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Republic of the Philippines  
 Supreme Court  
 Manila

EN BANC

AVELINO C. AMANGYEN,  
 Petitioner,

G.R. No. 263828

Present:

- versus -

THE COMMISSION ON  
 ELECTIONS and FRANKLIN  
 W. TALAWEC,  
 Respondents.

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

Promulgated:

October 22, 2024

X-----X

DECISION

SINGH, J.:

Before the Court is a Petition for *Certiorari*<sup>1</sup> under Rule 64, in relation to Rule 65 (**Petition**), filed by petitioner Avelino C. Amangyen (**Amangyen**)

\* Official Business.  
 \*\* On Official Leave.  
 \*\*\* On Leave.  
<sup>1</sup> Rollo, pp. 3-32.

to assail the Resolutions, dated April 19, 2022<sup>2</sup> and October 7, 2022,<sup>3</sup> of the respondent Commission on Elections (COMELEC), which granted the Petition<sup>4</sup> filed by private respondent Franklin W. Talawec (Talawec) to deny due course or cancel Amangyen's Certificate of Candidacy (COC) for the position of Mayor of Paracelis, Mountain Province in the May 9, 2022 National and Local Elections (2022 NLE).

### *The Facts*

On October 6, 2021, Amangyen filed a COC for the position of Municipal Mayor of Paracelis, Mountain Province in the 2022 NLE.<sup>5</sup> On November 2, 2021, as a registered voter in the Municipality of Paracelis, Talawec filed a Petition to Cancel Amangyen's COC on the ground of material misrepresentation for making the following entries:<sup>6</sup>

Item 11. I am eligible for the office I seek to be elected to.

Item 22. Have you ever been found liable for an offense which carries with it the accessory penalty of perpetual disqualification to hold public office which has become final and executory?

Yes (Please provide details at the back)

No

CASE DOCKET	CASE TITLE	DATE FILED	STATUS
N/A	N/A	N/A	N/A

Talawec argued that Amangyen misrepresented that he is eligible to run for public office and that he has never been found liable for an offense which carries with it the accessory penalty of perpetual disqualification because Amangyen was convicted for a violation of Presidential Decree No. 705 and was sentenced to suffer *reclusion temporal* in Criminal Case No. 2012-7-18-67 (For: Violation of Section 77 [formerly 68], of Presidential Decree No. 705, as amended)<sup>7</sup> titled, *People of the Philippines v. Amangyen*, before Branch 35, Regional Trial Court, Bontoc, Mountain Province (RTC Bontoc). This was later affirmed by the Court in G.R. No. 236892.<sup>8</sup> Pursuant to Articles 41 and 30 of the Revised Penal Code, the principal penalty of *reclusion temporal* carries with it the accessory of perpetual absolute disqualification,

<sup>2</sup> *Id.* at 94–106. Signed by Presiding Commissioner Marlon S. Casquejo and Commissioners Rey E. Bulay and George Erwin M. Garcia of the Second Division, Commission on Elections.

<sup>3</sup> *Id.* at 41–50. Signed by Chairman George Erwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino and Rey E. Bulay of the Commission on Elections, *En Banc*.

<sup>4</sup> *Id.* at 108–121.

<sup>5</sup> *Id.* at 94.

<sup>6</sup> *Id.* at 94–95.

<sup>7</sup> (1975) Revising Presidential Decree No. 389, otherwise known as the Forestry Reform Code of the Philippines.

<sup>8</sup> *Id.* at 123.

which deprives a person of the right to hold public office.<sup>9</sup> Additionally, Talawec alleged that Amangyen is disqualified to be a candidate pursuant to Section 12 of the Omnibus Election Code (OEC) after being sentenced to imprisonment for more than 18 months.<sup>10</sup>

On November 29, 2021, in his verified Answer, Amangyen countered that his conviction has not yet attained finality because of a pending Motion for Intervention filed by one Johnny B. Cailin (**Cailin**) before the Supreme Court.<sup>11</sup> Cailin, as the registered owner of Paracelis Furniture Shop, which was the subject of the criminal case against Amangyen, alleged that Amangyen's conviction is void for being tainted with grave abuse of discretion and violative of Cailin's constitutional right to due process of law.<sup>12</sup> Cailin prays for Amangyen's acquittal and seeks to be indicted and tried for the crime for which Amangyen was convicted. Amangyen further prayed for the summary dismissal of the Petition.<sup>13</sup>

### *The Ruling of the COMELEC Division*

On April 19, 2022, the Second Division of the COMELEC granted the Petition and cancelled Amangyen's COC. It first stuck down the contention that Talawec made a combination of grounds for the disqualification of Amangyen after finding that the Petition principally sought to cancel Amangyen's COC on the ground of material misrepresentation.<sup>14</sup> It also found that the Petition was timely filed on November 2, 2021 because the last day of the 25-day period to file the same was October 31, 2021, a Sunday, and the next day, November 1, 2021, was a holiday. In any case, it held that it can brush aside any technical infirmity and suspend or relax its rules of procedure so as not to frustrate the interest of justice.<sup>15</sup>

On the merits, the COMELEC agreed with Talawec's contention. Amangyen committed a material misrepresentation in his COC when he declared that he was eligible to run for public office and has never been found liable for an offense with the accessory penalty of perpetual disqualification to hold public office even if he was convicted for qualified theft or a violation of Presidential Decree No. 705, Section 77, in Criminal Case No. 2012-7-18-67, for which he was meted the penalty of *reclusion temporal*.<sup>16</sup> Article 41, in relation to Article 30, of the Revised Penal Code provides that the penalty of *reclusion temporal* carries with it the penalty of absolute perpetual

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<sup>9</sup> *Id.* at 95.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 96.

<sup>12</sup> *Id.* at 43.

<sup>13</sup> *Id.* at 96-97.

<sup>14</sup> *Id.* at 97-98.

<sup>15</sup> *Id.* at 98-99.

<sup>16</sup> *Id.* at 101-102.



disqualification which deprives the convicted person of the right to seek election for public office.<sup>17</sup>

The COMELEC further found that the said conviction was affirmed with finality by the Court of Appeals on January 12, 2018 in CA-G.R. CR No. 35971,<sup>18</sup> and by this Court on April 11, 2018 in G.R. No. 236892,<sup>19</sup> as evidenced by the Entry of Judgment,<sup>20</sup> dated July 23, 2018. This directly addressed the argument that Cailin's motion for intervention stalled the finality of Amangyen's conviction.

On April 25, 2022, Amangyen filed a Most Respectful Motion for Reconsideration, claiming that the Petition must be summarily dismissed for being violative of the proscription in the COMELEC Rules of Procedure (**COMELEC Rules**) against invoking grounds other than false material misrepresentation and combining grounds for a separate remedy. Amangyen also insists that there are pending incidents in the criminal case filed against him.

### *The Ruling of the COMELEC En Banc*

On October 7, 2022, the COMELEC *En Banc* denied the Motion.

The COMELEC *En Banc* first held that Amangyen's arguments in support of a summary dismissal are a mere rehash<sup>21</sup> of those exhaustively passed upon by the COMELEC Second Division, which held:

Here, the essential allegations for a petition under Section 78 to prosper are present and clearly stated. The allegation by the Petitioner on Respondent's disqualification seems to be merely an added discussion. Petitioner does not seek the disqualification of Respondent in addition to the cancellation of his COC, nor the cancellation of the latter's COC based on a ground for disqualification and vice versa. Accordingly, there is no such combination of grounds that warrants the summary dismissal of the Petition.<sup>22</sup>

Further, the COMELEC *En Banc* agreed that even if a technical infirmity exists, it may still resolve a case on the merits pursuant to its power to suspend and relax its rules of procedure in the interest of justice.<sup>23</sup>

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<sup>17</sup> *Id.* at 102.

<sup>18</sup> Available at <https://services.ca.judiciary.gov.ph/faccs/pages/ResultInformation.xhtml>

<sup>19</sup> *Rollo*, pp. 158–159.

<sup>20</sup> *Id.* at 123.

<sup>21</sup> *Id.* at 44–45.

<sup>22</sup> *Id.* at 45–46.

<sup>23</sup> *Id.*



On the merits, the COMELEC *En Banc* did not deviate from the findings of the COMELEC Second Division that Amangyen's conviction was already final and executory, brushing aside the argument that Cailin's motion for intervention before this Court was a pending incident which put on hold the finality of Amangyen's conviction.<sup>24</sup> As Amangyen was already convicted with finality for violating Presidential Decree No. 705 and meted the penalty of *reclusion temporal*, Articles 41 and 30 of the RPC provide that the felon must suffer the accessory penalty of perpetual absolute disqualification, which concomitantly deprives such felon of the right to hold public office.<sup>25</sup>

### *The Petition*

In the present Petition, filed on November 2, 2022, Amangyen ascribes grave abuse of discretion against the COMELEC *En Banc* mainly on the ground that the judgment of conviction against him is not yet final and executory. He contends that the pendency of the *Petition for Correction/Determination of Proper Imposable Penalty*,<sup>26</sup> dated April 21, 2022, and filed before the RTC Bontoc precluded the finality of his conviction.

Meanwhile, in an Order<sup>27</sup> dated, November 10, 2022, the COMELEC *En Banc* ordered the issuance of a Writ of Execution to implement the COMELEC Resolutions, dated April 19, 2022 and October 7, 2022. In the same Order, the COMELEC created a Special Municipal Board of Canvassers, which was directed to annul the proclamation of Amangyen as Municipal Mayor of Paracelis and proclaim the candidate who obtained the second highest number of votes as the duly elected Municipal Mayor of Paracelis.

On November 17, 2022, Paracelis Municipal Vice-Mayor and, at that time, Acting Mayor Djarma B. Rafael (**Rafael**), filed a Motion for Leave of Court to Intervene and to Admit the Herein Incorporated Petition-in-Intervention,<sup>28</sup> seeking to annul and set aside the COMELEC Resolutions, dated April 19, 2022 and October 7, 2022.

On December 6, 2022, the Court required respondents COMELEC and Talawec to comment on the Petition.<sup>29</sup>

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<sup>24</sup> *Id.* at 48–49.

<sup>25</sup> *Id.* at 46–47.

<sup>26</sup> *Id.* at 463–474.

<sup>27</sup> *Id.* at 549–553.

<sup>28</sup> *Id.* at 487–520.

<sup>29</sup> *Id.* at 559.



On January 17, 2023, Marcos G. Ayangwa (**Ayangwa**), the candidate for Municipal Mayor of Paracelis who obtained the second highest number of votes, filed a Respectful Motion for Leave of Court to Intervene,<sup>30</sup> praying for the denial of the present Petition and Petition-for-Intervention. On January 24, 2023, the Court required Amangyen and Talawec to comment on Ayangwa's motion within a non-extendible period of 10 days from notice.<sup>31</sup> On January 31, 2023, the Court granted the COMELEC's motion for extension of time to file comment on the present Petition.<sup>32</sup> On even date, Amangyen's then counsel of record, Balisong and Partners Law Office, filed a Motion to Withdraw as Counsel for Petitioner,<sup>33</sup> citing personal reasons and conflict in the management of the case.

On February 13, 2023, the COMELEC interposed no objection to Ayangwa's motion to intervene.<sup>34</sup> On February 21, 2023, following the Motion to Withdraw as Counsel for Petitioner filed by Balisong and Partners Law Office, the Court directed Amangyen to submit his conformity thereto and, if so conforming, to inform the Court of the name of his new counsel.<sup>35</sup> On March 8, 2023, the COMELEC filed another Comment.<sup>36</sup>

On November 28, 2023, the Court required Amangyen to show cause, within five days from notice, why he should not be held in contempt for failure to comply with the Court's February 21, 2023 Resolution. Further, the Court deemed Amangyen to have conformed to the withdrawal of Balisong and Partners Law Office as his counsel of record and directed Amangyen to cause the entry of appearance of his new counsel.<sup>37</sup>

### *The Issue*

Whether the COMELEC acted with grave abuse of discretion in invoking its power to suspend or relax its procedural rules despite the alleged patent infirmity in Talawec's Petition for cancellation of Amangyen's COC and in granting the said Petition.

### *The Ruling of the Court*

The Petition is dismissed.

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<sup>30</sup> *Id.* at 567–581.

<sup>31</sup> *Id.* at 615–616.

<sup>32</sup> *Id.* at 632–633.

<sup>33</sup> *Id.* at 628–630.

<sup>34</sup> *Id.* at 643–647.

<sup>35</sup> *Id.* at 651-A–651-B.

<sup>36</sup> *Id.* at 643–647.

<sup>37</sup> *Id.* at 699–700.

*Power of the COMELEC to suspend or relax its procedural rules*

Amangyen contends that the COMELEC should have dismissed Talawec's Petition to cancel his COC because it invoked two grounds, namely, that he committed a material representation in the contents of his COC and that he is disqualified to be a candidate pursuant to Section 12 of the OEC after being sentenced to imprisonment for more than 18 months. He argues that this is in violation of the COMELEC Rules of Procedure<sup>38</sup>, particularly Rule 23, Section 1 of the COMELEC Rules, which reads:

Section 1. Ground for Denial or Cancellation of Certificate of Candidacy. – A verified Petition to Deny Due Course to or Cancel a Certificate of Candidacy for any elective office may be filed by any registered voter or a duly registered political party, organization, or coalition of political parties on the exclusive ground that any material representation contained therein as required by law is false.

A Petition to Deny Due Course to or Cancel Certificate of Candidacy invoking grounds other than those stated above or grounds for disqualification, or combining grounds for a separate remedy shall be summarily dismissed.

While the COMELEC Rules provide that a *Petition to Deny Due Course or Cancel a Certificate of Candidacy* should invoke the exclusive ground that any material misrepresentation contained in a COC is false, the Court also agrees with the COMELEC that this procedural rule may be relaxed. Rule 1, Section 4 of the COMELEC Rules explicitly provides:

Section 4. Suspension of the Rules. – In the interest of justice and in order to obtain speedy disposition of all matters pending before the Commission, these rules or any portion thereof may be suspended by the Commission.

The application of this rule is settled. In *Hayudini v. COMELEC*,<sup>39</sup> the Court reiterated the reason for the liberal interpretation of the COMELEC Rules, highlighting the need to ascertain the real choice of the electorate. It explained:

Settled is the rule that the COMELEC Rules of Procedure are subject to liberal construction. The COMELEC has the power to liberally interpret or even suspend its rules of procedure in the interest of justice, including obtaining a speedy disposition of all matters pending before it. This liberality is for the purpose of promoting the effective and efficient implementation of its objectives[—]ensuring the holding of free, orderly,

<sup>38</sup> COMELEC Rules of Procedure, as amended by COMELEC Resolution No. 9523, September 25, 2012.  
<sup>39</sup> 733 Phil 822 (2014) [Per J. Peralta, *En Banc*].



honest, peaceful, and credible elections, as well as achieving just, expeditious, and inexpensive determination and disposition of every action and proceeding brought before the COMELEC. Unlike an ordinary civil action, an election contest is imbued with public interest. It involves not only the adjudication of private and pecuniary interests of rival candidates, but also *the paramount need of dispelling the uncertainty which beclouds the real choice of the electorate*. And the tribunal has the corresponding duty to ascertain, by all means within its command, whom the people truly chose as their rightful leader.<sup>40</sup> (Emphasis supplied)

In *Caballero v. COMELEC*,<sup>41</sup> the Court citing *Hayudini* excused the failure to personally serve a copy of the *Petition to Deny Due Course or Cancel a Certificate of Candidacy* to the respondent prior to its filing considering the physical impossibility of following the said requirement and the respondent received a copy of the said petition during a scheduled conference, which afforded him the opportunity to rebut the allegations through a memorandum.<sup>42</sup> The Court further explained that the relaxation of the rules was because the petition questioned the respondent's residency requirement, which pertains to his qualification and eligibility to run for public office and imbued with public interest.<sup>43</sup>

In the present case, Talawec sought to cancel Amangyen's COC because the latter misrepresented that he has not been found liable for an offense which carries with it the accessory penalty of absolute perpetual disqualification. This pertains to Amangyen's qualification and eligibility to run for public office and is thus imbued with public interest. Thus, the COMELEC was justified in not summarily dismissing the Petition even if it was not filed on the exclusive ground that a material representation in Amangyen's COC is false. The electorate of the Municipality of Paracelis has the right to vote for a candidate who is eligible to run for public office. To this end, the COMELEC has the discretion to brush aside any technicality that will prevent it from cancelling the certificate of candidacy of someone who is disqualified by law.

*Final and executory nature of the conviction for violation of Presidential Decree No. 705; Effect of the pending Petition for Modification of Penalty*

Amangyen next argues that his conviction for qualified theft under Presidential Decree No. 705 has not yet attained finality because of the pendency of his *Petition for Correction/Determination of Proper Imposable*

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<sup>40</sup> *Id.* at 841.

<sup>41</sup> 770 Phil 94 (2015) [Per J. Peralta, *En Banc*].

<sup>42</sup> *Id.* at 111.

<sup>43</sup> *Id.*



*Penalty*, which seeks to lower the penalty imposed against him following the passage of Republic Act No. 10951.<sup>44</sup>

This contention must be clarified. While Republic Act No. 10951 may apply to lower the penalty for Amangyen's conviction for qualified theft, this will not automatically suspend the service of his sentence for *reclusion temporal* and its accessory penalty of absolute perpetual disqualification until a decision to that effect by a competent court is rendered with finality.

As correctly pointed out by the COMELEC, the judgment of guilt against Amangyen for qualified theft under Presidential Decree No. 705 is already final and executory following the Entry of Judgment by the Court on July 23, 2018. Meanwhile, on September 16, 2017, Republic Act No. 10951 took effect and adjusted the value of property and damages on which the impossible penalties in the Revised Penal Code are based. The application of the law to cases with a final and executory judgment was clarified by the Court in *Hernan v. Sandiganbayan*,<sup>45</sup> where it held:

The general rule is that a judgment that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land. When, however, circumstances transpire after the finality of the decision rendering its execution unjust and inequitable, the Court may sit *en banc* and give due regard to such exceptional circumstance warranting the relaxation of the doctrine of immutability[.]<sup>46</sup>

Thus, while the judgment in Amangyen's criminal case for qualified theft under Presidential Decree No. 705 had become immutable and unalterable, the same may be reopened insofar as modifying the penalty imposed due to the enactment of Republic Act No. 10951 after the finality of the said judgment. At any rate, pending resolution of Amangyen's Petition to determine the proper penalty for his conviction for qualified theft, he must continue to serve the sentence for *reclusion temporal* with the accessory penalty of absolute perpetual disqualification. Necessarily, the present petition to set aside the COMELEC ruling which disqualified him from running for the mayoralty position in the Municipality of Paracelis in the 2022 NLE must fail.

The proper recourse for Amangyen is to await the finality of the *Petition for Correction/Determination of Proper Impossible Penalty*. It would

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<sup>44</sup> AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE", AS AMENDED.

<sup>45</sup> 822 Phil. 148 (2017) [Per J. Peralta, *En Banc*].

<sup>46</sup> *Id.* at 174. Citation Omitted.



be premature and improper for the Court to declare in the present Petition that is entitled to a lower penalty where the accessory penalty is not perpetual disqualification, consistent with his representation in his COC.

### *Material Misrepresentation*

Having determined that the judgment of conviction against Amangyen is final and executory, the next issue is whether Amangyen's COC contains a false material representation.

The Court recently clarified in *Buenafe v. COMELEC*<sup>47</sup> that material representation under Section 78 of the OEC must pertain to the eligibility or qualifications of the candidate:

In *Villafuerte v. COMELEC*,<sup>48</sup> We held that, for a representation to be material, it must "refer to an eligibility or qualification for the elective office the candidate seeks to hold." Thus, facts pertaining to a candidate's residency, age, citizenship, or any other legal qualification are considered material under Section 78 of the OEC.<sup>49</sup>

Otherwise stated, the Court will not deny due course to or cancel a COC on mere innocuous mistakes.<sup>50</sup> The questioned representation in Amangyen's COC is undoubtedly material since it affects his eligibility to run for public office.

Considering further that three years already passed from July 23, 2018, when an Entry of Judgment was made on Amangyen's conviction under Presidential Decree No. 705, until October 6, 2021, when he filed his COC for the 2022 NLE, Amangyen could not have represented by an honest mistake that he has not been "been found liable for an offense which carries with it the accessory penalty of perpetual disqualification to hold public office which has become final and executory." Due to the considerable lapse of time, such material misrepresentation cannot but be deemed intentional.

### *Lack of grave abuse of discretion*

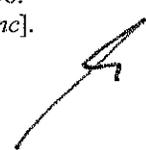
The Court reminds the petitioner that the scope of a *certiorari* petition under Rule 65, in relation to Rule 64, is limited. It must only determine whether the COMELEC acted with grave abuse of discretion amounting to lack or excess of jurisdiction.

<sup>47</sup> G.R. No. 260374, June 28, 2022 [Per J. Zalameda, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>48</sup> 728 Phil. 74 (2014) [Per J. Peralta, *En Banc*].

<sup>49</sup> *Buenafe v. COMELEC*, G.R. No. 260374, June 28, 2022 [Per J. Zalameda, *En Banc*] at 58.

<sup>50</sup> *Id.*, citing *Salcedo II v. COMELEC*, 371 Phil. 377 (1999) [Per J. Gonzaga-Reyes, *En Banc*].



Jurisprudence is replete with cases defining grave abuse of discretion. In *Agravante v. COMELEC*,<sup>51</sup> this Court said:

Grave abuse of discretion has been defined as a whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. In the process of determining the existence of grave abuse of discretion, this Court looks into: (1) whether the act involved was done contrary to the Constitution, the law or jurisprudence; or (2) whether it was executed whimsically, capriciously or arbitrarily out of malice, ill will or personal bias. Additionally, mere abuse of discretion is not enough; it must be grave. Unless it is firmly established that the COMELEC *En Banc* committed grave abuse of discretion, this Court would not interfere with its decision.<sup>52</sup> (Citations omitted)

In the present Petition, Amangyen ascribes grave abuse of discretion to the COMELEC for issuing the assailed Resolutions and failing to consider the pendency of his *Petition for Correction/Determination of Proper Imposable Penalty*. He contends that since his penalty for violation of Presidential Decree No. 705 may be reduced and his qualification to hold public office might not be affected, the COMELEC should not have immediately resolved to deny due course to or cancel his COC as his conviction was not yet final and executory.<sup>53</sup>

This contention is misplaced.

As earlier discussed, Amangyen's judgment of conviction was already final and executory at the time of the filing of the Petition to deny due course to or cancel Amangyen's COC. Even with the passage of Republic Act No. 10951, the immutability of the said judgment of conviction against Amangyen remains. What the Court allowed through *Hayudini* is an exception to the rule on immutability of judgments where an application of Republic Act No. 10951 is more favorable to the person serving sentence pursuant to a final and executory judgment of conviction.

The COMELEC thus did not gravely abuse its discretion in upholding the denial of or cancellation of Amangyen's COC on the ground of material misrepresentation. At the time of filing of his COC on October 6, 2021, he was in fact found liable for an offense which carries with it the accessory penalty of perpetual disqualification, contrary to his declaration in his COC.

### *Contempt of Court*

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<sup>51</sup> G.R. No. 264029, August 8, 2023 [Per C.J. Gesmundo, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>52</sup> *Id.* at 7.

<sup>53</sup> *Rollo*, p. 21.



Finally, it must be noted that, as early as February 21, 2023, the Court had directed Amangyen to signify his conformity to the withdrawal of his counsel of record, Balisong and Partners Law Office, after the latter unilaterally filed a Motion to Withdraw as Counsel for Amangyen, citing personal reasons and conflict in the management of the case. On November 28, 2023, the Court issued a Show Cause Compliance, directing Amangyen to explain his failure to comply with the February 21, 2023 Resolution. Still, on June 25, 2024, without receiving any compliance from Amangyen, the Court imposed a fine of PHP 1,000.00 and reiterated its Show Cause Compliance against Amangyen. Despite the foregoing, the Court has not received any compliance from Amangyen.

The Court deems Amangyen's repeated failure to comply with its directives as a deliberate and wanton disobedience of the Court, constituting direct contempt. The 2019 Amendments to the 1997 Rules of Civil Procedure<sup>54</sup> Rule 71, Section 1 thereof provides:

Section 1. Direct contempt punished summarily. - A person guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities toward others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding [10] days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment not exceeding [one] day, or both, if it be a lower court.

In *Bro. Oca v. Custodio*,<sup>55</sup> the Court discussed what constitutes contemptuous conduct and the inherent power of the court to punish contempt:

Contempt of court is willful disobedience to the court and disregard or defiance of its authority, justice, and dignity. It constitutes 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" or "interfere with or prejudice parties['] litigant or their witnesses during litigation."

All courts are given the inherent power to punish contempt. This power is an essential necessity to preserve order in judicial proceedings and to enforce the due administration of justice and the court's mandates, orders, and judgments. It safeguards the respect due to the courts and, consequently, ensures the stability of the judicial institution.<sup>56</sup> (Citations omitted)

<sup>54</sup> A.M. No. 19-10-20-SC, Effective May 1, 2020.

<sup>55</sup> 814 Phil. 641 (2017) [Per J. Leonen, Second Division].

<sup>56</sup> *Id.* at 665.



Under the present circumstances, the Court finds Amangyen's continuous inaction and disregard of this Court's directives as willful disobedience to the court or defiance of its authority warranting the imposition of the maximum amount of fine of PHP 2,000.00. Considering that the Court previously imposed a fine of PHP 1,000.00 against Amangyen, it now imposes an additional fine in the amount of PHP 1,000.00.

**ACCORDINGLY**, the Petition is **DISMISSED**. The Resolutions, dated April 19, 2022 and October 7, 2022, of the Commission on Elections are **AFFIRMED**.

Petitioner Avelino C. Amangyen is found **GUILTY** of contempt of court for his failure to comply with the directive of the Court in its Resolution, dated February 21, 2023, and is he is **ORDERED** to pay an additional fine in the amount of One Thousand Pesos PHP 1,000.00.

**SO ORDERED.**



**MARIA FILOMENA D. SINGH**  
Associate Justice

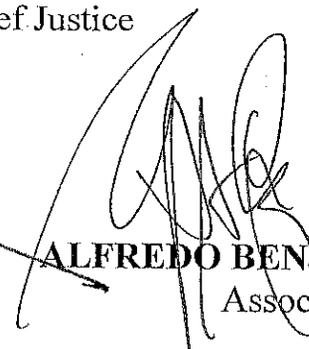
WE CONCUR:



**ALEXANDER G. GESMUNDO**  
Chief Justice



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

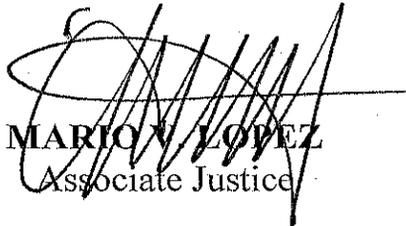
Official Business  
**RAMON PAUL L. HERNANDO**  
Associate Justice

On Official Leave  
**AMY C. LAZARO-JAVIER**  
Associate Justice



**HENRI JEAN PAUL B. INTING**  
Associate Justice

On Leave  
**RODIL V. ZALAMEDA**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice

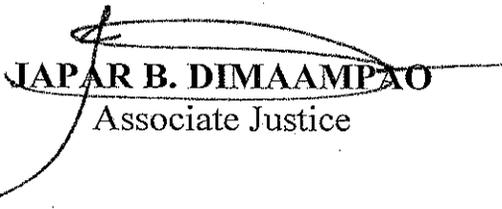


**SAMUEL H. GAERLAN**  
Associate Justice

On Official Leave  
**RICARDO R. ROSARIO**  
Associate Justice



**JHOSEP Y. LOPEZ**  
Associate Justice



**JAPAR B. DIMAAMPAO**  
Associate Justice



**JOSE MIDAS P. MARQUEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice



**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

