit of his brief. However, it must be recalled that the relaxation of procedural rules cannot be made without any valid reasons to support it.⁴⁶ Any party seeking a liberal application of the rules is required to present strong and compelling reasons

⁴² Section 9. *Grounds for Dismissal of Appeal*. — The appeal may be dismissed upon motion of either party or at the instance of the Commission on any of the following grounds:

x x x x

(b) Failure of the appellant to file copies of his brief within the time provided by these rules[.]

⁴³ *Cruz v. People*, 812 Phil. 166, 174 (2017), citing *Spouses Crisologo v. JEW Agro-Industrial Corp.*, 728 Phil. 315, 328 (2014).

⁴⁴ *China Banking Corp. v. St. Francis Square Realty Corp.*, G.R. Nos. 232600-04, July 27, 2022.

⁴⁵ *Subic Bay Metropolitan Authority v. Subic Bay Marine Exploratorium, Inc.*, G.R. No. 237591, November 10, 2021.

⁴⁶ *Philippine Charity Sweepstakes Office v. Commission on Audit*, G.R. No. 246313, February 15, 2022.

to warrant the suspension of the rules.⁴⁷ To merit liberality, petitioner must show that there is reasonable cause justifying his noncompliance with the rules and that the outright dismissal of the petition would defeat the administration of substantive justice.⁴⁸

As this Court held in *National Grid Corporation of the Philippines v. Bautista*:⁴⁹

Liberality in the application of the rules is not an end in itself. It must be pleaded with factual basis and must be allowed for equitable ends. There must be no indication that the violation of the rule is due to negligence or design. Liberality is an extreme exception, justifiable only when equity exists.

Here, petitioner failed to show any reasonable cause justifying his noncompliance with the rules. Petitioner's explanation that his noncompliance was due to mere inadvertence cannot, in any degree, be considered as reasonable cause that would justify the suspension of the rules. In fact, his failure to provide an acceptable explanation for such noncompliance only highlights his complete disregard of procedural rules, further precluding any justification for their liberal application. Thus, no grave abuse of discretion can be attributed to the COMELEC *En Banc* for dismissing petitioner's appeal.

Furthermore, even if the procedural errors committed by petitioner were set aside, the petition remains bereft of merit.

Petitioner argues that the MTC erred in not considering the ballots that he failed to formally offer in evidence,⁵⁰ citing *Reforma*, where the Court held that it was erroneous for the lower court to not examine certain ballots "for the sole reason that they were not formally presented as evidence."⁵¹ However, with the advent of the 1987 Constitution and the adoption of new rules, the case cited by petitioner can no longer be squarely applied to the instant case.

To recall, *Reforma* was resolved based on the provisions of Republic Act No. 180, also known as the Revised Election Code, which was the applicable law during that time. The Court therein observed that the Revised Election Code did not provide for any particular procedure for the disposition of election cases once the issues are joined, and that the Rules of Court shall

⁴⁷ *Subic Bay Metropolitan Authority v. Subic Bay Marine Exploratorium, Inc.*, supra.

⁴⁸ *Philippine Charity Sweepstakes Office v. Commission on Audit*, supra.

⁴⁹ G.R. No. 232120, September 30, 2020, citing *Viva Shipping Lines, Inc. v. Keppel Philippines Mining, Inc.*, 781 Phil. 95, 99 (2016).

⁵⁰ *Rollo*, pp. 14-15.

⁵¹ *Reforma v. De Luna*, supra note 32, at 287.

not apply to election cases except by analogy or in a suppletory manner. On the other hand, the MTC herein resolved the present case by applying A.M. No. 07-4-15-SC.⁵² Sec. 2, Rule 13 of the said rules provides:

Section 2. *Offer of Evidence.* — **The court shall consider no evidence that has not been formally offered.** Offer of evidence shall be done orally on the last day of hearing allowed for each party after the presentation of the last witness. The opposing party shall be required to immediately interpose objections thereto. The court shall rule on the offer of evidence in open court. However, the court may, at its discretion, allow the party to make an offer of evidence in writing, which shall be submitted within three days. If the court rejects any evidence offered, the party may make a tender of the excluded evidence. (Emphasis supplied)

The provision is clear and requires no further interpretation; if any piece of evidence was not formally offered by the parties, then such evidence cannot be considered by the court. In this case, petitioner himself admitted that he failed to offer in evidence 12 ballots due to his own inadvertence.⁵³ Pursuant to Sec. 2, Rule 13 of A.M. No. 07-4-15-SC, the MTC was proscribed from considering the ballots that were not formally offered by petitioner in resolving the case. It bears to emphasize that A.M. No. 07-4-15-SC was promulgated on May 3, 2007 by none other than this Court pursuant to its exclusive and expanded rule-making power under the 1987 Constitution. This strengthened rule-making power was discussed in *Echegaray v. Secretary of Justice*.⁵⁴

The 1987 Constitution molded an even stronger and more independent judiciary. Among others, it enhanced the rule[-]making power of this Court. Its Sec. 5(5), Article VIII provides:

[x x x x]

Section 5. The Supreme Court shall have the following powers:

[x x x x]

(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall

⁵² Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials.

⁵³ *Rollo*, p. 14.

⁵⁴ 361 Phil. 73 (1999).

not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

The rule[-]making power of this Court was expanded. This Court for the first time was given the power to promulgate rules concerning the protection and enforcement of constitutional rights. The Court was also granted for the first time the power to disapprove rules of procedure of special courts and quasi-judicial bodies. But most importantly, the 1987 Constitution took away the power of Congress to repeal, alter, or supplement rules concerning pleading, practice and procedure. In fine, the power to promulgate rules of pleading, practice and procedure is no longer shared by this Court with Congress, more so with the Executive.⁵⁵ (Italics omitted)

The 1987 Constitution did not patently strengthen the exclusive rule-making power of the Court only for the Court itself to neglect it.⁵⁶ Rules are promulgated for the benefit of all, and the Court is duty-bound to follow them and observe the noble purpose for their issuance.⁵⁷ Given the applicability and the unequivocal nature of Sec. 2, Rule 13 of A.M. No. 07-4-15-SC, as well as petitioner's failure to justify his noncompliance with the pertinent rules, it is not only proper but crucial, for this Court to apply the said provision. As the highest court of the land, this Court is mandated to firmly enforce its own rules in order to preserve the integrity of the judicial system and to maintain impartiality in the administration of justice. Otherwise, the fundamental principle of fairness upon which our legal system is built would be rendered meaningless.

In addition, the rule on formal offer of evidence is by no means merely technical. The rule on formal offer of evidence is intertwined with the constitutional guarantee of due process since the parties must be given the opportunity to review the evidence submitted against them and take the necessary actions to secure their case.⁵⁸ As laid down in Sec. 2, Rule 13 of A.M. No. 07-4-15-SC, after the formal offer of evidence of a party, the opposing party is required to immediately interpose his or her objections. Afterwards, the court rules on the formal offer of evidence. Without such formal offer, the opposing party is effectively deprived of the opportunity to object. Thus, the MTC committed no error in its judgment and it properly acknowledged that its hands were tied by the rules when it stated that it could not consider the evidence not formally offered by petitioner.⁵⁹

⁵⁵ Id. at 88, cited in *People v. Montierro*, G.R. No. 254564, July 26, 2022.

⁵⁶ *People v. Montierro*, id.

⁵⁷ *Philippine Health Insurance Corp. v. Commission on Audit*, G.R. No. 235832, November 3, 2020.

⁵⁸ *Republic v. Spouses Gimenez*, 776 Phil. 233, 256 (2016).

⁵⁹ *Rollo*, p. 114.

Neither is the Court swayed by petitioner's insistence that he was the true winner of the 2018 BSKE. Petitioner relies heavily on the MTC's statement that the excluded ballots may have changed the results of the revision. Such pronouncement is *obiter dictum* at best, and highly speculative at worst. The trial court cannot, without crossing into the realm of prejudgment, make an appreciation of ballots not properly admitted into evidence. Furthermore, the MTC uniformly and correctly excluded all ballots not formally offered. Notably, there were seven other ballots being contested and/or claimed by private respondent that were likewise excluded from the revision of ballots for the same reason.

To summarize, petitioner failed to comply with Secs. 11 and 13 of the Rules of Court, in relation to Sec. 3, Rule 12 of the COMELEC Rules of Procedure, as amended, as well as Sec. 2, Rule 13 of A.M. No. 07-4-15-SC. Further, petitioner failed to justify his noncompliance with the rules. If this Court were to extend liberality to petitioner despite his unjustified disregard of the rules, it would directly be taking part in undermining the rule of law and the public's trust in the judicial system by promoting arbitrariness in the enforcement of procedural rules.

While it has been held in previous cases that "[t]echnicalities and procedural niceties in election cases should not be made to stand in the way of the true will of the electorate,"⁶⁰ such pronouncement cannot be construed as a license for parties in election cases to disregard procedural rules altogether. This Court never intended to establish the precedent that the "true will of the electorate" may be used as an excuse for all kinds of procedural errors, no matter how numerous or serious they may be. Noncompliance with the rules of procedure in election cases cannot be justified by the mere invocation of the determination of the "true will of the electorate," and neither is the liberal application of the rules automatically be granted by such invocation. To rule otherwise would be akin to holding that the technical rules of procedure need not be followed in election cases.

It must be emphasized that rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extrajudicial proceedings.⁶¹ It is a mistake to suppose that substantive law and procedural law are contradictory to each other, or as has often been suggested, that enforcement of procedural rules should never be permitted if it will result in prejudice to the substantive rights of the litigants.⁶² The actual policy of the courts is to give effect to both, as complementing each

⁶⁰ *Rulloda v. Commission on Elections*, 443 Phil. 649, 655 (2003).

⁶¹ *PPC Asia Corp. v. Department of Trade and Industry*, G.R. No. 246439, September 8, 2020, citing *Limpot v. Court of Appeals*, 252 Phil. 377, 379 (1989).

⁶² *Limpot v. Court of Appeals*, *id.*



other, in the just and speedy resolution of the dispute between the parties. Observance of both substantive rights is equally guaranteed by due process, whatever the source of such rights may be.⁶³

Given that the dismissal of the instant petition is warranted, petitioner's prayer for the issuance of a TRO and/or preliminary injunction need not be discussed.

WHEREFORE, the petition is **DISMISSED**. The July 2, 2019 Order of the Commission on Elections First Division and the September 20, 2022 Resolution of the Commission on Elections *En Banc* in EAC No. 167-2018-B are **AFFIRMED**.

Petitioner's urgent prayer for the issuance of a temporary restraining order and/or *status quo ante* order and/or preliminary injunction is accordingly **DENIED**.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice

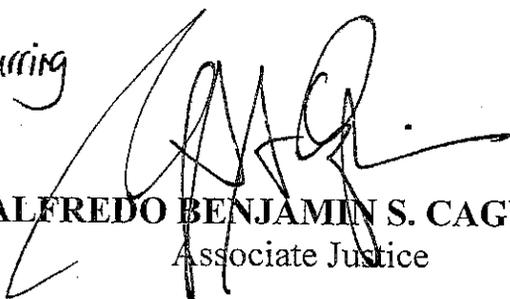
⁶³ Id. at 379-380.

WE CONCUR:

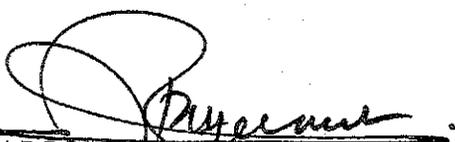


MARVIC M.V.F. LEONEN
Senior Associate Justice

*See Concurring
Opin*



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



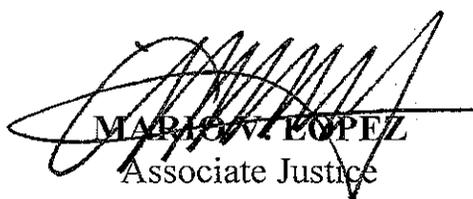
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice

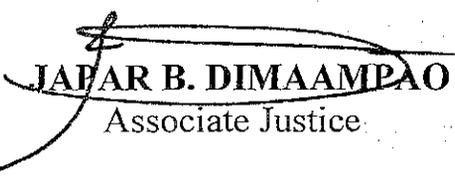


SAMUEL H. GAERLAN
Associate Justice

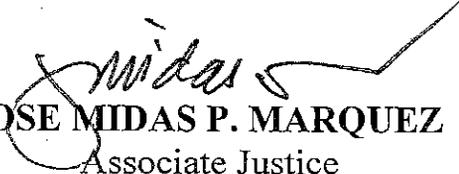
(On Leave)
RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



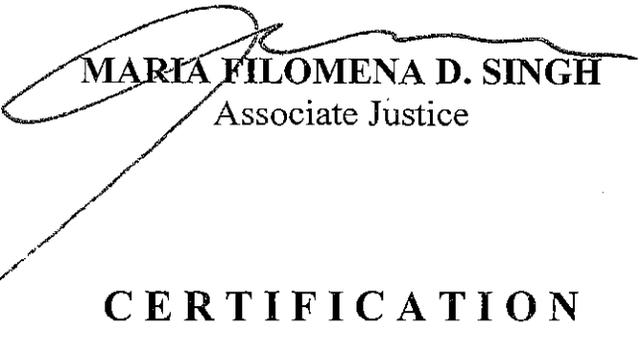
JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I hereby 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.



ALEXANDER G. GESMUNDO
Chief Justice