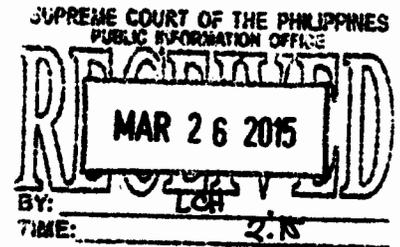




Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE



Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **MARCH 24, 2015**, which reads as follows:*

*“G.R. No. 215287 - **Homobono A. Adaza and Jonathan R. Siñel v. COMELEC, represented by Chairman Sixto Brillantes, Jr., and Smartmatik¹ Tim Corporation***

RESOLUTION

After a judicious review of the records, the Court resolves to DISMISS the instant Petition for Certiorari and Prohibition for being premature.

Petitioners filed with this Court a Petition for Certiorari and Prohibition to enjoin the respondent Commission on Elections (COMELEC) (1) from proceeding with the December 4, 2014 public bidding for the supply, lease, or purchase of Optical Mark Readers and Direct Recording Electronic Machines; and (2) from allowing respondent Smartmatic Tim Corporation to participate in any public bidding for the supply, lease, or purchase of voting machines.

However, petitioners’ direct resort to this Court is improper and premature as both the COMELEC Bids and Awards Committee (BAC) and the respondent COMELEC were not afforded the opportunity to pass upon the matter. As an administrative agency and a specialized constitutional body charged with the enforcement and administration of all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall, the respondent COMELEC, as well as the COMELEC BAC, should have been afforded an opportunity to resolve questions addressed to their areas of expertise. Hence, premature resort to the Court necessarily becomes fatal to the cause of action of petitioners.

¹ Also spelled as Smartmatic in some parts of the records.

In view of the foregoing, the instant Petition for Certiorari and Prohibition is hereby DISMISSED for being premature.” Carpio, J., on leave. (adv45)

Very truly yours,


ENRIQUETA E. VIDAL
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G.R. No. 215287
kat 3/24/15 (adv45) 3/25/15