

709 Phil. 539

**EN BANC****[ G.R. No. 204591, April 16, 2013 ]****AGAPAY NG INDIGENOUS PEOPLES RIGHTS ALLIANCE (A-IPRA),  
PETITIONER, VS. COMMISSION ON ELECTIONS, MELVIN G. LOTA,  
MAC-MAC BERNALES, MARY ANNE P. SANTOS, JEAN ANNABELL S.  
GAROTA, JOSEPH T. EVANGELISTA, ET AL. RESPONDENTS.****R E S O L U T I O N****REYES, J.:**

This is a petition for *certiorari*<sup>[1]</sup> filed under Rule 64, in relation to Rule 65 of the Rules of Court, seeking to annul and set aside the Resolution<sup>[2]</sup> dated November 7, 2012 of the Commission on Elections (COMELEC) in SPP Case No. 12-292 (PLM).

**Factual Antecedents**

Petitioner Agapay ng Indigenous Peoples Rights Alliance (A-IPRA) is a sectoral political party whose primordial objectives are the recognition, protection and promotion of the rights of the indigenous people.<sup>[3]</sup> It was allowed registration and accreditation by the COMELEC Second Division in its Resolution<sup>[4]</sup> dated January 13, 2010 in SPP Case No. 09-214 (PL), which reads:

As borne by the evidence, petitioner has ably complied procedurally and substantially with the requirements of Republic Act No. 7941 or Party-List Law as well as with the guidelines enumerated in the case of Ang Bagong Bayani vs. Comelec. It has coordinators in almost all of the provinces and cities [of] Region III.

Petitioner committed itself to protect and work for the betterment of the underrepresented [and] marginalized sector of [i]ndigenous peoples by ensuring that their rights, cultural communities and ancestral domains are accorded priority and recognition. Petitioner likewise committed itself to promote the culture of the indigenous people through education and the delivery of basic services to the indigenous cultural communities. Its track record is manifested by its active advocacy for the passage of the IPRA Law (Republic Act No. 8371) by conducting a series of campaigns and seminars to educate and inform the indigenous people of their rights. When the constitutionality of Republic Act No. 8371 or the Indigenous [Peoples] Rights Act was challenged before the Courts, petitioner A-IPRA gave valuable inputs to the National Commission on Indigenous Peoples, resulting in the dismissal of the petition to declare said law unconstitutional.

Moreover, it has supported, defended and lobbied for the passage of laws

for the protection and promotion of the rights of [i]ndigenous [p]eople in Congress.

With these, we are convinced that petitioner can truly promote the interests and concerns of the section which it seeks to represent and uplift their living conditions.

**WHEREFORE**, in view of the foregoing, the petitions [sic] for registration filed by AGAPAY NG INDIGENOUS PEOPLES RIGHTS ALLIANCE, INC. (A-IPRA) is **GRANTED**. Accordingly, the Clerk of the Commission is hereby directed to prepare the necessary certification declaring A-IPRA as a duly registered and accredited regional sectoral party with all the rights and privileges under the law.<sup>[5]</sup>

A-IPRA participated in the May 2010 elections, with the following as nominees and officers (Insigne Group), namely:

Nominees:

- (1) Atty. Eugenio A. Insigne MNSA
- (2) Atty. Gregorio A. Andolana
- (3) Atty. Pablo S. Bernardo<sup>[6]</sup>

Officers:

- (1) Ruben R. Sison, President
- (2) Ricardo B. Rivera, Vice President for External Affairs
- (3) Larry G. Ramos, Vice President for Internal Affairs
- (4) Oscar B. Rivera, Public Information Officer
- (5) Ronnie T. Dizon, Secretary
- (6) Antonio M. Sumilang, Treasurer<sup>[7]</sup>

Unfortunately, the group failed to muster the necessary number of votes to obtain a seat in Congress.

On May 31, 2012, A-IPRA filed a Manifestation of Intent to Participate in the May 2013 Elections with the COMELEC. Appended in the manifestation is a new list of nominees and officers (Lota Group), consisting of the following individuals:

Nominees:

- (1) Melvin G. Lota
- (2) Mac-Mac Bernales
- (3) Mary Anne P. Santos
- (4) Jean Annabell S. Garota
- (5) Joseph T. Evangelista

Officers:

- (1) Antonio S. Abad, Chairman

- (2) Jennita G. Bascones, Vice Chairman for Internal Affairs
- (3) Consolacion B. Abad, Vice Chairman for External Affairs
- (4) Jordan P. Cimafranca, Secretary General
- (5) Oscar D. Celeste, Treasurer
- (6) Thomas A. Siy, III, Auditor
- (7) Frances Trina A. Salvante, Public Relations Officer<sup>[8]</sup>

Subsequently, on August 2, 2012, the COMELEC *en banc* issued Resolution No. 9513 entitled "In the Matter of: (1) the automatic review by the Commission *En Banc* of pending petitions for registration of party-list groups; and (2) setting for hearing the accredited party-list groups or organizations which are existing and which have filed manifestations of intent to participate in the 2013 national and local elections." Pursuant thereto, the COMELEC resolved to review and affirm the grant of registration and accreditation to party-list groups and organizations in order that it may fulfill its role of ensuring that only those parties, groups or organizations with the requisite character consistent with the purpose of the party-list system are registered and accredited to participate in the party-list system of representation. It also suspended the application of Section 19 of the COMELEC Rules of Procedure which pertains to the filing of a motion for reconsideration.

On August 9, 2012, the COMELEC *en banc* issued an Order, requiring A-IPRA to appear before them to present documentary evidence which will establish its continuing compliance with the requirements set forth under Republic Act No. 7941 (R.A. No. 7941) and the guidelines in *Ang Bagong Bayani-OFW Labor Party v. COMELEC*.<sup>[9]</sup>

On October 11, 2012, the Insigne Group, under the name of A-IPRA, filed a Petition for Intervention with Opposition to the Nomination filed by Bogus Officers of A-IPRA.<sup>[10]</sup> They alleged that their members remain the legitimate nominees and officers of A-IPRA as they were never replaced in accordance with procedure stated in the by-laws of the organization. Further, they pointed out that the members of the Lota Group are complete strangers to the organization and that their names do not appear in the roster of A-IPRA membership. Even more, they do not appear to be members of the indigenous cultural communities/indigenous people as they are all residents of Metro Manila and are unknown to the members of A-IPRA. Finally, they charged the Lota Group of submitting fake documents which contained forged signatures.<sup>[11]</sup> Thus, they prayed that the Lota Group be disqualified as nominees and officers of A-IPRA and that they be recognized as the legitimate nominees and officers of the group and be allowed to participate in the May 2013 elections.<sup>[12]</sup>

### **The COMELEC *En Banc*'s Ruling**

On November 7, 2012, the COMELEC *en banc* issued the assailed Resolution,<sup>[13]</sup> cancelling the registration and accreditation of A-IPRA. The pertinent portions of the resolution state:

In the instant case, A-IPRA failed to convince the Commission that it has satisfied the aforequoted guidelines pertaining to party-list nominees. It did not submit proof that would establish that the said nominees are

indeed indigenous people; have actively participated in the undertakings of A-IPRA; truly adhere to its advocacies; and most of all, that the said nominees are its bona fide members. It focused solely on presenting its track record/activities. It overlooked the fact that nominees also play a significant role in every party-list group's accreditation/registration.

As they say, representation is easy to claim and to feign. The Commission is thus determined to evaluate with utmost caution not only the petitions for registration of new party-list aspirants but also the accreditation of the existing party-list groups. This goes without saying that substantial compliance of the rules has no place in this so-called "cleansing" of the party-list groups. Thus, no matter how noble the intention of A-IPRA to represent the marginalized and underrepresented sector of indigenous people, its registration should still be cancelled for failure to comply with items 6, 7 and 8 of the Eight-Point Guideline enunciated in *Ang Bagong Bayani*.

**WHEREFORE**, premises considered, the Commission en banc **RESOLVED**, as it hereby **RESOLVES**, to **CANCEL** the registration/accreditation of A-IPRA.

**SO ORDERED.**<sup>[14]</sup>

On December 13, 2012, the Insigne Group filed the instant petition with this Court, claiming that the COMELEC gravely abused its discretion in issuing Resolution dated November 7, 2012 and reiterating their prayer to be recognized as the legitimate nominees and officers of A-IPRA.

### **Issue**

WHETHER THE COMELEC GRAVELY ABUSED ITS DISCRETION IN ISSUING RESOLUTION DATED NOVEMBER 7, 2012.

### **This Court's Ruling**

It is a well-settled principle that this Court's jurisdiction to review decisions and orders of electoral tribunals is exercised only upon showing of grave abuse of discretion committed by the tribunal; otherwise, the Court shall not interfere with the electoral tribunal's exercise of its discretion or jurisdiction. Grave abuse of discretion has been defined as the capricious and whimsical exercise of judgment, the exercise of power in an arbitrary manner, where the abuse is so patent and gross as to amount to an evasion of positive duty.<sup>[15]</sup>

The Insigne Group impute grave abuse of discretion on the part of the COMELEC in issuing Resolution dated November 7, 2012 which cancelled A-IPRA's registration/accreditation on the ground of disqualification of its nominees. This issue, however, had already been resolved by this Court in *Atong Paglaum, Inc. v. Commission on Elections*.<sup>[16]</sup> It is well to remember that the Lota Group also filed a separate petition for *certiorari* with this Court, challenging the same resolution of the

COMELEC. The said petition was docketed as G.R. No. 204125 and was consolidated with several other cases questioning similar issuances by the COMELEC. Eventually, the Court resolved the consolidated cases in *Atong Paglaum* by upholding the validity of the issuances of the COMELEC, albeit, ordering that all the petitions be remanded to the COMELEC for reevaluation of the qualifications of the party-list groups based on the new set of parameters laid down in the mentioned decision.

In *Atong Paglaum*, the Court specifically ruled that the COMELEC did not gravely abuse its discretion, thus:

We hold that the COMELEC did not commit grave abuse of discretion in following prevailing decisions of this Court in disqualifying petitioners from participating in the coming 13 May 2013 party-list elections. However, since the Court adopts in this Decision new parameters in the qualification of national, regional, and sectoral parties under the party-list system, thereby abandoning the rulings in the decisions applied by the COMELEC in disqualifying petitioners, we remand to the COMELEC all the present petitions for the COMELEC to determine who are qualified to register under the partylist system, and to participate in the coming 13 May 2013 party-list elections, under the new parameters prescribed in this Decision.<sup>[17]</sup>

With a definite ruling of this Court on the absence of grave abuse of discretion in the consolidated cases of *Atong Paglaum*, the instant petition had become moot and academic and must therefore be dismissed.

As regards the legitimacy of the nomination of the Lota Group raised by the Insigne group in their petition for intervention and opposition, the same is more aptly addressed to the COMELEC. The determination of who is the rightful representative of a political party or the legitimate nominee of a party-list group lies with the COMELEC, as part and parcel of its constitutional task of registering political parties, organizations and coalitions under Section 2(5),<sup>[18]</sup> Article IX(C) of the 1987 Constitution.

In *Laban ng Demokratikong Pilipino v. COMELEC*,<sup>[19]</sup> this Court held that the COMELEC correctly ruled that "the ascertainment of the identity of a political party and its legitimate officers is a matter that is well within its authority. The source of this authority is no other than the fundamental law itself, which vests upon the COMELEC the power and function to enforce and administer all laws and regulations relative to the conduct of an election."<sup>[20]</sup>

Apparently, the COMELEC failed to resolve the issue of the legitimacy of the nomination of the Lota Group in its Resolution dated November 7, 2012 and this was raised as an issue by the Insigne Group in the instant petition. However, with the remand of all the petitions to the COMELEC and the directive for it to redetermine the qualifications of the petitioning party-list groups, it is only appropriate that the Insigne Group present their challenge to the legitimacy of the Lota Group's nomination before the Commission to give it the opportunity to rule on the matter at the same time that it reevaluates A-IPRA's qualifications to run in the May 2013 elections based on the new set of guidelines in *Atong Paglaum*.

**WHEREFORE**, the instant petition is **DISMISSED** for having become moot and academic.

**SO ORDERED.**

*Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Perlas-Bernabe, and Leonen, JJ., concur.*

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[1] *Rollo*, pp. 3-44.

[2] *Id.* at 50-54.

[3] *Id.* at 4.

[4] *Id.* at 45-49.

[5] *Id.* at 48.

[6] *Id.* at 57.

[7] *Id.* at 63.

[8] *Id.* at 58.

[9] 412 Phil. 308 (2001).

[10] *Rollo*, pp. 55-63.

[11] *Id.* at 58-59.

[12] *Id.* at 62-63.

[13] *Id.* at 50-54.

[14] *Id.* at 53-54.

[15] *Duenas, Jr. v. HRET*, G.R. No. 191550, May 4, 2010, 620 SCRA 78, 80, citing *Abubakar v. HRET*, G.R. Nos. 173310 and 173609, March 7, 2007, 517 SCRA 762, 776; *Torres v. HRET*, 404 Phil. 125 (2001); *Villarosa v. HRET*, 394 Phil. 730 (2000).

[16] G.R. No. 204125, April 2, 2013.

[17] *Id.*

[18] Section 2. x x x

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(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

[19] 468 Phil. 70 (2004).

[20] Id. at 80, citing 1987 Philippine Constitution, Art. IX-C, Sec. 2 (1).



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