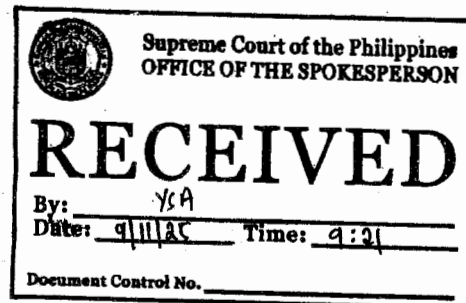




Republic of the Philippines
Supreme Court
Manila



EN BANC

**AQUILINO “KOKO” PIMENTEL
III and EMMANUEL D.
PACQUIAO, SR.,**
Petitioners,

G.R. No. 265395

Present:

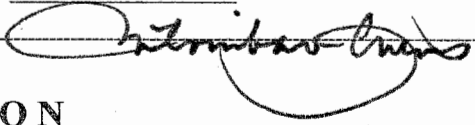
GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
GAERLAN,
ROSARIO,**
LOPEZ,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,*
SINGH,** and
VILLANUEVA, JJ.

- versus -

**COMMISSION ON ELECTIONS,
ALFONSO G. CUSI, and MELVIN
A. MATIBAG,**
Respondents.

Promulgated:

July 8, 2025

x----------x

DECISION

DIMAAMPAO, J.:

Before this Court is a Petition for *Certiorari* with Application for Temporary Restraining Order and/or Preliminary Injunction¹ filed by petitioners Aquilino “Koko” Pimentel III (Pimentel) and Emmanuel D. Pacquiao, Sr. (Pacquiao). Pimentel and Pacquiao beseech the Court to enjoin

* No part.

** On wellness leave.

*** On leave.

¹ *Rollo*, pp. 3–59.

the respondent Commission on Elections (COMELEC) from enforcing and/or executing the impugned Resolutions² in E.M. No. 21-004, which declared the actions they executed as party members of Partido Demokratiko Pilipino Lakas ng Bayan (PDP Laban) void, and instead recognized respondents Alfonso G. Cusi (Cusi), Melvin A. Matibag (Matibag), and those acting under or on their behalf (Cusi-led faction) as the true and official members of the PDP Laban party.

The prevenient facts follow.

PDP Laban is a political party, founded by the late former Senate President Aquilino “Nene” Pimentel, Jr. (the father of petitioner Pimentel) and Senator Benigno S. Aquino, Sr., Pimentel has been with PDP Laban for about 41 years. He has held various positions therein and is among those who drafted the PDP Laban Constitution.³

Sometime in April 2012, Pacquiao joined PDP Laban and assumed the position of vice-president for Mindanao.⁴

In the 2016 presidential elections, former President Rodrigo Duterte (Duterte) ran under the PDP Laban. When his victory was apparent, Cusi and Matibag expressed their interest in joining the party. Cusi was a political ally of former President Gloria Macapagal-Arroyo, and Matibag was his assistant. During this time, Pimentel was the president of PDP Laban, while Pacquiao still served as the vice-president for Mindanao.⁵

Following Duterte’s victory was an influx of applications for party membership; thus, PDP Laban conditionally accepted applicants into the party. Before long, Duterte and Cusi assumed the positions of chairman and vice-chairman of PDP Laban, respectively.⁶

As the 2022 presidential elections drew near, Pacquiao manifested his intention to run as PDP Laban’s presidential candidate. However, Cusi purportedly organized meetings with local party leaders without authorization from PDP Laban’s key officers and members, during which he and his faction endorsed another presidential candidate who was not a party member.⁷

² *Id.* at 61–71. The May 6, 2022 Resolution in E.M. No. 21-004 was signed by Presiding Commissioner Socorro B. Inting and Commissioner Rey E. Bulay, with the dissent of Commissioner Marlon S. Casquejo of the Special Second Division, Commission on Elections; *id.* at 117–125. The January 27, 2023 COMELEC *En Banc* Resolution in EM No. 21-004 was signed by Commissioners Socorro B. Inting, Aimee P. Ferolino, Rey E. Bulay, Ernesto Ferdinand P. Maceda, Jr., and Nelson J. Celis, with the dissent of Commissioner Marlon S. Casquejo. Chairman George Erwin M. Garcia took no part.

³ *Id.* at 5.

⁴ *Id.*

⁵ *Id.* at 6.

⁶ *Id.*

⁷ *Id.*



Consequently, the PDP Laban National Executive Committee (NEC) convened by Pimentel and Pacquiao⁸ adopted NEC Resolution No. 03, recommending to the PDP Laban National Council (National Council) that Cusi be directed to show cause why he should not be expelled for his actions which were allegedly inimical to PDP Laban's interests.⁹

On May 17, 2021, Duterte, in his capacity as PDP Laban chairman, issued a Memorandum¹⁰ directing Cusi to organize, convene, and preside over the National Council meeting to be held in Cebu City on May 31, 2021. Thereupon, Cusi sent out to party members the letters¹¹ dated May 19, 2021, which stated:

In accordance with the authority granted under Sections 4 & 5, Article XVI of the PDP-Laban Constitution, a meeting of the National Council is called on May 31, 2021 in Cebu City.

As a matter of coordination, you are hereby notified of the following National Council Meeting agenda:

- (1) Party Chairman's report on programs promoted and implemented during his incumbency as President of the Republic;
- (2) Consultation with incumbent elected party members from LGUs on the management of Covid-19 transmissions;
- (3) Administrative Matters in Preparation for the 2022 National Elections;
- (4) Other matters.

A corresponding written notice or invitation shall be sent to all members of the National Council with information on the exact time and venue of the meeting.¹²

Accordingly, the National Council meeting was convened in Cebu City on May 31, 2021. Cusi presided over the meeting in person, while Duterte participated via video conference.¹³ During the meeting, 10 Resolutions were passed, including, among others:

- i. National Council Meeting Resolution (NCM Resolution) No. 1 – A Resolution to Appoint by Way of Succession, Atty. Melvin A. Matibag as Acting Secretary General until a Permanent One is Elected by the National Assembly;

....

⁸ *Id.* at 884.

⁹ *Id.* at 6–7.

¹⁰ *Id.* at 194.

¹¹ *Id.* at 195–196.

¹² *Id.*

¹³ *Id.* at 65.

- iv. NCM Resolution No. 4 – A Resolution to Convene the National Assembly and Set the Date, Time, and Place Therefor[.]¹⁴

Thereafter, the NEC led by Pimentel and Pacquiao issued NEC Resolution No. 05, declaring Cusi's letters dated May 19, 2021, which served as the notices of meeting to party members and stated the agenda of the meeting, and the actual National Council meeting held on May 31, 2021, void for being violative of the PDP Laban Constitution.¹⁵

The NEC also adopted NEC Resolution No. 06, expelling Cusi and Matibag from PDP Laban for allegedly supporting and endorsing a candidate who was not a party member. By virtue of NEC Resolution No. 08, they filled in the purported vacancies in the offices of PDP Laban, with the following members assuming the positions in an acting capacity:¹⁶

Vice-Chairman	Sen. Aquilino "Koko" Pimentel III
Executive Vice-President	Atty. Lutgardo Barbo
Vice President for Visayas	Atty. Michael Lopega
Vice President for Mindanao	Former Board Member Roy Yap
Deputy Secretary-General (NCR)	Atty. Raji Mendoza
Deputy Secretary-General (Luzon)	Former Mayor Virgilio Bote
Deputy Secretary-General (Mindanao)	Dr. Manuel Jaudian
Auditor	Atty. Jerico Salenga
Membership Committee Chair	Mr. Ferdinand Carpio
Finance Committee Chair	Mr. Armin Demetillo
Livelihood Committee Chair	Dr. Gregorio Murillo
Youth Affairs Committee Chair	Mr. Jardin Wong

Notwithstanding the NEC's actions, the Cusi-led faction held another National Council meeting on July 16, 2021, during which 12 Resolutions were passed,¹⁷ including, among others:

- i. NCM Resolution No. 11 – A Resolution to Declare Illegal the Resolution Passed by Some Members Expelling Vice Chairman Alfonso Cusi, Secretary General Melvin Matibag and Membership Committee Chairman Astravel Pimentel-Naik as Illegal and Ultra-vires;
-
- v. NCM Resolution No. 15 – A Resolution to Adopt the Agenda for National Assembly that will Convene on 17 July 2021;
-
- vii. NCM Resolution No. 17 – A Resolution to Authorize Vice-Chairman Alfonso Cusi to Open and Preside over the National Assembly and

¹⁴ *Id.* at 883.

¹⁵ *Id.* at 7.

¹⁶ *Id.* at 7, 884–885.

¹⁷ *Id.* at 885.

Dispose of the Preliminary Matters until Arrival of the Party Chairman
President Rodrigo Roa Duterte;

....

- ix. NCM Resolution No. 19 – A Resolution to Open the Nomination for the Position of National Officers and National Committee Chairman until 10:00 AM of 17 July 2021[.]¹⁸

Subsequently, the Cusi-led faction held the National Assembly in Clark, Pampanga on July 17, 2021. This time, Duterte presided over the proceedings in person. The National Assembly approved the 22 Resolutions passed by the National Council. Moreover, the national officer positions and committee chairmanships of PDP Laban were declared vacant. Thereupon, the following individuals were nominated and elected *viva voce* as officers:¹⁹

President:	Alfonso G. Cusi
Executive Vice-President	Karlo Alexei Nograles
Vice President for NCR	Edwin Olivarez
Vice President for Luzon	Raul Lambino
Vice President for Visayas	Ben Evardone
Vice President for Mindanao	Charito Plaza
Secretary General	Melvin Matibag
National Treasurer	Rianne Cuevas
Auditor General	Christopher Lawrence Go
Membership Committee	Astravel Pimentel-Naik
Education Committee	Noel Felongco
Finance Committee	Antonio Kho
Legal Affairs & Arbitration Committee	Richard Nethercott
Public Information Committee	Jonathan Malaya
Livelihood Committee	Reymar Mansilungan
Youth Affairs Committee	Maria Katrina Nicole Contacto

These newly elected officers took their oaths of office before Duterte.²⁰

Incidentally, the Pimentel-led faction of PDP Laban filed their Sworn Information Update Statement (SIUS) before the COMELEC on July 19, 2021. Their SIUS contained, among others, a list of the officers of the party as of July 3, 2021. Undaunted, the Cusi-led faction likewise filed their own SIUS before the COMELEC.²¹

The NEC led by Pimentel and Pacquiao soon adopted NEC Resolution No. 09, which named Pimentel as acting chairman of PDP Laban, citing Duterte's continued absence and incapacity. Pimentel then called for the

¹⁸ *Id.* at 885–886.

¹⁹ *Id.* at 7, 886.

²⁰ *Id.* at 887.

²¹ *Id.* at 9.

8

conduct of a National Council meeting on August 29, 2021, and a National Assembly on September 19, 2021.²²

Thus, the Pimentel-led faction held their National Assembly on September 19, 2021. Constituting a quorum, the delegates therein unanimously nominated and proclaimed Pacquiao as the PDP Laban's presidential candidate for the May 2022 national elections. Pacquiao publicly and formally accepted his nomination.²³

Consequently, the Cusi-led faction filed a Petition²⁴ before the COMELEC *En Banc*, docketed as E.M. No. 21-004 (hereinafter, the Cusi Petition) praying, among others, for the COMELEC to: (1) declare Pimentel, Pacquiao, and the officers acting under or on their behalf as illegitimate officers and/or unauthorized representatives of PDP Laban; (2) order the Pimentel-led faction to cease and desist from assumption and/or usurpation of official functions and/or positions; and (3) cause the July 19, 2021 SIUS filed by the Pimentel-led faction to be expunged from the records.²⁵

The COMELEC *En Banc* set the Cusi Petition for hearing via video conference on October 14, 2021. After the initial hearing, the Cusi Petition was referred to the COMELEC's Special Second Division for further hearing and resolution.²⁶

In the interstice, Duterte filed his certificate of candidacy for Senator for the 2022 national elections, substituting for a certain Mona Liza Visorde and using the Certificate of Nomination and Acceptance of Pederalismo ng Dugong Dakilang Samahan (PDDS), another political party.²⁷

On May 6, 2022, the COMELEC's Special Second Division issued the impugned Resolution, the dispositive portion of which reads—

WHEREFORE, in view of the foregoing, the Commission (*Second Division*) holds, viz.:

1. Declare VOID the following acts of Respondents:

- (1) NEC Resolution Nos. 06, 08, and 09;
- (2) The 29 August 2021 National Council Meeting, all other predicate resolutions as well as prior and subsequent acts done pursuant thereto; and

²² *Id.* at 887–888.

²³ *Id.* at 888.

²⁴ *Id.* at 135–165.

²⁵ *Id.* at 157–158.

²⁶ *Id.* at 10.

²⁷ *Id.* at 46.

g

- (3) The 19 September 2021 National Assembly, all its predicate resolutions, as well as prior and subsequent acts done pursuant thereto; and
2. Considering that the 31 May 2021 and 16 July 2021 National Council Meetings and 17 July 2021 National Assembly, and all the predicate resolutions, as well as prior and subsequent acts done pursuant thereto are valid, the following are recognized as the true and official members of the PDP LABAN Party:

Chairman:	Rodrigo Roa Duterte
President:	Alfonso G. Cusi
Executive Vice-President	Karlo [Alexi] Nograles
Vice President for NCR	Edwin Olivarez
Vice President for Luzon	Raul Lambino
Vice President for Visayas	Ben Evardone
Vice President for Mindanao	Charito Plaza
Secretary General	Melvin Matibag
National Treasurer	Rianne Cuevas
Auditor General	Christopher Lawrence Go
Membership Committee	Astravel Pimentel-Naik
Education Committee	Noel Felongco
Finance Committee	Antonio Kho
Legal Affairs & Arbitration Committee	Richard Nethercott
Public Information Committee	Jonathan Malaya
Livelihood Committee	Reymar Mansilungan
Youth Affairs Committee	Maria Katrina Nicole Contacto

SO ORDERED.²⁸ (Emphasis in the original)

Pimentel and Pacquiao's bid for a reconsideration of the foregoing Resolution was denied in the January 27, 2023 Resolution of the COMELEC *En Banc*. Aggrieved, they lodged the instant Petition before this Court against the COMELEC, Cusi, and Matibag.

Through the Resolution²⁹ dated March 14, 2023, the Court *En Banc* required the COMELEC, Cusi, and Matibag to file their respective comments on the Petition and application for injunctive relief. Only the COMELEC, through the Office of the Solicitor General (OSG), and Cusi submitted their Comments.³⁰ Meanwhile, Matibag filed a Manifestation with extremely urgent motion to drop him as a party to the proceedings, citing his resignation from the position of secretary general of the PDP Laban. He insists that he is no longer a real party-in-interest in this case.³¹

²⁸ *Id.* at 69–70.

²⁹ *Id.* at 879.

³⁰ *Id.* at 881–919, 1020–1058.

³¹ *Id.* at 1239–1257.

9

Petitioners' Arguments

Pimentel and Pacquiao asseverate that according to the COMELEC Rules of Procedure, the COMELEC *En Banc* had no jurisdiction to take cognizance of the Cusi Petition *at the first instance*. Thence, the COMELEC *En Banc* should have dismissed it outright instead of referring it to the Special Second Division for further hearing and resolution.³²

Pimentel and Pacquiao also ascribe grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the COMELEC for (1) giving due course to the Cusi Petition despite the procedural flaws and lack of legal standing of both Cusi and Matibag; and (2) issuing the impugned Resolutions dated May 6, 2022 and January 27, 2023 in E.M. No. 21-004.³³ They entreat the Court to declare as void the May 31, 2021 National Council meeting held by the Cusi-led faction, and all subsequent acts including the July 16, 2021 National Council meeting and the July 17, 2021 National Assembly.³⁴

They avouch that the May 31, 2021 National Council meeting was void for the following reasons: *first*, Cusi was unauthorized to call for and preside over the meeting; *second*, the agenda was not prepared in coordination with Pacquiao who was then party president; *third*, the Notices of Meeting sent to the party members were defective; and *fourth*, there was no proper quorum.³⁵

By the same token, they implore the Court to declare as valid the August 29, 2021 National Council meeting and the September 19, 2021 National Assembly which they held, and recognize the officers elected therein, as the legitimate officers of PDP Laban.³⁶ They likewise aver that upon Duterte's filing of his certificate of candidacy in November 2021 for the 2022 national elections under the political party PDDS, he was automatically expelled from the PDP Laban by virtue of Article VII, Section 6 of the PDP Laban Constitution, i.e., allegiance to any other political party.³⁷

Pimentel and Pacquiao also beseech the Court to issue a TRO and/or writ of preliminary injunction to enjoin the COMELEC, Cusi, and Matibag from enforcing and/or executing the impugned Resolutions.³⁸

³² *Rollo*, p. 14.

³³ *Id.* at 12.

³⁴ *Id.* at 49.

³⁵ *Id.* at 26–36.

³⁶ *Id.* at 49.

³⁷ *Id.* at 46.

³⁸ *Id.* at 49.

8

Finally, they implore the Court to direct the COMELEC to expunge the records of all the documents or papers filed or would be filed by Cusi and Matibag including, but not limited to the SIUS.³⁹

Respondents' Arguments

In their Comment,⁴⁰ the COMELEC, through the OSG, contends that whether sitting in division or *en banc*, it had jurisdiction over the Cusi Petition, which involves an intra-party leadership dispute.⁴¹ Moreover, Cusi and Matibag had the requisite legal standing to file their Petition before the COMELEC, considering that as members of PDP Laban they stood "to benefit or be prejudiced by the decision in the Cusi Petition."⁴²

The COMELEC likewise insists on the validity of the May 31, 2021 National Council meeting held by the Cusi-led faction.⁴³ In upholding the validity of the said meeting, the COMELEC applied the Constitution and by-laws of the PDP Laban. Pursuant to the prevailing rules, Duterte, as PDP Laban chairman, authorized the vice-chairman, Cusi, to call for the National Council meeting. Assuming *arguendo* that the COMELEC erred in the application of the rules, it cannot be said to have gravely abused its discretion since there was no showing that it had acted in an arbitrary and despotic manner.⁴⁴

Lastly, in opposing Pimentel and Pacquiao's Petition, the COMELEC maintains that it did not gravely abuse its discretion in declaring their actions void.⁴⁵ The COMELEC cites their failure to follow Sections 7 to 9 of PDP Laban's Constitution and by-laws upon their issuance of NEC Resolution Nos. 06, 08, and 09.⁴⁶

Conversely, Cusi counters that Pimentel and Pacquiao's Petition must be dismissed outright for being moot and academic, as the impugned Resolutions have already become final and executory.⁴⁷ He cites the Certificate of Finality⁴⁸ issued by the COMELEC and the Entry of Judgment⁴⁹ dated March 23, 2023.

³⁹ *Id.*

⁴⁰ *Id.* at 881–919.

⁴¹ *Id.* at 891.

⁴² *Id.* at 898–899.

⁴³ *Id.* at 892.

⁴⁴ *Id.* at 901–902.

⁴⁵ *Id.* at 892.

⁴⁶ *Id.* at 908, 910–912.

⁴⁷ *Id.* at 1032. Comment of Alfonso G. Cusi, representing the Cusi-led faction of PDP Laban.

⁴⁸ *Id.* at 1208–1212.

⁴⁹ *Id.* at 1213–1216.

g

Cusi likewise submits that the COMELEC had jurisdiction over his Petition, and unerringly adjudged that he and Matibag possessed the requisite legal standing.⁵⁰

He further contends that the COMELEC did not gravely abuse its discretion in upholding the validity of the May 31, 2021 National Council meeting which he led, and in declaring Pimentel and Pacquiao's actions void.⁵¹

The Issues

From the foregoing, the Court demystifies the issues for resolution, thusly:

- A. Whether the instant case has been rendered moot and academic in light of the impugned Resolutions of the COMELEC having become final and executory;
- B. Whether Pimentel and Pacquiao are entitled to the issuance of a TRO and/or writ of preliminary injunction;
- C. Whether the COMELEC *En Banc* acted without jurisdiction when it took cognizance of the Cusi Petition *at the first instance*; and
- D. Whether the COMELEC gravely abused its discretion amounting to lack or excess of jurisdiction in:
 1. Giving due course to the Cusi Petition despite the procedural flaws and lack of legal standing of Cusi and Matibag;
 2. Issuing the impugned Resolutions dated May 6, 2022 and January 27, 2023 in E.M. No. 21-004 and upholding the validity of the May 31, 2021 and July 16, 2021 National Council meetings, as well as the July 17, 2021 National Assembly held by the Cusi-led faction; and
 3. Declaring void the August 29, 2021 National Council meeting and the September 19, 2021 National Assembly held by the Pimentel-led faction.

⁵⁰ *Id.* at 1032.

⁵¹ *Id.*

g

The Court's Ruling

Upon judicious rumination, the Court resolves to dismiss the Petition for Certiorari and deny the prayer for the issuance of a TRO and/or writ of preliminary injunction.

Before delving into the merits of the case, this Court shall first pass upon the procedural issue submitted by Cusi.

Cusi submits that the instant Petition must be dismissed outright for being moot and academic, as the impugned COMELEC Resolutions have already become final and executory.⁵² He cites the Certificate of Finality⁵³ issued by the COMELEC and the Entry of Judgment⁵⁴ dated March 23, 2023.

Considering the timely filing of the instant Petition, the COMELEC En Banc's Resolution has not yet become final

Article IX, Section 7 of the Constitution expressly provides the proper remedy to assail COMELEC decisions, i.e., "[u]nless 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."

Rule 64, Sections 3 and 8 of the Rules of Court are worded in accordance with the Constitution, i.e., an aggrieved party may file a petition for certiorari with the Supreme Court within 30 days from notice of the assailed COMELEC order or resolution, but the same shall not stay the execution thereof.

RULE 64

Review of Judgments and Final Orders or Resolutions of the Commission on Elections and the Commission on Audit

....

Section 3. Time to file petition. — The petition shall be filed within thirty (30) days from notice of the judgment or final order or resolution sought to be reviewed. The filing of a motion for new trial or reconsideration of said judgment or final order or resolution, if allowed under the procedural rules of the Commission concerned, shall interrupt the period herein fixed. If the motion is denied, the aggrieved party may file the

⁵² *Id.*

⁵³ *Id.* at 1208–1212.

⁵⁴ *Id.* at 1213–1216.

petition within the remaining period, but which shall not be less than five (5) days in any event, reckoned from notice of denial.

....

Section 8. *Effect of filing.* — The filing of a petition for *certiorari* shall not stay the execution of the judgment or final order or resolution sought to be reviewed, unless the Supreme Court shall direct otherwise upon such terms as it may deem just.

Despite the clear wording of the Constitution and Rule 64 of the Rules of Court, the COMELEC Rules of Procedure, specifically Rule 37, Section 1 reckons the 30-day period from promulgation, instead of notice, viz.:

Section 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.

Further, Rule 18, Section 13 of the COMELEC Rules of Procedure ordains that in special proceedings, such as those involving the registration of political parties⁵⁵ and, incidentally, intra-party leadership disputes,⁵⁶ the decision of the COMELEC *En Banc* attains finality after 30 days from promulgation.

Section 13. *Finality of Decisions or Resolutions.* — (a) In ordinary actions, special proceedings, provisional remedies, and special reliefs, a decision or resolution of the Commission *en banc* shall become final and executory after thirty (30) days from its promulgation.

(b) In Special Actions and Special Cases, a decision or [resolution] of the Commission *en banc* shall become final and executory after five (5) days from its promulgation unless restrained by the Supreme Court.

(c) Unless a motion for reconsideration is seasonably filed, a decision or resolution of a Division shall become final and executory after the lapse of five (5) days in Special actions and Special cases and after fifteen (15) days in all other actions or proceedings, following its promulgation.

In the seminal case of *Gana-Carait v. Commission on Elections*,⁵⁷ the Court *En Banc* took the opportunity to harmonize the COMELEC Rules of Procedure *vis-à-vis* the Constitution and the Rules of Court and held that if the aggrieved party timely files a petition for *certiorari* under Rule 64 within

⁵⁵ Rule 1, sec. 5(k) of the COMELEC Rules of Procedure provides that “Special Proceedings – shall refer to annulment of permanent list of voters, registration of political parties, and accreditation of citizens’ arms of the Commission.”

⁵⁶ *Atienza, Jr. v. COMELEC*, 626 Phil. 654, 670–671 (2010) [Per J. Abad, *En Banc*].

⁵⁷ 927 Phil. 890 (2022) [Per J. Rosario, *En Banc*].

g

the 30-day reglementary period, but the Court did not issue a TRO, the assailed COMELEC disposition shall become executory – *but not final*, thus:

In line with the foregoing, and as aptly pointed out by Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), the proper way of harmonizing Section 8, Rule 23 of the COMELEC Rules with Article IX of the 1987 Constitution and Rule 64 of the Rules of Court is to understand it to mean that decisions and resolutions of the COMELEC *En Banc*, in the absence of a restraining order from the Court issued within five days from receipt, are rendered only executory — but not final. Hence, despite COMELEC's issuance of the Certificate of Finality and Entry of Judgment, We find that the COMELEC *En Banc* Resolution did not actually attain finality, and as such, may be the subject of the instant petition, and may be addressed by the Court.⁵⁸

By parity of reasoning, the COMELEC *En Banc*'s Resolution in the present case has not attained finality, regardless of the COMELEC's issuance of a Certificate of Finality and the Entry of Judgment, considering that Pimentel and Pacquiao timely assailed it via a Petition for *Certiorari* under Rule 64. Specifically, their Petition was filed on February 15, 2023, well-within the 30-day period from their receipt of the Resolution on January 27, 2023.⁵⁹

Having threshed out this procedural issue raised by Cusi, the Court shall now proceed to rule on the jugular issues raised in the Petition.

Pimentel and Pacquiao are not entitled to the issuance of a TRO and/or writ of preliminary injunction

The Court elucidated in the case of *Smartmatic Tim Corporation v. Commission on Elections*,⁶⁰ viz.:

A writ of preliminary injunction is defined as “an order granted at any stage of an action or proceeding prior to the judgment or final order, requiring a party or a court, agency or a person to refrain from a particular act or acts. It may also require the performance of a particular act or acts, in which case, it shall be known as a preliminary mandatory injunction. It is aimed to prevent threatened or continuous irremediable injury to some of the parties before their claims can be thoroughly studied and adjudicated. Its sole aim is to preserve the *status quo* until the merits of the case can be heard fully.”⁶¹

⁵⁸ *Id.* at 900.

⁵⁹ *Rollo*, p. 4.

⁶⁰ G.R. No. 270564, April 16, 2024 [Per J. Marquez, *En Banc*].

⁶¹ *Id.* at 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

The following are the requisites for the issuance of a preliminary injunction: (1) the applicant must have a clear and unmistakable right, that is a right *in esse*; (2) there is a material and substantial invasion of such right; (3) there is an urgent need for the writ to prevent irreparable injury to the applicant; and (4) no other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.⁶²

In *PCSO v. TMA Group of Companies*,⁶³ the Court explained—

The prevailing rule is that the courts should avoid issuing a writ of preliminary injunction that would in effect dispose of the main case without trial. Otherwise, there would be a prejudgment of the main case and a reversal of the rule on the burden of proof since it would assume the proposition which petitioners are inceptively bound to prove. Indeed a complaint for injunctive relief must be construed strictly against the pleader.⁶⁴

In the case at bench, it is precisely the Pimentel-led faction's alleged right to be recognized as the true and official members of PDP Laban that is at the heart of the dispute. Such being the case, granting Pimentel and Pacquiao's application for injunctive relief would have preempted the Court's ruling on the principal issue raised in their Petition. Thus, the "proper remedy is not the issuance of an injunctive relief, but to thresh out the merits" of their claim.⁶⁵ At the risk of being repetitive, the Court reiterates the basic principle that preliminary injunctive writs cannot be issued if doing so will amount to granting the relief sought by the principal case.⁶⁶

The COMELEC En Banc acted with jurisdiction when it took cognizance of the Cusi Petition at the first instance, and later referred it to the Special Second Division

Pimentel and Pacquiao postulate that according to the COMELEC Rules of Procedure, the COMELEC *En Banc* had no jurisdiction to take cognizance of the Cusi Petition *at the first instance*. Thence, the COMELEC *En Banc* should have dismissed it outright instead of referring it to the Special Second Division for further hearing and resolution.⁶⁷

⁶² *Amalgamated Motors v. Secretary of Transportation and Communications*, 924 Phil. 505, 511–512 (2022) [Per J. Lopez, J., Second Division].

⁶³ 860 Phil. 522 (2019) [Per J. Reyes, A. Jr., Third Division].

⁶⁴ *Id.* at 557, citing *Republic v. Spouses Lazo*, 744 Phil. 367, 401 (2014) [Per J. Peralta, Third Division].

⁶⁵ *Smartmatic Tim Corporation v. COMELEC*, G.R. No. 270564, April 16, 2024 [Per J. Marquez, *En Banc*] at 17. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁶⁶ See *PCSO v. TMA Group of Companies Pty Ltd.*, 860 Phil. 522, 557–558 (2019) [Per J. Reyes, A. Jr., Third Division].

⁶⁷ *Rollo*, pp. 13–14.

Q

Their postulation is misplaced. Article IX-C, Section 3 of the Constitution provides:

Section 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*.

Under the Constitution, only election cases are specifically required to be heard and decided by the division. In the landmark case of *Baytan v. COMELEC*,⁶⁸ the Court further decreed that the COMELEC is mandated to hear and decide election cases pursuant to its quasi-judicial powers sitting, first, as a division and then in *en banc*, on motion for reconsideration.⁶⁹

By virtue of its constitutional authority to promulgate its own rules, the COMELEC vested the power to resolve special proceedings, such as those involving the registration of political parties⁷⁰ and, incidentally, intra-party leadership disputes⁷¹ upon its divisions. Rule 3, Section 3 of the COMELEC Rules of Procedure provides:

Section 3. The Commission Sitting in Divisions. – The Commission shall sit in two (2) Divisions to hear and decide protests or petitions in ordinary actions, special actions, special cases, provisional remedies, contempt, and special proceedings except in accreditation of citizen's arms of the Commission.

To be forthright, the COMELEC Rules of Procedure do not state that special proceedings shall *exclusively* or *solely* fall within the jurisdiction of the COMELEC's divisions. The absence of restrictive terms, such as "exclusively," "solely," or "shall only" indicates that the said power is not meant to be exclusive.

At any rate, in the case at bench, after the initial hearing, the COMELEC *En Banc* referred the Cusi Petition to its Special Second Division for further hearing and resolution. While there appears to be nothing in the COMELEC's Rules expressly and categorically authorizing it to endorse a matter to its division for hearing and decision, the Court takes notice of several cases wherein the COMELEC *En Banc* referred a matter to its divisions for hearing.⁷² Besides, as posited by the COMELEC, the COMELEC Rules of Procedure and prevailing jurisprudence do not provide for the outright

⁶⁸ 444 Phil. 812 (2003) [Per J. Carpio, *En Banc*].

⁶⁹ *Id.* at 823.

⁷⁰ Rule 1, sec. 5(k) of the COMELEC Rules of Procedure provides that "Special Proceedings – shall refer to annulment of permanent list of voters, registration of political parties, and accreditation of citizens' arms of the Commission."

⁷¹ *Atienza, Jr. v. COMELEC*, 626 Phil. 654, 670–671 (2010) [Per J. Abad, *En Banc*].

⁷² *Sunga v. COMELEC*, 351 Phil. 310, 317 (1998) [Per J. Bellosillo, *En Banc*].

dismissal of a special proceeding case if it was initially taken cognizance of by the COMELEC *En Banc* and later referred to a division for resolution.⁷³

There was no grave abuse of discretion on the part of the COMELEC in giving due course to the Cusi Petition despite the procedural flaws therein

Pimentel and Pacquiao bewail the fact that the COMELEC gave due course to the Cusi Petition despite its procedural defects, contrary to the requirements of the COMELEC Rules of Procedure and pertinent provisions of the Rules of Court, to wit: (1) the Cusi Petition was undated; (2) it did not provide the e-mail address of the Cusi-led faction; (3) it was unverified; and (4) it was signed by counsel who failed to comply with the Mandatory Continuing Legal Education requirement. For these reasons, they allege grave abuse of discretion on the part of the COMELEC.⁷⁴

The Court refuses to pander to their theory.

As the Court held in *Aggabao v. Commission on Elections*⁷⁵—

Grave abuse of discretion is defined as arbitrary or despotic exercise of power due to passion, prejudice or personal hostility; or the 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.⁷⁶

Pimentel and Pacquiao overlook the fact that the COMELEC has the discretion to suspend the application of its rules or any portion thereof in the interest of justice and speedy disposition of cases. Rule 1, Section 4 of the COMELEC Rules of Procedure expressly provides that:

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.

This authority enables the COMELEC “to cope with all situations without concerning itself about procedural niceties that do not square with the need to do justice, in any case without further loss of time, provided that the right of the parties to a full day in court is not substantially impaired.”⁷⁷ Succinctly put, “[t]he COMELEC has the power to liberally interpret or even

⁷³ *Rollo*, p. 123, COMELEC *En Banc*’s Resolution dated January 27, 2023.

⁷⁴ *Id.* at 23–25.

⁷⁵ 926 Phil. 526 (2022) [Per J. Lazaro-Javier, *En Banc*].

⁷⁶ *Id.* at 547.

⁷⁷ *Sibuma v. Commission on Elections*, 934 Phil. 463, 477 (2023) [Per J. Inting, *En Banc*].



suspend its rules of procedure in the interest of justice, including obtaining a speedy disposition of all matters pending before it.”⁷⁸

At this juncture, We echo the ruling of the Court in *De Guzman-Lara v. Commission on Elections*⁷⁹—

Courts have always tried to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that every litigant be given the full opportunity for the just disposition of his cause. The Court has allowed several cases to proceed in the broader interest of justice despite procedural defects and lapses. These rulings are in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice.⁸⁰

Appositely, the COMELEC is deemed to have relaxed its procedures when it resolved the merits of the Cusi Petition despite the procedural infirmities. In any event, the circumstances of the case merit the liberal application of the rules in the interest of substantial justice.

Thence, it cannot be said that the COMELEC gravely abused its discretion in taking cognizance of the Cusi Petition despite the procedural flaws therein.

Cusi and Matibag had legal standing to file their Petition before the COMELEC

Pimentel and Pacquiao argue that Cusi and Matibag had no legal standing to file their Petition before the COMELEC, not being “members in good standing” of PDP Laban. Moreover, Cusi and Matibag failed to submit proof of their authority to file their Petition.⁸¹

Pimentel and Pacquiao’s arguments are devoid of merit.

In the seminal case of *David v. Macapagal-Arroyo*,⁸² the Court held that legal standing in suits is governed by the “real parties-in-interest” rule under Rule 3, Section 2 of the Rules of Court.⁸³ This states that “every action must be prosecuted or defended in the name of the real [party-in-interest].”⁸⁴ “Real party-in-interest” is one who stands to be benefited or injured by the judgment

⁷⁸ *Id.* at 478.

⁷⁹ G.R. No. 265847, August 6, 2024 [Per J. Lopez, J., *En Banc*].

⁸⁰ *Id.* at 7–8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁸¹ *Rollo*, pp. 20–22.

⁸² 522 Phil. 705 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].

⁸³ *Id.* at 755.

⁸⁴ *Id.* at 755–756

9

in the suit or the party entitled to the avails of the suit. In other words, the plaintiff's standing is based on his own right to the relief sought.⁸⁵

Rule 5, Section 3 of the COMELEC Rules of Procedure also provides that "[a]ll actions filed with the Commissioner must be prosecuted and defended in the name of the real [party-in-interest]."

The resolution of intra-party leadership disputes precisely rests on the ascertainment of the identity of the political party and the legitimacy of the officers who are authorized to act on its behalf. Under the circumstances, both factions of the PDP Laban accuse the other of being unauthorized to represent the party or of committing unauthorized acts.

All the same, it is beyond cavil that Cusi and Matibag, as the vice-chairman and acting secretary-general, respectively, of PDP Laban at the time they filed their Petition before the COMELEC, stood to lose their positions, along with certain rights, privileges, and obligations, should the COMELEC ruling be unfavorable to them. Thus, they had legal standing to file their Petition before the COMELEC.

There was no grave abuse of discretion on the part of the COMELEC in issuing the impugned Resolutions dated May 6, 2022 and January 27, 2023 and upholding the validity of the May 31, 2021 and July 16, 2021 National Council meetings, as well as the July 17, 2021 National Assembly held by the Cusi-led faction

As a general rule, findings of fact of the COMELEC, when supported by substantial evidence, shall be final and nonreviewable. The findings of fact made by the COMELEC or by any other administrative agency exercising expertise in its particular field of competence, are binding on the Court since the Court is not a trier of facts and is not equipped to receive evidence and determine the truth of factual allegations.⁸⁶

The Court's review of decisions via petitions for *certiorari* under Rule 64 is limited to jurisdictional errors or grave abuse of discretion.⁸⁷ As earlier pronounced, the term "grave abuse of discretion" refers to "arbitrary or despotic exercise of power due to passion, prejudice or personal hostility; or

⁸⁵ *Atienza, Jr. v. COMELEC*, 626 Phil. 654, 665 (2010) [Per J. Abad, *En Banc*].

⁸⁶ *Magkakasuma sa Sakahan, Kaunlaran (MAGSASAKA) Party-list v. Commission on Elections*, G.R. No. 262975, May 21, 2024 [Per J. Marquez, *En Banc*] at 14–15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁸⁷ *Mitra v. Commission on Elections*, 648 Phil. 165, 183 (2010) [Per J. Brion, *En Banc*].

9

the 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.”⁸⁸ As a matter of policy, this Court will not interfere with the resolutions of the COMELEC unless it is shown that it had committed grave abuse of discretion.⁸⁹

Here, Pimentel and Pacquiao attribute grave abuse of discretion on the part of the COMELEC in issuing the impugned Resolutions dated May 6, 2022 and January 27, 2023 in E.M. No. 21-004.⁹⁰ They seek to declare as void the May 31, 2021 National Council meeting held by the Cusi-led faction, and all subsequent acts including the July 16, 2021 National Council meeting and the July 17, 2021 National Assembly.⁹¹

It is worthy to note that the rift between the two factions escalated when Cusi set the National Council meeting on May 31, 2021. Pimentel and Pacquiao avouch that this meeting was void for the following reasons: *first*, Cusi was unauthorized to call for and preside over the meeting; *second*, the agenda was not prepared in coordination with Pacquiao (as the party president); *third*, the Notices of Meeting sent to the party members were defective; and *fourth*, there was no proper quorum.⁹²

Article XVI of the PDP Laban Constitution outlines the respective functions of the chairman and the vice-chairman of the PDP Laban:

ARTICLE XVI
THE NATIONAL COUNCIL

....

Section 4. The Chairman of the National Council shall have the following functions:

- Call the meetings of the National Council;
- Fix, in coordination with the President, the agenda of the National Council meetings;
- Preside over the National Council meetings;
- Preside during the General Assembly;
- Represent the National Council in Party activities, gatherings, ceremonies, and functions;
- Perform such other functions as may be assigned to him or her by the National Council.

Section 5. The Vice-Chairman of the National Council shall have the following functions:

⁸⁸ *Aggabao v. Commission on Elections*, 926 Phil. 526, 547 (2022) [Per J. Lazaro-Javier, *En Banc*].

⁸⁹ *Albania v. COMELEC*, 810 Phil. 470, 477 (2017) [Per J. Peralta, *En Banc*].

⁹⁰ *Rollo*, p. 12.

⁹¹ *Id.* at 49.

⁹² *Id.* at 26.

- Take over the functions of the Chairman in his or her absence, incapacity, suspension, resignation or expulsion;
- Perform such other functions as may be assigned to him or her by the National Council.⁹³

Article XVI, Section 4 of the PDP Laban Constitution vests in the Chairman the powers to call, fix the agenda (in coordination with the party President), and preside over the meetings of the National Council. Upon the other hand, under Article XVI, Section 5, the vice-chairman may take over the functions of the chairman in case of the latter's absence, incapacity, suspension, resignation or expulsion.

Pimentel and Pacquiao avouch that the May 31, 2021 National Council meeting was void, as none of the exceptional circumstances was present to justify Cusi's takeover of Duterte's functions as chairman. When Cusi called for and presided over the May 31, 2021 National Council meeting, there was no proof of Duterte being absent and incapacitated, nor was he suspended or expelled from the party. In truth, Duterte was present via video conference, and even delivered a message during the meeting.⁹⁴

Patently, the aforementioned sections of the PDP Laban Constitution do not *exclusively or solely*, vest with the chairman of the party the powers to call, fix the agenda, and preside over the meetings of the National Council. Again, the absence of restrictive terms indicates that the said powers are not meant to be exclusive, and may be delegated to the vice-chairman.

Besides, the "call" for the May 31, 2021 National Council meeting was already made by Duterte by way of the Memorandum⁹⁵ dated May 17, 2021. Through the said Memorandum, Duterte delegated to Cusi his authority to organize, convene, and preside over the meeting. As aptly observed by the COMELEC, "[t]o deprive the Chairman of this prerogative is unnatural, especially in the conduct of intramural matters in an organization such as a Political Party, where officers and members rely on one another for the continuous governance of the body."⁹⁶

In any event, even if there were other irregularities in the manner by which the Cusi-led faction conducted the May 31, 2021 National Council meeting, i.e., the agenda was not fixed in coordination with Pacquiao or the Notices of Meeting sent to the party members were supposedly defective, *the meeting remains valid considering that there was a proper quorum*. As reckoned from the evidence on record and the PDP Laban's Report on the Highlights of the National Council Meeting on May 31, 2021, 126 out of the

⁹³ *Id.* at 184–185.

⁹⁴ *Id.* at 27–29, 65.

⁹⁵ *Id.* at 194.

⁹⁶ *Id.* at 66.

9

162 (80%) of the total voting members attended, which is more than the 40% of a quorum required under the PDP Laban Constitution and by-laws.⁹⁷

There is no record that the voting members who attended the meeting raised questions or objected to Cusi's takeover of Duterte's functions or the other irregularities.⁹⁸ Withal, Article XVI, Section 6 of the PDP Laban Constitution provides that "[a]ny defect in giving notice shall not invalidate the proceedings if a quorum existed therein."⁹⁹

Considering that the National Council meeting held on May 31, 2021 is valid, the resolutions passed and acts done by the Cusi-led faction during the said meeting, some of which led to the conduct of the July 16, 2021 National Council meeting and July 17, 2021 National Assembly, are likewise valid, having been agreed upon by the chairman and the overwhelming majority of the National Council membership.¹⁰⁰ It bears accentuating that under Article XVI, Section 5 of the PDP Laban Constitution, Cusi, as vice-chairman, may also "[p]erform such other functions as may be assigned to him or her by the National Council."¹⁰¹

Similarly, the July 17, 2021 National Assembly remains valid as it complied with the following requirements under the PDP Laban Constitution: *first*, notices were sent at least 30 days prior to the National Assembly; *second*, a quorum was established, with 78% of the attendees far exceeding the minimum 40% attendees for a quorum; *third*, the National Council called for the conduct of the National Assembly in its May 31, 2021 meeting; *fourth*, Duterte, as PDP Laban chairman, presided over the National Assembly; *fifth*, all the National Council Resolutions were adopted and ratified by the members; and *sixth*, the National Officers and Chairpersons of the National Committee were elected during the National Assembly.¹⁰²

There was no grave abuse of discretion on the part of the COMELEC in declaring void the August 29, 2021 National Council meeting and the September 19, 2021 National Assembly held by the Pimentel-led faction

To recapitulate, the NEC led by Pimentel and Pacquiao adopted NEC Resolution No. 06, expelling Cusi and Matibag from PDP Laban for allegedly supporting and endorsing a candidate who was not a party member. By virtue

⁹⁷ *Id.* at 905.

⁹⁸ *Id.* at 66.

⁹⁹ *Id.* at 185.

¹⁰⁰ *Id.* at 67.

¹⁰¹ *Id.* at 184–185.

¹⁰² *Id.* at 69.



of NEC Resolution No. 08, the Pimentel-led faction filled in the purported vacancies in the offices of PDP Laban, with members assuming positions in an acting capacity.¹⁰³

Subsequently, the NEC adopted NEC Resolution No. 09, which named Pimentel as acting chairman of PDP Laban, citing Duterte's continued absence and incapacity. Pimentel then called for the conduct of a National Council meeting on August 29, 2021 and a National Assembly on September 19, 2021.¹⁰⁴

Article VII of the PDP Laban Constitution governs Party Discipline and Loss of Membership:

Section 3. The disciplining authority shall be (1) the Chapter to which the erring member belongs or (2) the Council to which the said Chapter Belongs or (3) the National Council.

....

Section 5. A Party member may be expelled by two-thirds (2/3) vote of all the members of the disciplining authority for any of the following grounds:

- Misrepresentation of his or her qualification for Party membership;
- Refusal to undergo further education in the Party Institute as the National Council may require;
- Unjustified failure and/or refusal to help, aid, assist and/or campaign for the official candidates of the Party;
- Unjustified failure and/or refusal to support and campaign for the official stand of the Party on issues as determined or approved by the National Assembly or the National Council;
- Other acts inimical to the Party as determined by the National Council.¹⁰⁵

The foregoing rules clearly demonstrate that the NEC does not have the authority to discipline and expel Cusi and Matibag from the party. The authority to discipline members is lodged with the PDP Laban Chapter to which they belong or the National Council. More importantly, Cusi and Matibag's expulsion for their unjustified failure and/or refusal to help, aid, assist, and/or campaign for the official candidate of the Party requires the two-thirds vote of all the members of the disciplining authority—a requirement which was not complied with.¹⁰⁶ Consequently, the NEC's issuance of NEC Resolution No. 06 expelling them from PDP Laban is *ultra vires*.

¹⁰³ *Id.* at 7, 884.

¹⁰⁴ *Id.* at 8, 887–888.

¹⁰⁵ *Id.* at 175–176.

¹⁰⁶ *Id.* at 910.

Similarly, NEC Resolution No. 08 which declared as vacant several national officer positions and committee chairmanships, filled in those vacancies, and appointed Pimentel as acting vice-chairman, is void.¹⁰⁷ Nowhere in the PDP Laban Constitution and the by-laws is the NEC granted the power or authority to declare positions as vacant and appoint national officers and national committee chairpersons, even in an acting capacity. Article XVIII, Section 3 of the PDP Laban Constitution vests in the National Assembly the power to nominate and elect National Officers and the National Committee Chairman.¹⁰⁸

NEC Resolution No. 09, which named Pimentel as acting chairman of PDP Laban, is also void not only because it proceeds from the void NEC Resolution Nos. 06 and 08, but owing to the dearth of evidence that Duterte authorized him to act as such or was absent, incapacitated or unable to preside over the National Council meeting as PDP Laban chairman. This is in contrast with the May 31, 2021 National Council meeting held by the Cusi-led faction, where the “call” for the meeting was made by Duterte by way of the Memorandum¹⁰⁹ dated May 17, 2021.

As for Pimentel and Pacquiao’s averment that Duterte’s November 2021 filing of his certificate of candidacy for the 2022 national elections under and using the Certificate of Nomination and Acceptance of PDDS resulted in his automatic expulsion from PDP Laban,¹¹⁰ these acts will not serve to invalidate his actions as PDP Laban chairman during the May 31, 2021 and July 16, 2021 National Council meetings, and the July 17, 2021 National Assembly, which have already become *fait accompli*.

Given the foregoing discourse, the Court finds no grave abuse of discretion on the part of the COMELEC in issuing the impugned Resolutions dated May 6, 2022 and January 27, 2023 in E.M. No. 21-004 and upholding the validity of the May 31, 2021 and July 16, 2021 National Council meetings, as well as the July 17, 2021 National Assembly held by the Cusi-led faction; and declaring void the August 29, 2021 National Council meeting and the September 19, 2021 National Assembly held by the Pimentel-led faction.

ACCORDINGLY, the Petition for *Certiorari* is **DISMISSED** and the application for issuance of a temporary restraining order and/or writ of preliminary injunction is **DENIED**.

SO ORDERED.

¹⁰⁷ *Id.* at 7, 884.

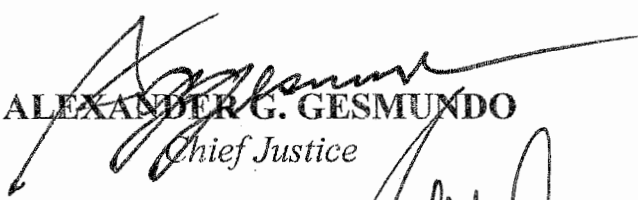
¹⁰⁸ *Id.* at 188.

¹⁰⁹ *Id.* at 194.

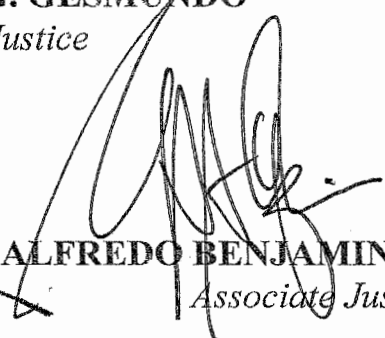
¹¹⁰ *Id.* at 46.

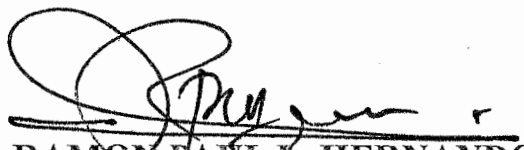

JAPAR B. DIMAAMPAO
Associate Justice

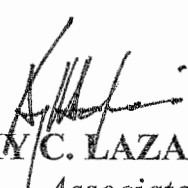
WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

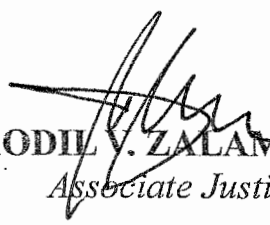

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

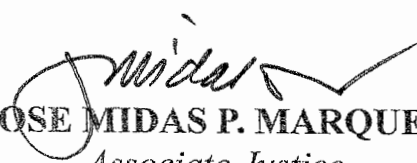
No part
HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

On wellness leave
RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

No part
ANTONIO T. KHO, JR.
Associate Justice

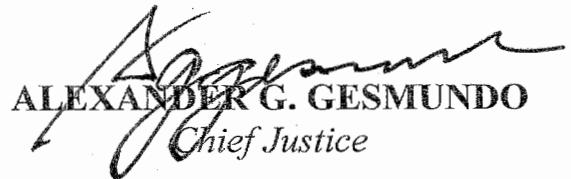
On leave
MARIA FILOMENA D. SINGH
Associate Justice



RAUL B. VILLANUEVA
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 this Court.



ALEXANDER G. GESMUNDO
Chief Justice