Republic of the Philippines
Supreme Court
Manila

EN BANC

DUTY TO ENERGIZE THE REPUBLIC THROUGH THE ENLIGHTENMENT OF THE YOUTH [DUTERTE YOUTH] PARTY-LIST, represented by [CHAIRPERSON] RONALD GIAN CARLO L. CARDEMA and REPRESENTATIVE DUCIELLE MARIE S. CARDEMA, *Petitioner*, *- versus -* **COMMISSION ON ELECTIONS, HOUSE OF REPRESENTATIVES, KOMUNIDAD NG PAMILYA, PASYENTE AT PERSONS WITH DISABILITIES [P3PWD] PARTY-LIST AND ITS NOMINEES led by ROWENA AMELIA V. GUANZON,** *Respondents*.	**G.R. No. 261123**
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DUTY TO ENERGIZE THE REPUBLIC THROUGH THE ENLIGHTENMENT OF THE YOUTH [DUTERTE YOUTH] PARTY-LIST, represented by [CHAIRPERSON] RONALD GIAN CARLO L. CARDEMA and REPRESENTATIVE DUCIELLE MARIE S. CARDEMA, *Petitioner*,	**G.R. No. 261876** Present: GESMUNDO, *C.J.*, LEONEN, CAGUIOA, HERNANDO, LAZARO-JAVIER,[1*]

1* No part.

- *versus* -

MA. ROWENA AMELIA V. GUANZON,
Respondent.

INTING,[2*]
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,[3*] and
SINGH, *JJ.*

Promulgated:

August 20, 2024

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DECISION

ROSARIO, *J.*:

In order to safeguard the electorate's will as cast in the ballots, rules and regulations limiting the substitution of party-list nominees do not lose their mandatory character even after elections.

We jointly resolve the following related petitions:

(1) **G.R. No. 261123:** Urgent Petition for *Certiorari*[4] filed by petitioner Duty to Energize the Republic Through the Enlightenment of the Youth (Duterte Youth) Party-List (referred to hereinafter as the Duterte Youth Party-List), represented by Ronald Gian Carlo and Ducielle Marie Cardema ("the Cardemas") in their official and personal capacities, seeking the annulment of respondent Commission on Elections (COMELEC)'s approval of the substitution of the nominees of respondent *Komunidad ng Pamilya, Pasyente at Persons with Disabilities* (P3PWD) Party-List, which includes first substitute nominee respondent Ma. Rowena Amelia V. Guanzon (Guanzon); and

(2) **G.R. No. 261876:** Petition[5] for indirect contempt against respondent Guanzon for alleged violation of the Temporary Restraining Order (TRO)[6] issued by the Court on June 29, 2022 in G.R. No. 261123.

2* No part.
3* No part.
4 *Rollo* (G.R. No. 261123), pp. 3–39.
5 *Rollo* (G.R. No. 261876), pp. 3–13.
6 *Rollo* (G.R. No. 261123), pp. 40–43.

I

The factual antecedents as gathered from the respective memoranda of the Duterte Youth Party-List,[7] respondents P3PWD and Guanzon,[8] and the Office of the Solicitor General (OSG) on behalf of respondent COMELEC[9] are as follows:

In 2012, the COMELEC issued Resolution No. 9366,[10] which laid down the rules on withdrawal and substitution of party-list nominees, among others.

In 2015, Guanzon was appointed as Commissioner of the COMELEC to serve a term of seven years, or until February 2, 2022.[11]

On January 27, 2021, the COMELEC promulgated Resolution No. 10690[12] which amended Resolution No. 9366 by setting new deadlines for the withdrawal and substitution of nominations, and requiring party-list groups, organizations, and coalitions to publish, at their own expense, their new list of substitute nominees, within five days from the submission of said list for purposes of the 2022 National and Local Elections (NLE).

On March 23, 2021, P3PWD filed its Petition for Registration and Accreditation as a regional sectoral organization under the party-list system.[13]

On August 18, 2021, the COMELEC issued Resolution No. 10717[14] which recapped the different deadlines concerning political parties and groups or organizations participating under the party-list system for the 2022 NLE.

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7 *Id.* at 648–705.

8 *Id.* at 706–779.

9 *Id.* at 909–1019.

10 Rules and Regulations Governing the: 1) Filing of Petitions for Registration; 2) Filing of Manifestation of Intent to Participate; 3) Submission of Names of Nominees; and 4) Filing of Disqualification Cases Against Nominees of Party-List Groups or Organizations Participating Under the Party-List System of Representation in Connection with the May 13, 2013 National and Local Elections, and Subsequent Elections Thereafter.

11 *Rollo* (G.R. No. 261123), p. 650.

12 In the Matter of Setting the Last Day for the Filing of the Following: (1) Petitions for Registration of Party-List Groups, Organizations, and Coalitions; (2) Manifestation of Intent to Participate; (3) Submission of Names of Nominees; (4) Filing of Disqualification Cases Against Nominees of Groups, Organizations and Coalitions Under the Party-List System of Representation and Requiring Publication of Substitute-Nominees in Connection with the [May 9] 2022 National and Local Elections.

13 *Rollo* (G.R. No. 261123), p. 711.

14 Rules and Regulations Governing: 1) Political Conventions; 2) Submission of Nominees of Groups or Organizations Participating Under the Party-List System of Representation; and 3) Filing of Certificates of Candidacy and Nomination of and Acceptance by Official Candidates of Registered Political Parties in Connection with the May 9, 2022 National and Local Elections.

By the last day set by COMELEC under its Resolution No. 10695, 270 party-list groups—including Duterte Youth and P3PWD—had expressed their intent to participate in the 2022 NLE.[15]

On October 6, 2021, P3PWD submitted the following list of nominees to the COMELEC Law Department:

Nominee	Name
1st	Grace S. Yeneza
2nd	Joel R. Lopez
3rd	Allen Jose R. Serna
4th	Michelle R. Ofalla
5th	Guillermo R. Eugenio[16]

On November 5, 2021, P3PWD filed the withdrawal with substitution of its second to fifth nominees and published its new set of nominees in two newspapers of general circulation on November 6, 2021 pursuant to Resolution No. 10717. Thus, the new nominees of P3PWD were:

Nominee	Name	Remarks
1st	Grace S. Yeneza	Retained/No change
2nd	Ira Paulo A. Pozon	Substitute nominee
3rd	Marianne Heidi C. Fullon	Substitute nominee
4th	Peter Jonas R. David	Substitute nominee
5th	Lily Grace A. Tiangco	Substitute nominee[17]

In Minute Resolution No. 21-13275 dated November 24, 2021, the COMELEC *En Banc* approved the withdrawal with substitution of nominees of several registered party-lists, including those of P3PWD.[18]

On December 29, 2021, the COMELEC published online the Final List of Party-List Candidates for the 2022 NLE, which included P3PWD.[19]

On February 2, 2022, Chairperson Sheriff Abas, Commissioners Antonio Kho, Jr., and Guanzon retired from their respective COMELEC posts,[20] leaving the body with a total of four Commissioners.

On election day, May 9, 2022, P3PWD garnered 391,174 votes or 1.0629% of the total votes cast for party-list organizations, thus, entitling it to one seat in the House of Representatives (HOR).[21]

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15 *Rollo* (G.R. No. 261123), p. 920.
16 *Rollo* (G.R. No. 261123), pp. 712, 920.
17 *Id.* at 712, 921.
18 *Id.* at 921.
19 *Id.*
20 *Id.* at 922.
21 *Id.* at 147, 922.

On May 26, 2022, the COMELEC *En Banc* sitting as the National Board of Canvassers (NBOC) proclaimed P3PWD entitled to one seat in the HOR. On the same day, it proclaimed first nominee, Grace S. Yeneza, entitled to sit as representative in the HOR. On May 30, 2022, Yeneza took her oath before Presiding Judge Augusto Jose Y. Arreza of the Regional Trial Court of Makati, Branch 233. On even date, copies of her Certificate of Proclamation and Oath of Office were furnished to the HOR.[22]

On June 7, 2022, second nominee Pozon resigned as a trustee, nominee, and member of P3PWD for personal reasons. Two days later, third to fifth nominees Fullon, David, and Tiangco likewise resigned. Fullon did not state her reason while David resigned due to personal reasons. Tiangco reasoned that she needed to assist her husband in their businesses. A day later, first nominee Yeneza tendered her resignation in order to personally care for her daughter who was diagnosed with stage 3 cancer in December 2021. She acknowledged that while she already took her oath of office, it would not be fair to her party constituents to carry on as their representative in Congress if she cannot give her full attention to the job.[23] Their resignation *en masse* was reported by various news organizations on June 14, 2022.[24]

On June 14, 2022, P3PWD filed the following before the COMELEC Law Department: (1) Letter from P3PWD Secretary-General Donnabel C. Tenorio regarding the submission of the Board of Resolution of Resignation of Party-List Nominees and Acceptance of Nominees; (2) Affidavit of Filing; (3) Board Resolution No. 2022-02 accepting the resignations of all nominees and substituting its new nominees; (4) notarized resignation letters of nominees; (5) Affidavit of Tenorio and Yeneza stating that the substitute nominees have all the qualifications and none of the disqualifications provided by law; and (6) Certificate of Nomination (CON) and Certificates of Acceptance of Nomination (CAN) of the following substitute nominees:

Nominee	**Name**
1st	Ma. Rowena Amelia V. Guanzon
2nd	Rosalie J. Garcia
3rd	Cherrie B. Belmonte-Lim
4th	Donnabel C. Tenorio
5th	Rodolfo B. Villar, Jr.[25]

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22 *Id.*

23 *Id.* at 712–713.

24 Daniza Fernandez, *P3PWD Party-List nominees resign; Guanzon name comes out as replacement*, INQUIRER.NET, June 14, 2022, available at newsinfo.inquirer.net/1610777/p3pwd-party-list-nominees-resign-guanzon-name-comes-out-as-replacement; Samuel P. Medenilla, *Guanzon set to become congresswoman after P3PWD Party-List nominees resign*, BUSINESSMIRROR, June 14, 2022, available at businessmirror.com.ph/2022/06/14/guanzon-set-to-become-congresswoman-after-p3pwd-party-list-nominees-resign (all last accessed on March 1, 2024).

25 *Rollo* (G.R. No. 261123), pp. 713, 922–923.

On June 15, 2022, the COMELEC *En Banc,* voting three to one, promulgated Minute Resolution No. 22-0774,[26] which granted the withdrawal of the nominations of the previous nominees and gave due course to the above new list of nominees, subject to compliance with the publication requirement under Resolutions Nos. 10690 and 10717. The dispositive portion reads:

> **WHEREFORE**, considering the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to **ADOPT**, the recommendation of Atty. Maria Norina S. Tangaro-Casingal, Law Department, to **APPROVE**, the following, **subject to the compliance of the publication requirement**, to wit:
>
> 1. To **GRANT** the respective Withdrawal of Nomination of Grace S. Yeneza as Nominee No. 1, Ira Paulo A. Pozon as Nominee No. 2, Marianne Heidi C. Fullon as Nominee No. 3, Peter Jonas R. David as Nominee No. 4; and Lily Grace A. Tiangco as Nominee No. 5; and
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> 2. To **GIVE DUE COURSE** to the New List of Nominees as follows:
>
>   1. Ma. Rowena Amelia V. Guanzon
>   2. Rosalie J. Garcia
>   3. Cherrie B. Belmonte-Lim
>   4. Donnabel C. Tenorio
>   5. Rodolfo B. Villar, Jr.
>
> Let the Law Department implement this Resolution.
>
> **SO ORDERED**.[27]

On June 17, 2022, P3PWD filed a *Manifestation*, submitting proof of publication of its New List of Nominees in two national newspapers of general circulation on June 15 and 17, 2022, respectively.[28]

On even date, the Duterte Youth Party-List filed a *Verified Opposition (to the Substitution of P3PWD Party-List Nominees)* (Opposition), praying for the denial of the substitution of P3PWD's nominees arguing that the substitutions were filed beyond the deadlines set by Resolution No. 9366, as amended, and that giving due course thereto would violate Republic Act Nos. 3019[29] and 6713[30] because Guanzon was just recently a Member of the COMELEC, which approved the party-lists joining the 2022 NLE, including P3PWD.[31] Also on the same date, the COMELEC Spokesperson confirmed

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26 *Id.* at 118-125.

27 *Id.* at 124-125

28 *Id.*

29 The Anti-Graft and Corrupt Practices Act (1960).

30 The Code of Conduct and Ethical Standards for Public Officials and Employees (1989).

31 *Rollo* (G.R. No. 261123), p. 654.

that the COMELEC had approved the substitution of P3PWD's nominees subject to P3PWD's compliance with publication requirements.[32]

Relying merely on the COMELEC Spokesperson's public statements, considering that the COMELEC had not yet formally released Resolution No. 22-0774,[33] and without awaiting the resolution of the Opposition, the Duterte Youth Party-List, on June 21, 2022, instituted this Petition praying for the annulment of the approval of the substitution of all nominees of P3PWD, and for the issuance of a TRO and/or writ of preliminary injunction enjoining the COMELEC from proclaiming Guanzon, and the HOR from allowing her and/or the substitute nominees to assume office during the pendency of the Petition.

On June 22, 2022, the COMELEC *En Banc* promulgated (1) Minute Resolution No. 22-0798[34] which noted P3PWD's Manifestation regarding the publication requirement and considered the same as satisfactory compliance with Minute Resolution No. 22-0774, and (2) Minute Resolution No. 22-0810[35] which denied the Opposition for lack of merit. In both issuances, three Commissioners approved while Commissioner Ferolino voted to defer.

On even date, the COMELEC, acting as the NBOC, declared P3PWD as one of the party-list organizations entitled to one seat in the HOR. It likewise proclaimed Guanzon as the qualified nominee of P3PWD to represent the latter in the HOR. The day after, she took her oath of office before Court of Appeals Associate Justice Edwin Sorongon. On June 27, 2022, she appeared before the HOR and submitted her Oath of Office.[36]

On June 29, 2022, this Court issued a TRO which reads:

> WHEREAS, considering the allegations contained, the issues raised and the arguments adduced in the Petition, without necessarily giving due course to the petition, it is necessary and proper to
>
> (a) **REQUIRE** the respondents to **COMMENT** on the petition within ten (10) days from notice hereof;
>
> (b) **ISSUE** a **TEMPORARY RESTRAINING ORDER**, effective immediately and continuing until further orders from this Court, enjoining (i) respondent Commission on Elections (COMELEC) from implementing its assailed resolution approving the substitution of the original nominees of P3PWD Party-List with five (5) new nominees led by

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32 *Id.*

33 Petitioner Ducielle Cardema had requested an official copy of the COMELEC Resolution approving the substitution of P3PWD's nominees in her letter dated June 17, 2022 to COMELEC Executive Director Atty. Bartolome Sinocruz, Jr. (Annex "C" of the Petition in G.R. No. 261123).

34 In the Matter of Compliance of Komunidad ng Pamilya, Pasyente at Persons with Disabilities (P3PWD Party-List).

35 In the Matter of the Comment and Recommendation of the Law Department on the Verified Opposition to the Substitution of P3PWD Party-List Nominees.

36 *Rollo* (G.R. No. 261123), p. 928.

> former COMELEC Commissioner, Rowena Amelia V. Guanzon, and issuing a Certificate of Proclamation to the substituting nominees and (ii) respondent House of Representatives from allowing Guanzon and the other substituting nominees to assume office as Member of the House of Representatives during the pendency of this case;
>
> ...
>
> NOW, THEREFORE, respondents COMELEC, House of Representatives, P3PWD Party-List and its nominees led by Rowena Amelia V. Guanzon are hereby required to **COMMENT** on the petition within a **NON-EXTENDIBLE** period of ten (10) days from notice hereof. Meanwhile, a **TEMPORARY RESTRAINING ORDER** is **ISSUED**, effective immediately and continuing until further orders from this Court, enjoining You, respondent COMELEC, your agents, representatives, or persons acting in your place or stead, from enforcing the assailed COMELEC Resolution...[37] (Emphasis in the original)

Nonetheless, on June 30, 2022, Guanzon filed House Bill No. 440 on behalf of P3PWD. She later filed House Bills Nos. 1044 and 1868.

In its Manifestation/Compliance *Ex Abundanti Ad Cautelam* (on the Temporary Restraining Order dated 29 June 2022) dated July 14, 2022, the HOR, through the OSG, manifested that it would comply with the TRO out of courtesy to a co-equal branch of government. Thus, on even date, the HOR Secretary-General returned the draft measures that Guanzon had filed.[38]

Meanwhile, on July 1, 2022, Ronald Gian Carlo Cardema filed a Petition to Deny Due Course or Cancel Certificate of Nomination with Prayer for Suspension of Proclamation against Ma. Rowena Amelia V. Guanzon dated June 27, 2022 (Petition to Deny Due Course) before the COMELEC, in his capacity as taxpayer and registered voter, alleging that P3PWD and Guanzon committed material misrepresentations in her CON and CAN.[39]

In its Resolution[40] dated August 22, 2023, the Court set the case for oral arguments. During the preliminary conference, the contempt charges were deemed submitted for decision. Thus, in its Revised Advisory[41] dated November 6, 2023, the Court limited the discussion to the following issues:

> **A. PROCEDURAL ISSUES**
>
> 1. Whether petitioner [Duterte Youth] Party-List has legal standing to question [COMELEC] Minute Resolution Nos. 22-0774, 22-0798, and 22-0810 (Minute Resolutions);

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37 *Id.* at 42.
38 *Id.* at 929.
39 *Id.* at 927
40 *Id.* at 372–373.
41 *Id.* at 490-492.

2. Whether a petition for *certiorari* under Rule 64 in relation to Rule 65 is the proper remedy from the assailed Minute Resolutions of the COMELEC;

3. Whether the COMELEC Minute Resolutions should be considered as final determination by the COMELEC *En Banc* of the validity of substitution of respondent [P3PWD] Party-List nominees;

4. Whether the assailed Minute Resolutions of the COMELEC were issued in the exercise of its quasi-judicial or administrative functions;

5. Whether jurisdiction remained with the COMELEC or was acquired by the House of Representatives Electoral Tribunal [HRET] on the basis of whether respondent [Guanzon] should be considered to have assumed office as representative of P3PWD Party-List; and

6. Whether the petition was premature when it was filed on June 21, 2023, without awaiting the COMELEC's Resolution on petitioner's opposition to [P3PWD]'s substitution of nominees, which Resolution was issued on June 22, 2023, a day after the petition was filed.

B. SUBSTANTIVE ISSUES

1. Whether the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction in approving the substitution of all the P3PWD Party-List nominees;

   a. Whether COMELEC Resolution No. 10690—setting the deadline for withdrawal by party-list nominees to not later than November 15, 2021 and the deadline for substitution to not later than mid-day of the election day in case of death or incapacity—is mandatory even after the election;

   b. Whether the assailed Minute Resolutions are void, not having been approved by at least four (4) Members, *i.e.*, the required minimum number of votes under Article IX-A, Section 7 of the Constitution;

   c. Whether all five party-list nominees, submitted to the electorate for voting, can withdraw at the same time, and under what conditions?

2. Whether the substitute nominees should comply with the qualification of party-list nominees as provided in Section 9 of Republic Act No. 7941;

   a. Whether the COMELEC Minute Resolutions made a determination of the substitute nominees' compliance with the qualifications of party-list nominees as provided in Section 9 of Republic Act No. 7941;

   b. Whether respondent Guanzon, a COMELEC Commissioner at the time of the approval of [P3PWD]'s registration as a party-list, was an eligible substitute nominee of P3PWD Party-List; and

3. Whether the oath for purposes of assumption into office, thereby determining the jurisdiction of the [HRET], is the oath before the

> Speaker of the House or the oath before any person authorized to administer oath right after the proclamation.

After oral arguments were held on November 14, 2023 and January 23, 2024, the parties filed their respective memoranda.[42]

We now resolve the pertinent issues *in seriatim.*

Preliminarily, We note that the only act assailed in the Petition is the approval of the substitution of P3PWD's nominees which is embodied in COMELEC Resolution No. 22-0774. While the Petition did not assail the approval of the withdrawal of P3PWD's previous nominees, the Court shall likewise pass upon the same for being intimately related to the substitution. In any case, the Court, in its Revised Advisory, has included the latter as part of the issues agreed upon by the parties. That said, We are not bound to pass upon all enumerated issues if they are not indispensable in the determination or resolution of the pivotal issues in the Petition,[43] in keeping with a simple yet fundamental principle of judicial restraint, as eloquently worded by Chief Justice Roberts of the US Supreme Court: "[i]f it is not necessary to decide more to dispose of a case, then it is necessary *not* to decide more."[44]

II - A
Procedural Issues (G.R. No. 261123)

The Cardemas have legal standing as concerned citizens to question the assailed COMELEC Resolutions

In arguing that it had legal standing to file the Petition, Duterte Youth averred that it sustained injury in the sense that the playing field among party-list organizations was no longer equal when the COMELEC granted the withdrawal and substitution of P3PWD's nominees beyond its deadline which all other party-lists regarded as definite.[45]

Further, the Cardemas invoke standing as non-traditional suitors, i.e., as concerned citizens, taxpayers, and registered voters, and Ducielle Cardema as legislator. As citizens, they are concerned with the possibility that the same scheme may happen in subsequent party-list elections where party-list nominees may altogether be substituted after securing a seat in the HOR. As taxpayers, they are against the possibility of illegal disbursement of public funds in the form of a salary should Guanzon be allowed to sit as the first nominee of P3PWD. As voters, they are inclined to confirm the validity of the COMELEC issuances on the rules for substitution of party-list nominees.

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42 *Id.* at 648–705 and 706–779.

43 *Heirs of Fuentes v. Hon. Macandog*, 173 Phil. 68, 79-80 (1978) [Per J. Barredo, Second Division].

44 Chief Justice Roberts, Concurring Opinion in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 348 (2022).

45 TSN, Atty. Edward G. Gialogo, November 14, 2023, pp. 39–40.

Additionally, as legislator, Ducielle Cardema avers that it is in her interest to see to it that only those who are fit and qualified to sit in the HOR since a member of Congress not only discharges public functions but receives salaries and emoluments which are paid out of the public treasury.

The COMELEC contends that the Cardemas failed to demonstrate a "present substantial interest" in the instant case as citizens, taxpayers, and registered voters. The Cardemas' standing to sue as concerned citizens "may not be predicated upon an interest..., which is held in common by all members of the public because of the necessarily abstract nature of the injury supposedly shared by all citizens."[46] Their invocation of their capacity as registered voters likewise fails since the assailed Minute Resolutions do not concern their right of suffrage so as to afford them a personal stake in the outcome of the case. They also failed to justify their standing as taxpayers since the act complained of does not deal with illegal expenditure or misapplication of public funds.

Additionally, P3PWD argues that the alleged harassment of the Cardemas by Guanzon in various media does not amount to actual or threatened injury. Thus, it appears that they filed the Petition merely as a personal vendetta against her. Further, the seat they contest still refers to the seat obtained by P3PWD, albeit with a different nominee. As such, the assailed Minute Resolutions allowing the substitution of nominees did not cause any disenfranchisement. Being a virtual stranger to P3PWD, especially as to the determination of the nominees of said party-list, petitioner lacks the requisite legal standing to file the Petition. *Locus standi* or legal standing has been defined as follows:

> *Locus standi* or legal standing is defined as a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the challenged governmental act. It requires a personal stake in the outcome of the controversy as to assure the concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.[47]

We fail to see how Duterte Youth stands to be injured by the COMELEC's grant of the withdrawal and substitution of P3PWD's nominees. Its allegation of an uneven playing field is too abstract and is certainly not the direct injury contemplated in determining standing. As admitted by its counsel during oral arguments, Duterte Youth would not even be deprived of a seat if P3PWD's nominee were allowed to sit.[48]

This Court, however, has allowed suits even if petitioner failed to show direct injury since the rule on standing is a matter of procedure which can be relaxed when the public interest so requires, such as when the matter is of

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46 *Lozada v. Commission on Elections*, 205 Phil. 283, 287 (1983) [Per J. De Castro, *En Banc*].

47 *Imbong v. Ochoa*, 732 Phil. 1, 127 (2014) [Per J. Mendoza, *En Banc*].

48 TSN, Atty. Ferdinand S. Topacio, January 23, 2024, pp. 113–114.

transcendental importance, of overarching significance to society, or of paramount public interest.[49] Accordingly, taxpayers are allowed to sue where there is a claim of illegal disbursement of public funds[50] or where a tax measure is assailed as unconstitutional.[51] Voters are allowed to question the validity of election laws because of their obvious interest in the validity of such laws.[52] Concerned citizens can bring suits if the constitutional question they raise is of transcendental importance which must be settled early.[53] Legislators are allowed to sue to question the validity of any official action which they claim infringes their prerogatives as legislators.[54] Nonetheless, these exceptional suits do not dispense with the requirement that there be a claim of injury-in-fact.[55]

There being no disbursement of salaries or emoluments to the substitute nominees to begin with, petitioner cannot claim injury-in-fact on the basis of illegal disbursement of public funds.[56] While they seek to prevent the illegal disbursement thereof, the fact remains that the act complained of does not directly involve the illegal disbursement of public funds.[57] It is only when the very issue of the case hinges on illegal disbursement thereof that a liberal approach to taxpayer standing should be preferred.[58] The supposed impending illegal disbursement of public funds being at most indirect and speculative, petitioner's claim of standing as taxpayers must fail.

As for Ducielle Cardema's claim of standing as a legislator, her alleged interest in ensuring that only those who are qualified are able to sit in the HOR has nothing to do with her prerogatives as a legislator.

On voter standing, our pronouncement that "there must be a showing of obvious interest in the validity of the election law in question"[59] is but an example of when voters may successfully invoke standing. Thus, the matter in question need not be an election law but may also be a rule, regulation, or ruling that is alleged to injure a right of the people in their specific capacity as voters. Here, petitioner alleges that the public never had the opportunity to scrutinize the new set of nominees of P3PWD because the COMELEC granted their substitution after the elections and beyond its own deadlines. Nonetheless, petitioner does not even allege that they voted for P3PWD

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49 *Social Justice Society v. Dangerous Drugs Board*, 591 Phil. 393, 404 (2008) [Per J. Velasco, Jr., *En Banc*].

50 *David v. Macapagal-Arroyo*, 522 Phil. 705, 760 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].

51 *Id.*

52 *Id.*

53 *Id.*

54 *Id.*

55 *Falcis v. Civil Registrar General*, 861 Phil. 388, 532 (2019) [Per J. Leonen, *En Banc*].

56 *Lozano v. Napoles*, 607 Phil. 334, 342-343 (2009) [Per C.J. Puno, *En Banc*].

57 *Peralta v. Philippine Postal* Corporation, 844 Phil. 603, 623 (2019) [Per J. Tijam, *En Banc*], *citing Mamba v. Lara*, 623 Phil. 63, 76 (2009) [Per J. Del Castillo, Second Division].

58 *Mamba v. Lara*, 623 Phil. 63, 67 (2009) [Per J. Del Castillo, Second Division].

59 *David v. Macapagal-Arroyo*, 522 Phil. 705, 760 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].

during the 2022 NLE. Hence, We do not see how they could have been personally deceived by the post-election substitution of P3PWD's nominees.

Nonetheless, given the transcendental importance of the constitutional questions raised in this case, involving as it does the right of the people to information in matters of public concern, particularly in the election of party-list organizations, petitioner may invoke standing as concerned citizens. Said the Court in *Akbayan Citizens Action v. Aquino*:[60]

> In a petition anchored upon the right of the people to information on matters of public concern, which is a public right by its very nature, petitioners need not show that they have any legal or special interest in the result, it being sufficient to show that they are citizens and, therefore, part of the general public which possesses the right. As the present petition is anchored on the right to information and petitioners are all suing in their capacity as citizens ..., the standing of petitioners to file the present suit is grounded in jurisprudence.[61]

The transcendental importance of this case was underscored by no less than Senior Associate Justice Marvic Leonen, with whom the OSG agreed, and echoed by COMELEC Chairperson George Garcia during oral arguments:

> **SENIOR ASSOCIATE JUSTICE LEONEN:**
> *You see the importance of this case, counsel. The importance of this case will determine how strong our party list system will be.* That the electorate is already informed when they vote for the party list, *nandito sa lima yung gusto ko at nasa konteksto siya ng isang partido tulad ng P3PWD. Hindi ako mabibigla pagkatapos na iba yung tatakbo o iba yung uupo. You see the importance of this case?*
>
> **ASSISTANT SOLICITOR GENERAL SARDILLO-SALOM:**
> Yes, Your Honor.[62]
>
> ...
>
> **CHAIRPERSON GARCIA:**
> ... [W]e would like, Your Honor, to emphasize really, as correctly pointed out by Honorable Justice Leonen, *the importance of this case*. The COMELEC is to conduct the national and local election, more particularly of course, the party-list election for 2025. We will be definitely waiting for the disposition of the Honorable Court as far as this case is concerned. *We will be drafting the rules for the 2025 election for the party-list and hopefully, we will properly be guided as far as the issue of substitution, as far as the issue of such other requirements pertaining to Republic Act 7941, hence, really the importance of this case.* That is why we are giving too much attention, the COMELEC, as far as this case is concerned, *setting aside the personalities involved.*[63] (Emphasis supplied)

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60 580 Phil. 422 (2008) [Per J. Carpio-Morales, *En Banc*].

61 *Id.* at 464.

62 TSN, ASG Maria Victoria V. Sardilla-Salom, January 23, 2024, p. 111.

63 TSN, COMELEC Chairperson George Erwin M. Garcia, January 23, 2024, p. 124.

The assailed Resolutions being issued in the exercise of the COMELEC's administrative functions, the proper remedy is a petition for certiorari under Rule 65 of the Rules of Court

The propriety of petitioner's remedy depends on whether the COMELEC, in issuing the assailed Resolutions, acted in the exercise of its administrative or quasi-judicial powers.

Petitioner argues that a writ of *certiorari* lies because it is directed against the COMELEC in the exercise of its quasi-judicial functions, the COMELEC committed grave abuse of discretion in neglecting to properly exercise its quasi-judicial functions over petitioner's opposition against the substitution of P3PWD's nominees, and the COMELEC has approved said substitution, thus, leaving no appeal nor any plain, speedy and adequate remedy in the ordinary course of law to question the same. While they admit that the matter of substitution initially fell under the administrative functions of the COMELEC, the same may later on fall under its quasi-judicial functions as when a legal controversy comes to fore such as the filing of an opposition, pursuant to *Aggabao v. COMELEC*.[64]

The COMELEC posits that the assailed Resolutions were issued in the exercise of administrative functions, thus, beyond the ambit of Rule 65. It cites jurisprudence holding that the COMELEC exercises its administrative functions when it receives Certificates of Candidacies (COC) and Certificates of Nomination and Acceptance (CONA) filed in due form,[65] and in matters concerning party-list registration, its membership, and list of its nominees.[66] The COMELEC avers that petitioner mistakenly relies on *Aggabao* as basis for its argument that its filing of an opposition converted the administrative nature of the proceedings to quasi-judicial since supervening events took place in *Aggabao* which necessarily called for the COMELEC's exercise of its discretionary power. Verily, the issues raised in the Opposition pertain to the act of substitution itself, which only required the application of the Party-List System Act and relevant COMELEC resolutions and did not trigger the COMELEC's quasi-judicial functions. Finally, by filing a Petition to Deny Due Course, Ronald Gian Carlo Cardema recognized that a plain, speedy and adequate remedy was available.

The COMELEC's administrative function refers to the enforcement and administration of elections laws.[67] The Constitution does not prescribe how it should exercise its administrative powers, whether *en banc* or in

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64 G.R. No. 258456, July 26, 2022 [Per J. Lazaro-Javier, *En Banc*] at 15-16. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

65 *Id.* at 14.

66 *COCOFED-Philippine Coconut Producers Federation, Inc. v. Commission on Elections*, 716 Phil. 19 (2013) [Per J. Brion, *En Banc*].

67 *The Diocese of Bacolod v. Commission on Elections*, 751 Phil. 301, 421 (2015) [Per J. Leonen, *En Banc*].

division, but merely vests the COMELEC's administrative powers in the "Commission on Elections," while providing that the COMELEC "may sit *en banc* or in two divisions." Clearly, the COMELEC *en banc* can act directly on matters falling within its administrative powers, which has been the practice under the 1973 and 1987 Constitutions.[68]

On the other hand, the COMELEC's quasi-judicial or administrative adjudicatory power involves the resolution of controversies arising from the enforcement of elections laws, and to be the sole judge of all pre-proclamation controversies and of all contests relating to the elections, returns, and qualifications. It is the power to hear and determine questions of fact to which the legislative policy is to apply, and to decide in accordance with the standards laid down by the law itself in enforcing and administering the same law.[69] Where the situation calls for the power of the COMELEC to exercise its judgment or discretion involving a determination of fact, or resolution of controversies where parties adduce evidence in support of their contentions, it ought to perform its quasi-judicial functions.[70] Its exercise of quasi-judicial powers is subject to Article IX-C, Section 3 of the Constitution[71] which requires that all election cases, including pre-proclamation controversies, be decided by the COMELEC in division, and that the motion for reconsideration thereof be decided by the COMELEC *En Banc*.[72] Thus, when the COMELEC *En Banc* exercises quasi-judicial powers without first referring the matter to a division, it acts without jurisdiction.[73] It cannot abbreviate the proceedings by acting on the case without prior action by a division because it denies the candidate due process.[74]

As applied, when the COMELEC *En Banc* acted on the substitution of P3PWD's nominees, it was clearly performing an administrative function because it merely called for the enforcement of election laws and rules. It involved no exercise of discretionary authority, let alone of its adjudicatory or quasi-judicial power to hear and resolve controversies defining the rights and duties of parties-litigants, relative to the conduct of elections of public officers and the enforcement of election laws.[75] The receipt of the list of additional nominees is functionally similar to the COMELEC's act of receiving COCs

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68 *Baytan v. Commission on Elections*, 444 Phil. 812, 825 (2003) [Per J. Carpio, *En Banc*].

69 *Bedol v. Commission on Elections*, 621 Phil. 498, 510 (2009) [Per J. Leonardo-De Castro, *En Banc*].

70 *Aggabao v. Commission on Elections*, G.R. No. 258456, July 26, 2022 [Per J. Lazaro-Javier, *En Banc*] at 16. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

71 CONST., art. IX-C, sec. 3. The Commission on Elections may sit *en banc* or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *en banc*.

72 *Baytan v. Commission on Elections*, 444 Phil. 812, 826 (2003) [Per J. Carpio, *En Banc*].

73 *Bautista v. Commission on Elections*, 460 Phil. 459, 475-476 (2003) [Per J. Carpio, *En Banc*].

74 *Cerafica v. Commission on Elections*, 749 Phil. 80, 91 (2014) [Per J. Perez, *En Banc*].

75 *Salva v. Makalintal*, 394 Phil. 855, 866 (2000) [Per J. Buena, *En Banc*].

and CONAs filed in due form, which We held to be an exercise of administrative functions.[76]

As to whether the COMELEC's action on the Opposition called for the exercise of quasi-judicial powers, We answer in the negative. As correctly argued by the COMELEC, this case must be distinguished from *Aggabao*. In *Aggabao*, Senator Lacson's letters challenging the validity or authenticity of mayoralty candidate Ayson's CONA brought to fore a legal controversy which required the COMELEC to look beyond the face of the CONA. Thus, even after its acceptance of the CONA, which initially appeared to be regular, the COMELEC became duty-bound to take cognizance of, and investigate, the material information coming from Senator Lacson that Partido Reporma had not issued any CONA in favor of Ayson. This required the COMELEC *En Banc* to refer the administrative matter to a Division and docket the same as an election case, hear the parties thereon, and thereafter resolve the material issue as to who the party's real mayoralty candidate was.

In contrast, the Opposition here did not result in a legal controversy involving the legal rights of the parties. There was no need to determine which between Duterte Youth and P3PWD was entitled to a seat, or any conflict of right between them for that matter. A conflict between an alleged right and a general interest such as the enforcement of laws is not a conflict of rights. As expressed by former Justice Arturo Brion in his Concurring Opinion in *Atong Paglaum, Inc. v. COMELEC*,[77] when there is no conflict of rights, no real adjudication entailing the exercise of quasi-judicial powers takes place.[78]

The existence of an opposition does not automatically convert the proceeding to a quasi-judicial one.[79] In *Jaramilla v. COMELEC*,[80] a candidate sought the correction of the number of votes of his opponent. Despite the latter arguing for the dismissal of the petition, We held that a clerical correction in the tabulation of results demands only the exercise of administrative powers.

Likewise, the existence of questions of fact does not *ipso facto* warrant the exercise of quasi-judicial functions where mere application of the relevant laws, resolutions and jurisprudence renders it unnecessary to determine the facts and receive evidence. In *Canicosa v. COMELEC*,[81] a Petition to Declare Failure of Election alleged fraud in the casting and counting of votes and preparation of election returns, violence, threats, intimidation, vote buying, and delay in the delivery of election documents. Despite these factual

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76 *Aggabao v. Commission on Elections*, G.R. No. 258456, July 26, 2022 [Per J. Lazaro-Javier, *En Banc*] at 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

77 707 Phil. 454 (2013) [Per J. Carpio, *En Banc*].

78 J. Brion, Concurring Opinion, in *Atong Paglaum v. Commission on Elections*, 707 Phil. 454, 568 (2013) [Per J. Carpio, *En Banc*].

79 *National Telecommunications Commission v. Brancomm Cable and Television Network Co.*, 867 Phil. 407, 433 (2019) [Per J. Reyes, J., Jr., First Division].

80 460 Phil. 507, 513 (2003) [Per J. Azcuna, *En Banc*].

81 347 Phil. 189 (1997) [Per J. Bellosillo, *En Banc*].

allegations, the COMELEC dismissed the petition on the ground that such allegations did not justify a declaration of failure of election. The Court agreed that none of the grounds invoked were instances where a failure of election may be declared and that the issues presented demanded only the exercise of administrative functions. Clearly, the COMELEC only had to apply the law and did not have to determine the truth of petitioner's factual allegations in ruling on his petition. It would have been a different story had petitioner alleged facts that were proper grounds for the declaration of failure of election, in which case the COMELEC would have been called upon to investigate such factual allegations and exercise its quasi-judicial functions.

In resolving the Opposition in this case, the COMELEC *En Banc* merely had to determine two things: (1) whether the deadlines set by the COMELEC for substitution of nominees are mandatory after the elections; and (2) whether the COMELEC had jurisdiction to rule on the issue of alleged violation of R.A. Nos. 3019 and 6713. Verily, it could rule on these issues by simply applying the relevant laws, rules and jurisprudence without referring the case to a division for summary hearing as it did not require the use of judgment or discretion involving a determination of fact, or resolution of controversies where parties adduce evidence in support of their contentions.

Since the approval of the substitution and the denial of the Opposition were done in the exercise of administrative functions, it was error for petitioner to assail the same via a petition for *certiorari* under Rule 64, in relation to Rule 65, of the Rules of Court, which excludes from its coverage decisions, rulings, and orders rendered by the COMELEC in the exercise of its administrative functions. However, the inapplicability of Rule 64 does not foreclose recourse to this Court under Rule 65.[82]

In the interest of substantial justice and to give way to a just resolution of the case on the merits, We shall treat this petition as one filed under Rule 65 instead of Rule 64 in relation to Rule 65. After all, rules of procedure ought not to be applied in a very rigid, technical sense, but must be used to help secure, and not override substantial justice, in consonance with the Court's primary duty to render or dispense justice.[83]

It is settled that the Court's *certiorari* powers should be exercised only upon compliance with the stringent requirements of Rule 65, particularly that there be no plain, speedy and adequate remedy in the ordinary course of law.[84] Admittedly, petitioner filed the Petition without waiting for the resolution of the Opposition, reasoning that they were pressed for time to seek remedy in order to prevent the supposedly illegal substitution from taking place due to the implied definitiveness and apparent finality of the COMELEC's approval

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82 *Querubin v. Commission on Elections*, 774 Phil. 766, 797 (2015) [Per J. Velasco, Jr., *En Banc*].

83 *Victoriano v. Dominguez*, 836 Phil. 573, 584–585 (2018) [Per J. Reyes, Jr., Second Division].

84 *Arroyo v. People of the Philippines*, 790 Phil. 367, 449 (2017) [Per J. Bersamin, *En Banc*].

of the substitution and the fact that the term of office of a member of the HOR would commence on June 30, 2022.

Neither the COMELEC Rules of Procedure (COMELEC Rules) nor its relevant resolutions provide for a procedure in opposing the substitution of nominees. In fact, the COMELEC approved the substitution subject to the publication requirement without awaiting any opposition. Procedurally, therefore, the filing of the Opposition is not a condition *sine qua non* to the filing of a petition for *certiorari*. The COMELEC Rules also prohibit motions for reconsideration of an *en banc* ruling, resolution, order or decision except in election offense cases.[85] There being no specific provision in the COMELEC Rules or resolutions on assailing a ruling of the COMELEC *En Banc* on substitution of nominees, Rule 37, Section 1[86] of the COMELEC Rules will apply, i.e., such ruling may be brought to this Court on *certiorari*.

Further, contrary to the COMELEC's position, a Petition to Deny Due Course or to Cancel Certificate of Nomination of Party-List Nominees under Rule 5 of COMELEC Resolution No. 9366, as amended, is not a plain, speedy and adequate remedy. Section 1 thereof states that such petition may be filed "exclusively on the ground that a material misrepresentation has been committed in the qualification of the nominees." The present Petition, however, assails the approval of the substitution of P3PWD's nominees not on the basis of material misrepresentation but for being done beyond the deadlines set by the COMELEC and for being violative of Republic Act Nos. 3019 and 6713, which are not grounds for a Petition to Deny Due Course. All told, there is no other plain, speedy and adequate remedy in the ordinary course of law except via a petition for *certiorari* before this Court.

The COMELEC retained jurisdiction because the Court's TRO prevented Guanzon from assuming office

Petitioner argues that jurisdiction remained with the COMELEC and was not acquired by the HRET as Guanzon had not yet assumed office as representative of P3PWD, there being a TRO enjoining the HOR from allowing her and other substitute nominees to assume office.

The COMELEC agrees with petitioner that Guanzon did not assume office in light of the Court's TRO which legally prevented her from assuming office. In fact, Guanzon, through counsel, admitted during oral arguments that she cannot assume office and has never officially discharged her congressional duties because of said TRO.[87]

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85 COMELEC Rules of Procedure, Rule 13, sec. 1(d).

86 COMELEC Rules of Procedure, Rule 37, sec. 1. *Petition for Certiorari; and Time to File.* – Unless otherwise provided by law, or by any specific provisions in these Rules, any decision, order or ruling of the Commission may be brought to the Supreme Court on *certiorari* by the aggrieved party within thirty (30) days from its promulgation.

87 TSN, Atty. Christian Robert S. Lim, November 14, 2023, pp. 54–56.

P3PWD, on the other hand, argues in its *Comment* that the dispositive portion of the Court's TRO restrained only the COMELEC and no one else. Thus, the purview and scope of said injunctive writ must be strictly construed only up to such extent. As such, nothing prevented the HOR from recognizing Guanzon as representative of P3PWD and allowing her to discharge the functions of her office. Clearly, therefore, Guanzon duly assumed office as its representative on the afternoon of June 30, 2022. Thus, for all legal intents and purposes, she is an incumbent member of the HOR whose title and right to hold office is assailable only before the HRET.

This Court is well aware that while the second Whereas clause of the TRO states that "it is necessary and proper to... ISSUE a [TRO] enjoining... (ii) respondent [HOR] from allowing Guanzon and the other substituting nominees to assume office as Member of the House of Representatives during the pendency of this case," the dispositive portion contained no such directive. We are also well aware of the settled rule that "the operative part in every decision is the dispositive portion or the *fallo*, and where there is conflict between the *fallo* and the body of the decision, the *fallo* controls. This rule rests on the theory that the *fallo* is the final order while the opinion in the body is merely a statement, ordering nothing."[88] Nonetheless, the rule speaks of *conflict* and not mere omission. The absence of a directive addressed to the HOR does not mean that there is conflict or disagreement between the body and the *fallo* of the TRO. Sans conflict, the *fallo* should not be taken in isolation but must be read in connection with the other portions of the decision, resolution or order. Otherwise, our finding that it is necessary to enjoin not only the COMELEC but also the HOR would be rendered inutile.

Our ruling in *Republic v. De Los Angeles*[89] is instructive:

> This Court has promulgated many cases ... wherein it was held that a judgment must not be read separately but in connection with the other portions of the decision of which it forms a part... *[T]he decision of the court below should be taken as a whole and considered in its entirety to get the true meaning and intent of any particular portion thereof...* Neither is this Court inclined to confine itself to a reading of the said *fallo* literally. On the contrary, the judgment portion of a decision should be interpreted and construed in harmony with the *ratio decidendi* thereof... *[T]o get the true intent and meaning of a decision, no specific portion thereof should be resorted to but the same must be considered in its entirety. Hence, a resolution or ruling may and does appear in other parts of the decision and not merely in the fallo thereof.*[90] (Emphasis supplied)

While Guanzon was already proclaimed and took her oath, the legal effects of said acts were stayed by the TRO whose office is to preserve the

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88 *Florentino v. Rivera,* 515 Phil. 494, 501-502 (2006) [Per J. Ynares-Santiago, First Division].

89 148-B Phil. 902 (1971) [Per J. Villamor, *En Banc*].

90 *Id.* at 922–923.

status quo,[91] i.e., the last actual peaceable uncontested status that preceded the controversy.[92] The *status quo* in preliminary injunction (and temporary restraining order) parlance is really a *status quo ante*.[93] Indeed, the Court has held that a TRO and a *status quo ante* order have the same nature.[94] Since the TRO preserves the pre-substitution state of affairs, it is unnecessary to delve into issues on post-substitution acts such as Guanzon's proclamation and oath.

At any rate, the HOR, through the OSG, already manifested that it would comply with the terms of the TRO during the pendency of this case, out of courtesy to a co-equal branch of government.[95] It later manifested that Guanzon had not yet assumed office as representative of P3PWD.[96] Thus, We agree with petitioner and the COMELEC that jurisdiction remained with the latter and was not acquired by the HRET.

II - B
Substantive Issues (G.R. No. 261123)

The Party-List System Act does not prohibit the withdrawal of nominees per se regardless of the reason

With regard to the COMELEC's approval of the withdrawal, petitioner argues that none of the reasons proffered by the withdrawing nominees are valid causes for withdrawal under COMELEC Resolution No. 10690. More importantly, allowing all five nominees to simultaneously withdraw after the elections and putting in their stead five new nominees will defeat the constitutional right of the people to information on matters of public concern and will be tantamount to fraud and imposition upon the electorate.

Section 8 of the Party-List System Act provides in part that "[n]o change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases *where the nominee dies, or withdraws in writing his[/her] nomination, becomes incapacitated* in which case the name of the substitute nominee shall be placed last in the list." In *Lokin v. COMELEC*,[97] We declared this to mean that there are three exceptions to the prohibition in Section 8, i.e., when the nominee (a)

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91 *Miriam College Foundation, Inc. v. Court of Appeals*, 401 Phil. 431, 448 (2000) [Per J. Kapunan, First Division].

92 *Rodulfa v. Alfonso*, 76 Phil. 225 (1946) [Per J. De Joya, *En Banc*].

93 *N. Am. Soccer League, LLC v. U.S. Soccer Fed'n, Inc.*, 883 F.3d 32 (2d Cir. 2018).

94 *See Dojillo v. Commission on Elections*, 528 Phil. 890, 907 (2006) [Per J. Carpio, *En Banc*].

95 Manifestation/Compliance *Ex Abundanti Ad Cautelam* (on the Temporary Restraining Order dated 29 June 2022) dated July 14, 2022, *Rollo* (G.R. No. 261123), pp. 170-176.

96 *Id.*, at 349. The Manifestation states: "Respondent HOR respectfully manifests its continuing recognition of the TRO. Rowena Amelia V. Guanzon or any other substituting nominee of respondent . . . [P3PWD] has not been enrolled as a member of respondent HOR. Hence, P3PWD Party-List has currently no sitting representative. Respondent HOR further manifests that it is not aware of any new developments in this case involving or affecting it."

97 635 Phil. 372, 394 (2010) [Per J. Bersamin, *En Banc*].

dies; (b) withdraws in writing their nomination; or (c) becomes incapacitated. We held in *COCOFED v. COMELEC*[98] that these circumstances focus not on the party but on the nominee, whether voluntary (the nominee withdraws his nomination) or involuntary (the nominee dies or becomes incapacitated).[99]

The Party-List System Act does not prohibit the withdrawal *per se* of a nominee. What it prohibits is the change of name or alteration of order of nominees after submission of the list to the COMELEC, subject to certain exceptions. There being no prohibition on the withdrawal of nominees whether before, during or after elections, the COMELEC technically may neither deny nor grant a withdrawal but merely note the same.

Section 8 of the Party-List System Act and the corresponding COMELEC Resolutions are the applicable law

Sections 8 and 16 of the Party-List System Act provide as follows:

> **Section 8.** *Nomination of Party-List Representatives*. ...
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> A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list... *No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitute nominee shall be placed last in the list* . . .
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> . . . .
>
> **Section 16.** *Vacancy.* In case of vacancy in the seats reserved for party-list representatives, the vacancy shall be automatically filled by the next representative from the list of nominees in the order submitted to the COMELEC by the same party, organization, or coalition, who shall serve for the unexpired term. *If the list is exhausted, the party, organization, or coalition concerned shall submit additional nominees.* (Emphasis supplied)

During oral arguments, petitioner expressed the view that Section 16 is the applicable provision in this case. Similarly, respondents averred in their respective Memoranda that in connection with Section 8 allowing withdrawal of a nomination, Section 16 allows the submission of additional nominees in cases of vacancy when the original list has been exhausted.

While Section 16 indeed allows, nay, mandates the submission of additional nominees when the prior list is exhausted, it finds no application to the facts of this case. The law is clear. Section 16 applies to a vacancy in a party-list seat, not in the list of nominees. Thus, it applies only during the legal existence of the seat, i.e., during the term of the party-list representative, i.e.,

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98 716 Phil. 19 (2013) [Per J. Brion, *En Banc*].

99 *Id.* at 35.

from noon of the thirtieth day of June next following their election, and not prior. This is bolstered by the command therein that the next representative from the list of nominees "shall serve for the unexpired term." P3PWD's victory during the elections merely entitled it to a seat during the Nineteenth Congress but said seat did not legally exist until the end of the term of the party-list representative from the Eighteenth Congress at noon of June 30, 2022. Since P3PWD's seat did not legally exist prior thereto, the *en masse* resignation of its nominees could not have caused any vacancy.

Under the Rules of the HOR, a vacancy in the seat of a Member of the HOR occurs when such Member "dies, resigns, is permanently incapacitated or lawfully barred from performing the duties of a Member, or is lawfully removed from office."[100] Additionally, elected party-list representatives who change their political party or sectoral affiliation during their term of office shall forfeit their seat.[101] For vacancies in party-list seats, representatives may be chosen to fill the vacancies in the manner provided by law,[102] i.e., in accordance with the Party-List System Act and COMELEC Resolutions.

Section 16 provides that if there is a vacancy in a party-list seat, it shall be automatically filled by the next representative, i.e., the second nominee, and so on, to serve for the unexpired term. In the unlikely event that the last remaining nominee is called to fill the vacancy, there is no longer any "next representative" to speak of and the list is thereby exhausted; hence, Section 16 commands submission of additional nominees upon exhaustion of the list so that in the unlikely event that the seat filled by the last remaining nominee-cum-representative becomes vacant, it will never remain vacant for long. The fact that the sentence on exhaustion was placed in Section 16 and not elsewhere shows that the Legislature contemplated an exhaustion that occurs during the term of the party-list representative and not prior thereto. Section 16 was crafted to provide a contingency for a future unexpected vacancy, ensuring the smooth and automatic transfer of power. It was never intended to give party-list groups *carte blanche* to overhaul the list of nominees, but only to serve as a buffer to guarantee that the seat is never left vacant.

Since the substitution here occurred prior to June 30, 2022, Section 8 of the Party-List System Act, as implemented by the relevant COMELEC Resolutions, remains to be the applicable law in this case, and not Section 16.

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100 RULES OF THE HOUSE OF REPRESENTATIVES, 19th Cong. (2023), Rule II, sec. 5. *Term.* – The Members of the House shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

... *In case a Member dies, resigns, is permanently incapacitated or lawfully barred from performing the duties of a Member, or is lawfully removed from office, vacancies may be filled as follows*: (a) for vacancies in the representation of legislative districts, special elections may be called to fill the vacancies; and *(b) for vacancies in the representation of party-lists, party-list representatives may be chosen to fill the vacancies in the manner provided by law.* A Member elected or designated to fill a vacancy shall serve only for the duration of the unexpired term. (Emphasis supplied)

101 REPUBLIC ACT NO. 7941 (1995), sec. 16.

102 *Id.*

Rules and regulations on substitution of party-list nominees are mandatory even after elections

The implementing rules for Section 8 of the Party-List System Act are embodied in Sections 4 and 5, Rule 4 of COMELEC Resolution No. 9366, as amended by Resolution No. 10690 which was signed by Guanzon herself when she was a member of the COMELEC. The pertinent portions state, as follows:

> Section 4. *Withdrawal of nomination or acceptance of nomination. Withdrawal of nominations and substitution of nominees due to the withdrawal of the acceptance to the nomination shall be in writing and under oath, and filed with the Law Department not later than NOVEMBER 15, 2021.* Provided that NO substitution shall be VALID unless the party files with the Law Department a list of its substitute nominees, ...
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> ...
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> Section 5. *Nomination of Party-List representatives. ... No change of names or alterations of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominees dies, becomes incapacitated, or there is valid withdrawal and substitution of nominees as provided in the preceding section*, in which case the name of the substitute nominee shall be placed last in the list.
>
> *NO substitution shall be VALID beyond the deadline provided in the preceding section unless the list of nominees originally submitted has been exhausted due to death and/or incapacity of the nominees*. The party, within ten (10) days from the exhaustion of the original list, shall file with the Law Department a list of its substitute nominees, ... *Provided that substitutions due to the death and/or incapacity of the nominees under this paragraph shall be allowed only up to mid-day of election day.*
>
> ... (Emphasis supplied)

The above provisions were substantially adopted in Sections 10 to 12 of COMELEC Resolution No. 10717, which also bore Guanzon's imprimatur.

Yet P3PWD and Guanzon posit that the deadlines stated in the aforementioned Resolutions no longer apply after the elections. They cite *Engle v. COMELEC*[103] where We held that "rules and regulations for the conduct of elections are mandatory only before the election, but when they are sought to be enforced after the election, they are held to be directory only." Even the COMELEC Law Department, in its recommendation on the Opposition, relied on *Engle* as basis for saying that the deadline on substitution of nominees is applicable only *prior* to the elections.[104] However, rather than supporting their position, *Engle* has already qualified the doctrine as referring only to matters of form. The pertinent portion thereof reads:

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[103] 778 Phil. 568, 586–587 (2016) [Per J. Leonardo-De Castro, *En Banc*].

[104] *See rollo* (G.R. No. 261123), pp. 269-274.

> This Court recognizes that the COMELEC is empowered by law to prescribe such rules so as to make efficacious and successful the conduct of elections. However, it is a long standing principle in jurisprudence that *rules and regulations for the conduct of elections are mandatory before the election, but when they are sought to be enforced after the election they are held to be directory only*, if that is possible, especially where, if they are held to be mandatory, innocent voters will be deprived of their votes without any fault on their part. *Over time, we have qualified this doctrine to refer only to matters of form and cannot be applied to the substantial qualifications of candidates.* This was discussed at length in *Mitra v. Commission on Elections*, thus:
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> > ... [I]t is an established rule of interpretation as regards election laws, that mandatory provisions, requiring certain steps before elections, will be construed as directory after the elections, to give effect to the will of the people.
> >
> > *Quite recently, however, we warned against a blanket and unqualified reading and application of this ruling, as it may carry dangerous significance to the rule of law and the integrity of our elections. For one, such blanket/unqualified reading may provide a way around the law that effectively negates election requirements aimed at providing the electorate with the basic information for an informed choice about a candidate's eligibility and fitness for office.* Short of adopting a clear-cut standard, we thus made the following clarification:
> >
> > > ... *In a choice between provisions on material qualifications of elected officials, on the one hand, and the will of the electorate in any given locality, on the other, we believe and so hold that we cannot choose the electorate will.*[105] (Emphasis supplied)

With great foresight, the Court in *Mitra v. COMELEC*,[106] as cited in *Engle*, cautioned against the very act that herein respondents have engaged in—a blanket and unqualified application of the doctrine—lest the electorate's right to information be negated. If We were to deem rules and regulations on nominee substitution as directory after elections, We would be negating the exceptional character of substitution. In effect, substitution would become the rule rather than the exception and parties would hardly be incentivized to field nominees with bona fide intention to assume office, thus reducing elections to a mere sport where players may be substituted at will or on a whim.

The timing of the substitution of nominees is not merely a matter of form but of substance. It affects the very right of the electorate to know the identities of the nominees of a party-list organization in order to make an intelligent and informed choice come election day, for as held in *Lokin*:

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[105] *Engle v. Commission on Elections*, 778 Phil. 568, 586–588 (2016) [Per J. Leonardo-De Castro, *En Banc*].
[106] 648 Phil. 165 (2010) [Per J. Brion, *En Banc*].

> *Although the people vote for the party-list organization itself in a party-list system of election, not for the individual nominees, they still have the right to know who the nominees of any particular party-list organization are.* The publication of the list of the party-list nominees in newspapers of general circulation serves that right of the people, enabling the voters to make intelligent and informed choices. In contrast, *allowing the party-list organization to change its nominees through withdrawal of their nominations, or to alter the order of the nominations after the submission of the list of nominees circumvents the voters' demand for transparency...*[107] (Emphasis supplied)

Additionally, the Court in *COCOFED* declared:

> The publication of the list of nominees does not only serve as the reckoning period of certain remedies and procedures under the resolution. *Most importantly, the required publication satisfies the people's constitutional right to information on matters of public concern.* The need for submission of the complete list required by law becomes all the more important in a party-list election *to apprise the electorate of the individuals behind the party they are voting for.* If only to give meaning to the right of the people to elect their representatives on the basis of an informed judgment, then the party-list group must submit a complete list of five nominees because the identity of these five nominees carries critical bearing on the electorate's choice. *A post-election completion of the list of nominees defeats this constitutional purpose.*[108] (Emphasis supplied)

Instructive too is the following pronouncement in *Bantay Republic Act (BA-RA 7941) v. COMELEC*[109] where We ruled that a writ of *mandamus* will lie to compel the disclosure of the names of party-list nominees:

> The Comelec's reasoning that a party-list election is not an election of personalities is valid to a point. It cannot be taken, however, to justify its assailed non-disclosure stance which comes, as it were, with a weighty presumption of invalidity, impinging, as it does, on a *fundamental right to information. While the vote cast in a party-list elections is a vote for a party, such vote, in the end, would be a vote for its nominees, who, in appropriate cases, would eventually sit in the House of Representatives.*
>
> ...
>
> It has been repeatedly said in various contexts that *the people have the right to elect their representatives on the basis of an informed judgment. Hence the need for voters to be informed about matters that have a bearing on their choice...* The Court, since the 1914 case of *Gardiner v. Romulo*, has consistently made it clear that it frowns upon any interpretation of the law or rules that would hinder in any way the free and intelligent casting of the votes in an election...[110] (Emphasis supplied)

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107 635 Phil. 372, 397 (2010) [Per J. Bersamin, *En Banc*].
108 716 Phil. 19, 33–34 (2013) [Per J. Brion, *En Banc*].
109 551 Phil. 1 (2007) [Per J. Garcia, *En Banc*].
110 *Id.* at 14–15.

Nominee substitution being a matter of substance, rules and regulations governing the same do not lose their mandatory character even after the elections. A contrary rule would lead to the absurd result where a party need only wait for the elections to end before filing for substitution of nominees so that the COMELEC's deadline would not apply to it.

The COMELEC may impose a deadline for substitution of nominees to carry out the purposes of the law

Interestingly, the COMELEC, in its Memorandum, shoots itself in the foot by admitting that its own Resolution No. 9366 modifies Sections 8 and 16 of the Party-List System Act by adding restrictions on when a party-list can substitute its nominees after its deadline, thus overriding substantive law. It cites *Lokin* where this Court invalidated a provision of a COMELEC Resolution that added another basis for withdrawing party-list nominations which was not found in the law. It likewise quotes *Partido Demokratiko Pilipino-Lakas ng Bayan (PDP-Laban) v. COMELEC*[111] where We found that the COMELEC gravely abused its discretion when it extended the deadline for filing of the Statements of Contributions and Expenditures.

However, unlike the COMELEC Resolution in *Lokin*, Resolution No. 9366, as amended, merely added a deadline and did not add another basis for substitution that is not contained in the law. The deadline imposed by Resolution No. 9366, as amended, should likewise be distinguished from the deadline invalidated by the Court in *PDP-Laban* because by moving the express deadline set by law, the COMELEC in that case clearly modified the statute. In this case, the deadline imposed by the COMELEC did not modify any express deadline in the law, there being none.

While the COMELEC is specifically empowered by law to impose deadlines for the filing of COC, which deadlines We upheld in *Federico v. Commission on Elections*,[112] the Party-List System Act does not impose a deadline nor expressly empower the COMELEC to set one for substitution of nominees, yet the COMELEC imposed deadlines: November 15, 2021 for substitutions on account of withdrawal, and mid-day of election day for substitutions on account of death or incapacity. This begs the question as to whether it may impose a deadline on nominee substitution even when the law itself does not impose one or does not expressly empower the COMELEC to do so.

We rule in the affirmative.

It is settled that administrative authorities have the power to promulgate rules and regulations to implement a given statute and effectuate its policies,

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[111] G.R. No. 225152, October 5, 2021 [Per J. M. Lopez, *En Banc*], at 7–16.
[112] 702 Phil. 68 (2013) [Per J. Mendoza, *En Banc*].

provided they conform to the terms and standards prescribed by the statute and carry into effect its general policies.[113] In this regard, the Party-List System Act vests in the COMELEC the duty to promulgate the necessary rules and regulations as may be necessary to carry out not only the letter of the law but the very *purposes* of the Act.[114] In promulgating such rules, it is duty-bound to implement the State's declared policy of not only developing but also *guaranteeing* a full, free and open party system.[115] It is thus justified in enlarging upon the statute, subject only to the standards fixed therein, to ensure its effective enforcement in accordance with the legislative will.[116] The necessity for vesting administrative authorities with power to make rules and regulations is based on the impracticability of lawmakers providing general regulations for various details of management.[117] Thus, the COMELEC is empowered to provide details to implement the statute for as long as it does not supplant the express provisions of the law.[118] All that may be reasonably demanded is a showing that such administrative regulations are germane to the general purposes projected by the governing or enabling statute.[119]

In imposing deadlines for substitution of nominees, the COMELEC neither modified nor supplanted statute but merely carried its general policy into effect. In fact, if it did not impose deadlines, our rulings in *Lokin, COCOFED* and *Bantay Republic Act* on the right of the electorate to know the nominees to enable them to make intelligent and informed choices would be rendered nugatory since nominees who substitute beyond the deadlines never figure in that intelligent and informed choice. Notably, when the COMELEC imposed a publication requirement for the list of nominees despite not being expressly required by law, the Court in *COCOFED* and *Lokin* upheld it and did not consider it a modification of statute. Thus, not every imposition of a deadline or added requirement not expressly required by statute will be considered a modification or supplantation thereof for as long as the purposes of the Act and the fundamental law are carried out and such imposition does not do violence to the words and intent of its provisions.

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113 *Securities and Exchange Commission v. Interport Resources Corp.*, 588 Phil. 651, 674-675 (2008) [Per J. Chico-Nazario, *En Banc*].

114 REPUBLIC ACT NO. 7941, sec. 18. *Rules and Regulations.* The COMELEC shall promulgate the necessary rules and regulations as may be necessary to carry out the *purposes* of this Act. (Emphasis supplied)

115 *Id.*, sec. 2. *Declaration of Policy.* The State shall promote proportional representation in the election of representatives to the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations or coalitions thereof, which will enable Filipino citizens belonging to marginalized and under-represented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives. Towards this end, *the State shall develop and guarantee a full, free and open party system* in order to attain the broadcast possible representation of party, sectoral or group interests in the House of Representatives by enhancing their chances to compete for and win seats in the legislature, and shall provide the simplest scheme possible. (Emphasis supplied)

116 CRUZ, PHILIPPINE ADMINISTRATIVE LAW, 1998 ed., p. 33.

117 *Securities and Exchange Commission v. Interport Resources Corp.*, 588 Phil. 651, 674 (2008) [Per J. Chico-Nazario, *En Banc*].

118 *Partido Demokratiko Pilipino-Lakas ng Bayan (PDP-Laban) v. Commission on Elections*, G.R. No. 225152, October 5, 2021 [Per J. M. Lopez, *En Banc*] at 11–12.

119 *Rabor v. Civil Service Commission*, 314 Phil. 577, 595 (1995) [Per J. Feliciano, *En Banc*].

For the dissenting opinions in this case to argue against the deadlines but uphold the publication requirement even if neither is expressly required by law would result in a double standard which cannot be countenanced.

The assailed Resolutions being issued in the exercise of administrative functions, a majority vote of all commissioners present at a meeting at which there is a quorum is valid

Petitioner argues that the assailed Resolutions are void for not having been approved by at least four members of the COMELEC, i.e., the minimum number of votes required under Section 7, Article IX-A of the Constitution[120] as interpreted by prevailing jurisprudence.[121]

The COMELEC retorts that that the phrase "decision, order, or ruling" in Section 7, Article IX-A of the Constitution has been interpreted to relate only to those rendered in the exercise of adjudicatory or quasi-judicial powers.[122] Hence, the phrase "case or matter" in Section 7 should also be interpreted as relating only to those rendered in the exercise of such powers. Since Minute Resolution No. 22-0774 was not rendered in the exercise of quasi-judicial powers, the COMELEC opines that Section 7 is not applicable. The cases cited by petitioner are likewise inapplicable because they involved the COMELEC's exercise of quasi-judicial functions. Thus, with respect to decisions relating to its administrative functions, the COMELEC argues that it may promulgate rules providing for a lower voting threshold to allow it to discharge its administrative functions promptly and effectively.

In *Garces v. Court of Appeals*,[123] We held:

> The "case" or "matter" referred to by the Constitution must be something within the jurisdiction of the COMELEC, *i.e.*, *it must pertain to an election dispute.* The settled rule is that "decision, rulings, order" of the COMELEC that may be brought to the Supreme Court on certiorari under Sec. 7, Art. IX-A are those that relate to the COMELEC's exercise of *its adjudicatory or quasi-judicial powers*... (Emphasis supplied)

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120 CONST., art. IX-A, sec. 7. *Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution.* A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof. (Emphasis supplied)

121 *Legaspi v. Commission on Elections*, 785 Phil. 235 (2016) [Per J. Velasco, Jr., *En Banc*]; *Mendoza v. Commission on Elections*, 630 Phil. 432 (2010) [Per J. Perez, *En Banc*]; *Marcoleta v. Commission on Elections*, 604 Phil. 648 (2009) [Per J. Carpio Morales, *En Banc*]; *Estrella v. Commission on Elections*, 473 Phil. 861 (2004) [Per J. Carpio-Morales, *En Banc*].

122 *Querubin v. COMELEC*, 774 Phil. 766, 797 (2015) [Per J. Velasco, Jr., *En Banc*].

123 328 Phil. 403, 411 (1996) [Per J. Francisco, Third Division].

Since Article IX-A, Section 7 of the Constitution applies only to decisions, rulings or orders of constitutional commissions in the exercise of their quasi-judicial powers, the COMELEC is not proscribed from promulgating its own rules on voting when exercising its administrative powers. In the latter case, the applicable rule is Section 2 of Resolution No. 9936[124] which requires approval by a majority of all the members of the Commission present at a meeting at which there is a quorum, to wit:

> Section 2. *Validity; Quorum.* – (1) *A decision or resolution on an executive or administrative matter*, issue or concern shall be valid when the action taken is approved, ratified, confirmed, or concurred in *by a majority of all the members of the Commission present at a meeting at which there is a quorum.*[125]
>
> (2) A quorum is determined by the presence of the majority of the members of the Commission *with existing and valid appointments.* (Emphasis supplied.)

The approval of the substitution of nominees and the subsequent denial of the Opposition thereto having been done in the exercise of the COMELEC's administrative functions, the affirmative vote of three out of the four Commissioners constituted a majority and was, thus, valid.

The COMELEC committed grave abuse of discretion in approving the post-election substitution of nominees

Having ruled that rules and regulations relating to the substitution of nominees remain mandatory even after elections, We now determine whether the COMELEC's approval of the substitution of P3PWD's nominees beyond its deadline amounted to grave abuse of discretion correctible by *certiorari.*

Petitioner contends that the COMELEC gravely abused its discretion in approving the substitution beyond its deadline since it violated the constitutional right of the people to information on matters of public concern. P3PWD argues otherwise, stating that petitioner Duterte Youth itself sought substitution of its nominees *after* the conduct of the 2019 elections, yet such substitution which was approved by the COMELEC was upheld by this Court in *Angcos v. Duterte Youth.*[126] The COMELEC, on the other hand, avers that

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[124] Rule on the Enactment and Promulgation of Executive or Administrative Resolutions, promulgated on March 25, 2015.

[125] Rule 3, Section 5 of the COMELEC Rules provides that "[w]hen sitting *en banc*, four Members of the Commission shall constitute a quorum for the purpose of transacting business."

[126] G.R. No. 253805, November 3, 2020, (Unsigned Resolution). The Unsigned Resolution reads: "**G.R. No. 253805** (Aunelle Ross Angcos, Raainah Punzalan, Reeya Beatrice Magtalas, Raoul Danniel A. Manuel and Abigail Aleli Tan vs. Duty to Energize the Republic through the Enlightenment of the Youth Sectoral Party-List Organization, Also Known as 'Duterte Youth Party-List,' Represented by Its Founder and Chairperson, Ronald Gian Carlo L. Cardema; Ducielle Marie S. Cardema, Its Purported First Nominee, and Commission on Elections).- The Court Resolved to **DISMISS** the petition for failure to sufficiently show that the Commission on Elections committed grave abuse of discretion in rendering

no grave abuse of discretion can be ascribed to it since it merely ministerially approved the withdrawal and substitution of P3PWD's nominees. Further, in the performance of its duties, it must be given considerable latitude in adopting means and methods that will ensure the accomplishment of its objective of promoting free, orderly, and honest elections.

While the Court in *Angcos* indeed dismissed the petition assailing the post-election substitution of Duterte Youth's nominees, suffice to say that said minute resolution involving different parties and subject matter cannot constitute *res judicata.* A minute resolution constitutes *res judicata* only insofar as it involves the same subject matter and the same issues concerning the same parties. If there are other parties and another subject matter (even if the same parties and issues are involved), the minute resolution is not binding precedent.[127] Hence, P3PWD cannot rely on *Angcos* as precedent.

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.[128]

In *Liberal Party v. COMELEC*,[129] We found that given the mandatory nature of the COMELEC's deadline for party registration, the COMELEC's violation of its own rules on deadlines amounted to grave abuse of discretion. Here, aside from the COMELEC's clear disregard of its own deadline based on what appears to be blind adherence to the recommendation of its Law Department, this Court notes the sheer speed at which it approved the substitution of P3PWD's nominees—one day from P3PWD's physical filing. While the quick resolution of matters ordinarily merits commendation, undue haste in rendering a decision, when considered along with other circumstances, may be a manifestation of arbitrariness indicative of grave abuse of discretion.[130] The following Memorandum[131] dated June 15, 2022 of Commissioner Ferolino to the COMELEC *En Banc* describes in detail the other circumstances leading to the impetuous approval of the substitution:

> I concur with the majority TO GRANT the respective Withdrawal of the Nomination of P3PWD's previous Nominees. However, I humbly submit this opinion to explain my vote TO DEFER the consideration of its New List of Nominees.
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> . . . .

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the challenged minute resolutions which, on the contrary, appear to be in accord with the facts and applicable law and jurisprudence."

127 *Eizmendi v. Fernandez*, 866 Phil. 638, 650 (2019) [Per C.J. Peralta, Special Third Division].

128 *Jarabelo v. Household Goods Patrons, Inc.*, 891 Phil. 233 (2020) [Per J. Caguioa, First Division].

129 634 Phil. 468 (2010) [Per J. Brion, *En Banc*].

130 *Seares v. Judge Hernando*, 196 Phil. 487, 494 (1981) [Per J. Abad-Santos, *En Banc*].

131 *Rollo* (G.R. No. 261123), pp. 2622–64.

Contrary to the assertion of the Honorable Acting Chairperson that publication is not a condition sine qua non for us to approve or to give due course to the new list of nominees, it is my staunch position that publication is necessary before the new nomination can be considered as valid. Our Rules are unambiguous on this point. Not only that Section 6 of Resolution No. 10690 and Section 11 of Resolution No. 10717 expressly provide for this requirement, but the rationale is even elucidated in the whereas clause of Resolution No. 10690, viz:

> WHEREAS, to safeguard the right of voters to be fully apprised of the party-list organizations and their respective nominees in case of substitution by reason of withdrawal, the Commission deems it necessary to require publication of new lists of nominees within five (5) days from the submission of the same to the Commission, *such publication however shall not be construed as approval by the Commission.*

Verily, even the compliance with the publication requirement will not result in the automatic approval by the Commission of the substitution. Other factual circumstances and issues need to be considered. Publication of the party-list's new nominees is made as a necessary step in order to apprise the voters and all persons who may be affected thereby so that they are given the opportunity to comment or oppose the same.

I have nothing against the other members of the *En Banc* dismissively responding to my views, but *We cannot simply brush aside our Rules simply because the first nominee here is a former Commissioner. Making our Rules inapplicable to particular individuals or groups would suggest a double standard bordering on a lack of sense of fairness and justice.*

Let Us recall that in the previous instance, this Commission resolved to adopt the Recommendation of the Law Department just to NOTE the Nominations of the Substitute Nominees, considering that our Resolutions on the matter expressly provide that withdrawal with substitution was allowed only until 15 November 2021 and publication of the new and complete list of nominees is required.

This would have been the most prudent action: to NOTE the submission; let the party COMPLY [with] the publication requirement; HEAR the opposition, if any; then GIVE/DENY DUE COURSE to the New List of Nominees. *We cannot pre-approve the New List of Nominees pending compliance with the requirement and then RECALL it as Commissioner Bulay suggested in case of non-compliance. What We do here is an aberrant procedure.* With due deference to the other members of the Commission, in as much as they believe that the Rule is not clear given the unusual circumstances of this case, it is necessary that We approach this matter with utmost caution. (Emphasis supplied)

The foregoing clearly shows a pattern of whimsicality and arbitrariness in the way the approving commissioners acted upon the substitution of P3PWD's nominees, from giving short shrift to the publication requirement, to the brushing aside of the COMELEC's Rules in a matter involving a former

commissioner whereas the same was not done in another instance, to the pre-approval of the new list of nominees pending compliance with the publication requirement, to the view of one commissioner that the COMELEC may simply recall the approval in case of noncompliance. All these, taken together with the undue haste in the approval of the substitution, leave no doubt in the Court's mind that the COMELEC *En Banc* acted with grave abuse of discretion. Rather than promoting free, orderly, and honest elections, the COMELEC *En Banc* shamelessly allowed itself to be used as a tool in perpetuating a scheme. This Court will not deign to legitimize its act.

A ruling tainted with grave abuse of discretion is void and cannot be the source of any right or obligation. All acts pursuant thereto and all claims emanating from it have no legal effect.[132] Ergo, Minute Resolution No. 22-074 is void insofar as it approved the substitution of nominees of P3PWD. Insofar as it granted the withdrawal of prior nominees, said resolution remains valid albeit unnecessary considering that as earlier discussed, the COMELEC may neither grant nor deny a withdrawal but merely note the same.

Nevertheless, P3PWD is not without recourse as Section 16 mandates the submission of additional nominees upon exhaustion of the list of nominees during the term of the party-list representative. Certainly, the faults of P3PWD and the COMELEC cannot be invoked to disenfranchise a greater number of the electorate,[133] nay, an entire sector. However, since P3PWD could not have legally caused the substitution of Guanzon, Garcia, Belmonte-Lim, Tenorio, and Villar, Jr. after the elections and prior to the beginning of the term of the party-list representative, it cannot be permitted to renominate them lest the time-honored principle that *what cannot be legally done directly cannot be done indirectly*[134] be violated. Thus, P3PWD is strictly enjoined from renominating said nominees for the duration of the Nineteenth Congress.

This Court is not unmindful of the possibility that Section 8 and its implementing rules may be circumvented by instead taking advantage of Section 16 during the term of the party-list representative. Nonetheless, any perceived loophole or lacuna in the law which may result in the abuse and exploitation of the party-list system can only be remedied by the Legislature, which alone can amend the law to shield the system from such schemes. Recognizing that the power of the Court can only go so far, no less than the Chief Justice called for the amendment of the law at the end of oral arguments:

> **CHIEF JUSTICE GESMUNDO:**
>
> Mr. Chairman, we realize the gaps in the law, particularly on the party-list system. We are aware of all the issues that crop up over the years, right? *So, I think, it is time, high time, for you to call the attention of the Congress to amend the laws necessary so that issues can be avoided and*

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132 *Uy v. Commission on Elections*, G.R. No. 260650, August 8, 2023 [Per J. Lopez, M., *En Banc*].

133 *See Pasandalan v. Commission on Elections*, 434 Phil. 161, 172–173 (2002) [Per J. Carpio, *En Banc*].

134 *Central Bay Reclamation and Development Corp. v. Commission on Audit*, G.R. No. 252940, April 5, 2022 [Per J. Lopez, M., *En Banc*].

the real purpose of party-list system is actually achieved, conceptualized in our Constitution.

CHAIRPERSON GARCIA:

We will definitely do that, Your Honor. That is the main intention of the present leadership...[135] (Emphasis supplied)

A call to service

We remind candidates for public office and party-list nominees alike that when filing for candidacy or accepting a nomination as party-list representative, one enters into a political contract with the electorate that if elected, one would assume the elective office, discharge its functions and serve one's constituency for the term for which one was elected, in keeping with the principle that public office is a public trust, and public officers and employees must at all times be accountable to the people and serve them with utmost responsibility, integrity, loyalty and efficiency,[136] for as aptly declared by Mechem in his Treatise on the Law on Public Offices and Officers:

> It is impossible that government shall be carried on, and the functions of civil society exercised, without the aid and intervention of public servants or officers, and every person, therefore, who enters into civil society and avails himself of the benefits and protection of the government, must owe to this society, or in other words, to the public, at least a social duty to bear his share of the public burdens, by accepting and performing, under reasonable circumstances, the duties of those public offices to which he may be lawfully chosen.[137]

Mechem even goes as far as saying that the mere seeking for the office or the consent to be voted for may imply a promise to accept if elected.[138] Unfortunately, like any other election promise, express or implied, the public can only hope for its fulfillment. True, there exists in our jurisdiction a criminal statute punishing the refusal to discharge elective office absent legal motive.[139] However, it should never have to come to a point where one is forced to serve out of fear of criminal sanction for no self-respecting candidate or nominee can validly claim to have been forced to file for candidacy or accept a nomination. The least one can do when the time comes, out of respect for the electorate and the nation, is to accept the duty bestowed by the people *without mental reservation or purpose of evasion.*

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135 TSN, COMELEC Chairperson Winston Erwin M. Garcia, January 23, 2024, pp. 124–125.

136 *Defensor-Santiago v. Ramos*, 323 Phil. 665, 690 (1996) [Resolution, *En Banc*].

137 FLOYD R. MECHEM, TREATISE ON THE LAW OF PUBLIC OFFICERS AND EMPLOYEES (1890), § 240, pp. 155–156, as cited in *Defensor-Santiago v. Ramos, id.* at 691.

138 *Id.* at 159.

139 REV. PEN. CODE, art. 234.

III - A
Guanzon's Compliance with the Court's Show Cause Order in G.R. No. 261123

We now look into Guanzon's compliance with the Court's July 19, 2022 Show Cause Order[140] which required her to explain why she should not be held in contempt for violation of the *sub judice* rule following reports that she publicly discussed the Court's TRO.

In her Compliance[141] dated August 8, 2022, Guanzon explains that her statements were fair responses to the comments previously made by the Cardemas to the media. She adds that at the time of the interviews, she had not yet received a copy of the Petition. Thus, her comments were hypothetical and uttered with no intention to impede, interfere with, or embarrass the administration of justice.[142] Au contraire, Guanzon alleges that it was the Cardemas, and their counsel, Atty. Ferdinand S. Topacio, who violated the *sub judice* rule, citing press conferences where they discussed details of the present case to shape public opinion in their favor. Accordingly, she prays that they be cited in contempt of court.[143]

Contempt of court is defined as disobedience to the court by acting in opposition to its authority, justice, and dignity. It signifies not only a willful disregard or disobedience of the court's order, but such conduct which tends to bring the authority of the court and the administration of law into disrepute or, in some manner, to impede the due administration of justice.[144] The power to cite persons in contempt is an essential element of judicial authority. All courts have the inherent power to punish for contempt to the end that they may enforce their authority, preserve their integrity, maintain their dignity, and insure the effectiveness of the administration of justice.[145]

Here, Guanzon was ordered to show cause why she should not be cited in contempt of court for violation of the rule on *sub judice*, a Latin term which refers to matters under judicial consideration. The rule restricts comments and disclosures pertaining to the judicial proceedings in order to avoid prejudging the issue, influencing the court, or obstructing the administration of justice.[146] Violation thereof renders one liable for indirect contempt of court under Rule 71, Section 3(d) of the Rules of Court.[147]

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140 *Rollo* (G.R. No. 261123), pp. 168–169.
141 *Id.* at 192–220.
142 *Id.* at 195–209.
143 *Id.* at 209–213.
144 *Lim-Lua v. Lua*, 710 Phil. 211, 232 (2013) [Per J. Villarama, Jr., First Division].
145 *Webb v. Gatdula*, 863 Phil. 292, 319 (2019) [Per J. Leonen, Third Division].
146 *Republic v. Sereno*, 831 Phil. 271, 512 (2018) [Per J. Tijam, *En Banc*].
147 *Romero v. Estrada*, 602 Phil 312, 319 (2009) [Per J. Velasco, Jr., *En Banc*].

The proceedings for punishment of indirect contempt are considered criminal in nature.[148] A criminal contempt is conduct that is directed against the dignity and authority of the court or a judge acting judicially; it is an act obstructing the administration of justice which tends to bring the court into disrepute or disrespect.[149] In criminal contempt proceedings, the contemnor is presumed innocent. There must be proof beyond reasonable doubt before a person is adjudged guilty of contempt of court.[150] Further, intent is material in contempt proceedings. As such, good faith may be invoked as a defense.[151]

Where the act complained of is ambiguous or does not clearly show on its face that it is contempt, and is one which, if the party is acting in good faith, is within their rights, the presence or absence of a contumacious intent is, in some instances, held to be determinative of its character. A person should not be condemned for contempt where they contend for what they believe to be right and in good faith institutes proceedings for the purpose, however erroneous may be their conclusion as to their rights. To constitute contempt, the act must be done willfully and for an illegitimate or improper purpose.[152]

The enforcement of the *sub judice* rule through contempt proceedings necessarily involves the right to freedom of expression. To this end, We apply the "clear and present danger" test to determine whether a person should be cited in contempt for their utterances. As We ruled in *Marantan v. Diokno*:[153]

> The power of contempt is inherent in all courts in order to allow them to conduct their business unhampered by publications and comments which tend to impair the impartiality of their decisions or otherwise obstruct the administration of justice. As important as the maintenance of freedom of speech, is the maintenance of the independence of the Judiciary. The "clear and present danger" rule may serve as an aid in determining the proper constitutional boundary between these two rights.
>
> The "clear and present danger" rule means that the evil consequence of the comment must be "extremely serious and the degree of imminence extremely high" before an utterance can be punished. There must exist a clear and present danger that the utterance will harm the administration of justice. Freedom of speech should not be impaired through the exercise of the power of contempt of court unless there is no doubt that the utterances in question make a serious and imminent threat to the administration of justice. It must constitute an imminent, not merely a likely, threat.[154]

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148 *Marantan v. Diokno*, 726 Phil. 642, 648 (2014) [Per J. Mendoza, Third Division].

149 *See Atty. Palad v. Solis*, 796 Phil. 216, 277 (2016) [Per J. Peralta, Third Division].

150 *See Harbour Centre Port Terminal, Inc. v. La Filipina Uygongco Corp.*, G.R. No. 240984, September 27, 2021 [Per J. Hernando, Second Division].

151 *See Lorenzo Shipping Corp. v. Distribution Management Association of the Philippines*, 672 Phil. 1, 16 (2011) [Per J. Bersamin, First Division].

152 *Id.*

153 726 Phil. 642 (2014) [Per J. Mendoza, Third Division].

154 *Id.* at 649.

We find Guanzon's comments to be borderline contumacious. In her June 23, 2022 interview, she remarked on the jurisdiction of the COMELEC, and by extension, this Court, viz:

> ... How can it be a novel issue when it has been done before? Some other people have already petitioned the Supreme Court before... *And how can the Supreme Court restrain an act that is already done. In my opinion, in my humble opinion as a practicing lawyer and former professor of the [University of the Philippines] College of Law, the issue should be before the HRET*... It is out of the COMELEC's hands. I have taken my oath...[155] (Emphasis supplied)

Further, on June 28, 2022, Guanzon reiterated her stance on the issue of jurisdiction in response to a question from a reporter:

> *Dinismiss na ng* COMELEC *yun. Yung kanyang* petition to deny my substitution. *Pero may* petition *pa siya sa* Supreme Court. Without meaning to jump the gun on the Supreme Court, what is there to restrain when I already took my oath of office? *This is no longer a matter for the COMELEC. If at all, . . . there is a cause of action, it should be under the jurisdiction of the [HRET]*...[156] (Emphasis supplied)

The issue of jurisdiction goes into the merits of the Petition. By her comments, Guanzon seemed to be priming public sentiments in her favor and even alluded to her legal expertise as a practitioner and law professor to lend credence to her position. Clearly, this is an improper use of her influence. We remind Guanzon that Canon II of the Code of Professional Responsibility and Accountability (CPRA) commands lawyers to act with and maintain, at all times, the appearance of propriety in personal and professional dealings, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior. Further, Section 19 of Canon II prohibits lawyers from using any forum or medium to comment or publicize opinion pertaining to a pending proceeding before any court that may sway public perception to impede, obstruct, or influence its decision.

Nevertheless, our fidelity to free speech and prudence in the exercise of our powers caution a stay of the judicial hand. In *ABS-CBN v. Ampatuan*,[157] the Court emphasized that a petition for indirect contempt "must spell out the clear and present danger of a speech to the court's administration of justice, identifying the interest of the court that is violated and ought to be punished." *ABS-CBN* also listed down the four ultimate facts that must be alleged in a petition for indirect contempt:

> First, public statements were made regarding the merits of the case while it is pending before the courts. The petition must clearly state the

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155 *Rollo* (G.R. No. 261123), p. 208.

156 *Id.* at 208.

157 G.R. No. 227004 (April 25, 2023) [Per J. Leonen, En Banc] at 107. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

> contemptible conduct and reproduce the content of the speech ought to be punished.
>
> Second, since intent is necessary in criminal contempt, the required mental element of the speaker who uttered the contemptuous speech in a judicial proceeding must be specifically alleged. It must appear from the story that the "ultimate purpose" of its publication is to impede, obstruct or degrade the administration of justice. This is inferred from the totality of the story, the context of its publication, the wording used, the manner of reporting, and other relevant factors which may be derived from the story.
>
> Third, the clear and present danger of the utterance to the court's administration of justice must be alleged, specifically identifying the importance and saliency of the information on the ability of courts to make an impartial decision. There must be a showing of the serious and imminent threat of an utterance on the court's administration of justice for it to be subject to subsequent punishment.
>
> Finally, the effect of the speech on the administration of justice must be shown, particularly, that the utterance will influence the court's independence in ruling on a case, which will, in turn, affect public confidence in the Judiciary.[158] (Citations omitted)

Several factors negate a finding of contumacious intent beyond reasonable doubt. First, when the interviews were conducted, Guanzon had not yet received a copy of the Petition. She had no knowledge of its contents, let alone the arguments of petitioner, and merely relied on media reports. Second, her use of the phrase "without meaning to jump the gun on the Supreme Court" shows ostensible deference to the authority of the Court. Thus, We discern no clear and present danger in her public utterances. While less than salutary, her comments do not pose any serious and immediate threat to the independence of the Court. In borderline instances such as this, freedom of public comment should weigh heavily against a possible tendency to influence pending cases. The power to punish for contempt, being drastic and extraordinary in nature, should not be resorted to unless necessary in the interest of justice.[159] As We declared in *Palad v. Patajo-Kapunan*:[160]

> The power to declare a person in contempt of court and in dealing with them accordingly is an inherent power lodged in courts of justice, to be used as a means to protect and preserve the dignity of the court, the solemnity of the proceedings therein, and the administration of justice from callous misbehavior, offensive personalities, and contumacious refusal to comply with court orders. This contempt power, however plenary it may seem, must be exercised judiciously and sparingly with utmost self-restraint with the end in view of utilizing the same for correction and preservation of the dignity of the court, not for retaliation or vindication. It should not be availed of unless necessary in the interest of justice.[161]

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158 *Id.* at 108. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

159 *Marantan v. Diokno*, 726 Phil. 642, 650 (2014) [Per J. Mendoza, Third Division].

160 864 Phil. 804 (2019) [Per J. Lazaro-Javier, Second Division].

161 *Id.* at 810–811.

Our restraint, however, should not be taken as a sign of weakness or tolerance. Lest it be misconstrued, this Court will not hesitate to employ its power of contempt over those who cross the line of judicial forbearance. We will not stand idly by if the administration of justice is impaired and brought into disrepute. There is a time and place for everything. Any grievance should be threshed out through proper court submissions. Courts, after all, are courts of law and not of public opinion. Cases are decided on the merits and not through publicity. Those who seek judicial relief should be the first to respect and uphold the authority of the courts as impartial administrators of justice.

III - B
Guanzon's Countercharge for Indirect Contempt

Rule 71 of the Rules of Court[162] provides two modes by which indirect contempt proceedings are commenced: (1) by the court, *motu proprio,* through an order or formal charge; and (2) by the affected party through a verified petition. In cases where the affected party initiates the contempt charge, the filing of a verified petition is mandatory. Even if the contempt proceedings stemmed from the main case over which the court already has jurisdiction, the petition for contempt is treated independently of the principal action. Thus, the requirements for initiatory pleadings such as the certification on non-forum shopping and payment of docket fees must be observed.[163]

In this case, Guanzon committed a procedural *faux pas* in charging petitioner with indirect contempt of court in her Compliance instead of filing a separate petition. Consequently, her countercharge must be dismissed.

III - C
Contempt Charge in G.R. No. 261876

Guanzon faces yet another charge for indirect contempt in a separate petition by Duterte Youth arguing that despite her knowledge of the Court's TRO, she violated the same by: (a) deliberately trying to assume office on June 30, 2022 by filing a bill; (b) distributing equipment bearing the title "CONG", as posted on her social media accounts on July 5 and 7, 2022; (c) posting on July 5 and 6, 2022 about the existence of an "OFFICE OF

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[162] RULES OF COURT, Rule 71, sec. 4. *How proceedings commenced.* – Proceedings for indirect contempt may be initiated *motu proprio* by the court against which the contempt was committed by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges arose out of or are related to a principal action pending in the court, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.

[163] *Regalado v. Go*, 543 Phil. 578, 596–597 (2007) [Per J. Chico-Nazario, Third Division].

REPRESENTATIVE ROWENA V. GUANZON"; (d) using the phrase "OFFICE OF REPRESENTATIVE ROWENA V. GUANZON" in her online meeting on July 6, 2022; (e) publicly declaring on July 9, 2022 that she must be addressed as "Cong" or "Congresswoman"; (f) informing the public that she already assumed as Representative; (g) publicizing her pedicab project inscribed with "P3PWD PARTY-LIST CONG. ROWENA GUANZON" on July 15, 2022; (h) addressing herself as congresswoman during a webinar as posted in her social media account on July 20, 2022; (i) visiting on July 21, 2022 a government office which acknowledged her as a congresswoman; and (j) posting on July 15, 2022 that the Court's TRO is moot.[164] According to petitioner, she may not feign ignorance of the TRO considering her post on the night of June 29, 2022 that she will file her Comment to the Petition.[165]

In her Comment,[166] Guanzon retorts that she could not have violated the TRO as it was not addressed to her and none of the acts cited by Duterte Youth were restrained by it. Her statements were allegedly fair responses to the comments previously made by Duterte Youth's representative Ronald Gian Carlo Cardema to the media. She maintains that at the time she filed the bill, she had not yet received a copy of the TRO and that she had no intention to impede, interfere with, or embarrass the administration of justice.[167]

We resolve to dismiss the Petition.

A party cannot be held in contempt for disobeying a court order which is not addressed to them.[168] As earlier discussed, the TRO dated June 29, 2022 was directed only at the COMELEC and the HOR. Moreover, We note Guanzon's explanation that she received a copy of the TRO as well as the petition in G.R. No. 261123 only on July 4, 2022, and she was unaware of any hindrance to her filing of a bill on June 30, 2022.[169] Guanzon's post on social media on June 29, 2022 that she "will file a reply to the petition of Cardema in the Supreme Court within 10 days" does not imply her knowledge of the existence of the TRO, much less of its contents. As Guanzon claims, she had no actual knowledge of the contents of the petition or of the TRO and her statement on the filing of a comment with the Court was merely a response to Ronald Gian Carlo Cardema's press releases that they would file a petition with the Court to foil her substitution as P3PWD representative.[170]

As for Guanzon's use of "Cong" or "Congresswoman" to address herself on social media and in her public appearances, her use of the phrase "OFFICE OF REPRESENTATIVE ROWENA V. GUANZON," and her distribution of items with the words "P3PWD PARTY-LIST CONG.

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164 *Rollo* (G.R. No. 261876), pp. 5–7.
165 *Id.* at 7.
166 *Id.* at 77–101.
167 *Id.* at 81–99.
168 *Leonidas v. Supnet*, 446 Phil. 53, 70 (2003) [Per J. Carpio, First Division].
169 *Rollo* (G.R. No. 261876), p. 85.
170 *Id.* at 87–88.

ROWENA GUANZON" despite notice of the TRO on July 4, 2022, these actuations, if proven malicious, may subject her to some other liability, but as far as the contempt charge is concerned, these do not constitute defiance of the TRO since it was not addressed to her. However, We again remind Guanzon that under Canon II of the CPRA, particularly on the responsible use of social media, a lawyer shall not knowingly or maliciously disseminate false or unverified claims or commit other acts of disinformation.[171] By claiming to be a congresswoman despite being aware that the TRO restrained her substitution, she disseminated a false claim and committed an act of disinformation. While the TRO was not addressed to her, the fact that it enjoined the COMELEC from implementing its assailed resolution involving her substitution should have already put her on guard and required her to exercise utmost caution and prudence. Officers of the court should be guided by our recent ruling in *ABS-CBN Corp. v. Ampatuan, Jr.*[172] where We held:

> ... [L]awyers are responsible for their use of social media and "shall not knowingly or maliciously post, share, upload or otherwise disseminate false or unverified statements, claims, or commit any other act of disinformation."
>
> Lawyers do not shed their obligations to this Court regardless of the role they choose to fulfill. They are duty bound to comply with the ethical standards of the profession inside and outside judicial proceedings. Hence, a lawyer, who is also a member of the press, cannot claim to exercise press freedom at the expense of their obligations under the Code of Professional Responsibility and Accountability. While this Court has recognized the rights of a lawyer as an officer of the court and as an ordinary citizen, this Court also held that the duties attending these rights are not divisible and cannot be invoked only when convenient.[173] (Citations omitted)

With respect to Guanzon's post on social media on July 15, 2022 allegedly declaring that the TRO issued by the Court had become moot,[174] an examination of said post shows that the same was actually a direct quotation of the news article published by GMA News entitled "P3PWD: TRO vs. COMELEC resolution allowing Guanzon substitution is moot." She explains that said statement was copied from the first paragraph of the news article, which in turn was making a direct reference to the allegations of the Comment dated July 11, 2022, filed by P3PWD Party-List with the Court in connection with the petition in G.R. No. 261123.[175] Further, the statement complained of was merely a reiteration of her position in G.R. No. 261123. It is a mere expression of an opinion on the pending case, which conveys neither malice nor any attack or insult on the dignity of the Court.[176]

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171 CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon II, sec. 38.

172 G.R. No. 227004, April 25, 2023 [Per J. Leonen, *En Banc*] *id.* at 61.

173 *Id.* at 61. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

174 *Rollo* (G.R. No. 261876), pp. 6–7.

175 *Id.* at 96.

176 *Marantan v. Diokno*, 726 Phil. 642, 650 (2014) [Per J. Mendoza, Third Division].

The power to punish for contempt serves to preserve the integrity and dignity of the Court and ensure the effectiveness of the administration of justice.[177] However, as declared by Justice Malcolm, this power "should be exercised on the preservative and not on the vindictive principle. Only occasionally should the Court invoke its inherent power in order to retain that respect without which the administration of justice must falter or fail."[178]

ACCORDINGLY, the Petition in G.R. No. 261123 is **GRANTED**. COMELEC Minute Resolution No. 22-0774, dated June 15, 2022 is declared **NULL** and **VOID** for having been issued with grave abuse of discretion insofar as it approved the substitution of the nominees of respondent P3PWD Party-List. The Court's Temporary Restraining Order dated June 29, 2022 is made **PERMANENT**.

Respondent P3PWD Party-List is **DIRECTED** to submit additional nominees pursuant to Section 16 of Republic Act No. 7941 but is **STRICTLY ENJOINED** from renominating for the duration of the Nineteenth Congress the nominees whose substitutions were declared null and void by this Decision, namely Ma. Rowena Amelia V. Guanzon, Rosalie J. Garcia, Cherrie B. Belmonte-Lim, Donnabel C. Tenorio, and Rodolfo B. Villar, Jr.

The Petition in G.R. No. 261876 is **DISMISSED** for lack of merit.

Respondent Ma. Rowena Amelia V. Guanzon's countercharge for indirect contempt is likewise **DISMISSED** for being procedurally defective.

This Decision is immediately executory.

SO ORDERED.

RICARDO R. ROSARIO
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

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177 *Commissioner of Immigration v. Cloribel*, 127 Phil. 716, 723 (1967) [*Per Curiam, En Banc*].
178 *Villavicencio v. Lukban*, 39 Phil. 778, 798 (1919) [Per J. Malcolm, *En Banc*].

& concur. See separate opinion

MARVIC M.V.F. LEONEN
Associate Justice

See Dissent

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

No part
AMY C. LAZARO-JAVIER
Associate Justice

No part
HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

See Dissent

JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

No part
ANTONIO T. KHO, JR.
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 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.

ALEXANDER G. GESMUNDO
Chief Justice