

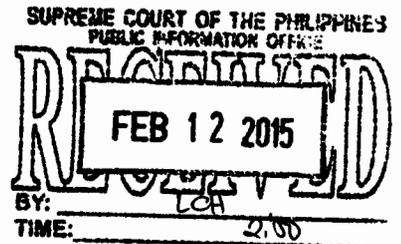


Republic of the Philippines
Supreme Court

Manila

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated FEBRUARY 3, 2015, which reads as follows:

“G.R. No. 207144 (Timuay Alim Bandara, Victor D. Layasan, Eulit F. Torres and Elizabeth Padilla v. Commission on Elections and Isa Tom Del Monte, in his alleged capacity as representative of Anak Mindanao Party List) and G.R. No. 208141 (Elizabeth M. Padilla, Valtimore B. Fenis and Amabella L. Carumba v. Commission on Elections *En Banc*, Sitting as National Board of Canvassers, Sitti Djalía A. Turabin-Hataman, in her alleged capacity as First Nominee of Anak Mindanao Party List, Alejandro E. Plariza, Norhaiya D. Macusang, Sugayra Alfaro A. Mendoza and Amihilda J. Sangcopan-Abdulkhakim, as alleged Other Nominees of Anak Mindanao Party List). – After a judicious review of the records, the Court resolves to DISMISS the instant petitions.¹ Considering that Anak Mindanao Party List’s (AMIN) first nominee, Sitti Djalía A. Turabin-Hataman, had already assumed her position as a member of the House of Representatives during the regular session of the 16th Philippine Congress,² the issues relating to her proclamation and qualification³ are best addressed to the House of Representatives Electoral Tribunal (HRET), the constitutionally mandated tribunal to hear and decide a case involving a Member of the House of Representatives with respect to all matters essential to the latter’s election, returns, and qualifications,⁴ regardless of any allegations as to the invalidity of his/her proclamation.⁵”

¹ Rollo (G.R. No. 207144), pp. 3-55 and rollo (G.R. No. 208141), pp. 3-47.

² Rollo (G.R. No. 207144), pp. 579 and 590-591.

³ Section 9 of Republic Act No. 7941, entitled “AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM, AND APPROPRIATING FUNDS THEREFOR,” otherwise known as the “Party-List System Act,” provides:

Section 9. *Qualifications of Party-List Nominees.* No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election. (Emphasis supplied)

⁴ See *Limkaichong v. COMELEC*, 601 Phil. 751, 780 (2009). See also Section 17, Article VI of the 1987 Constitution which reads:

Sec. 17. The Senate and the House of Representatives shall each have an Electoral Tribunal, which shall be the sole judge of all contests relating to the election, returns, and

It is a well-settled rule that once a winning candidate has been proclaimed, taken his oath, and assumed office as a Member of the House of Representatives, the jurisdiction of the Commission on Elections (COMELEC) over election contests relating to his/her election, returns, and qualifications ends, and the HRET's own jurisdiction begins.⁶ Consequently, the instant petitions for *certiorari* are not the proper remedies⁷ for the petitioners in both cases to question the propriety of the National Board of Canvassers' proclamation, and the events leading thereto." Brion, J., on leave. (adv32)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its Chairman. (Emphasis supplied)

⁵ Id. at 782.

⁶ Id. at 779. See also *Reyes v. COMELEC*, G.R. No. 207264, June 25, 2013, 699 SCRA 522, 533-535.

⁷ See *Dr. Señeres v. COMELEC*, 603 Phil. 552, 562-565 (2009).

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G. R. Nos. 207144 & 208141
kat 2/3/15 (adv32) 2/12/15

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A handwritten signature in black ink, appearing to be the name of Atty. George Erwin M. Garcia, written in a cursive style.