



Republic of the Philippines
Supreme Court
Manila

EN BANC

MAGKAKASAMA	SA	G.R. No. 262975
SAKAHAN, KAUNLARAN		
(MAGSASAKA) PARTY-LIST,	Present:	
represented by its Secretary-		
General, ATTY. GENERAL D.	GESMUNDO, C. J.,	
DU,	LEONEN,	
	CAGUIOA,	
Petitioner,	HERNANDO,	
	LAZARO-JAVIER,	
	INTING,*	
-versus-	ZALAMEDA,	
	LOPEZ, M.,	
	GAERLAN,	
	ROSARIO,	
	LOPEZ, J.,	
COMMISSION	ON	DIMAAMPAO,
ELECTIONS and SOLIMAN		MARQUEZ,
VILLAMIN, JR.,		KHO, and
Respondents.		SINGH, JJ.

Promulgated:
May 21, 2024

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DECISION

MARQUEZ, J.:

While the Commission on Elections (COMELEC) has jurisdiction over intra-party leadership disputes, it cannot arrogate unto itself the interpretation of party rules contrary to the party's established practices and confer party leadership to someone whom the party has already expelled.

* No part.

Before the Court is a Petition for *Certiorari* (with Application for Issuance of Writ of Preliminary Injunction, *Status Quo Ante* and/or Temporary Restraining Order)¹ filed by Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-list (Party), represented by its Secretary General, Atty. General D. Du (Atty. Du). MAGSASAKA claims that the COMELEC committed grave abuse of discretion in issuing COMELEC First Division Resolution² dated November 25, 2021 and COMELEC *En Banc* Resolution³ dated September 9, 2022 in the consolidated cases of SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP).

MAGSASAKA is an organization duly accredited and registered by the COMELEC on January 17, 2019 as a regional party in Region III. For the May 9, 2022 National and Local Elections, two Manifestations of Intent to Participate (MIP) were filed under the name of MAGSASAKA. The first was filed by Atty. Du as MAGSASAKA Secretary General,⁴ and the second by Soliman Villamin, Jr. (Villamin), claiming to be the MAGSASAKA National Chairperson (Villamin MIP).⁵

Two petitions to deny due course were filed before the COMELEC against the Villamin MIP: one by Atty. Du,⁶ and another by Irish Fajilagot Alfon, Sandy Pande Santos, Jeffrey D. Cortazar, Jayson Molina, John Christopher Alrey Buena (Alfon et al.).⁷

In the first petition, Atty. Du claimed that Villamin does not have any legal standing to sign or file an MIP on behalf of the Party and has made an untruthful statement in his MIP when he misrepresented himself as the National Chairperson of the Party. According to Atty. Du, Villamin is the former National Chairperson of MAGSASAKA who was voted out of MAGSASAKA's Council of Leaders and expelled from the organization due to anomalous activities akin to *ponzi* or pyramiding schemes involving DV Boer, Inc. (DV Boer), Villamin's family corporation. As a result, two provincial coordinators of MAGSASAKA lodged letter-complaints against Villamin, Soliman Villamin, Sr., Joselyn Villamin, Crisanto "King" Cortez (Cortez), Marianne Co, and Joseph Masacupan (Villamin et al.), who were also members of the Council of Leaders. On June 28, 2019, the Council of

¹ *Rollo*, pp. 3–46.

² *Id.* at 210–225. The November 25, 2021 Resolution in SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP) was signed by Presiding Commissioner Ma. Rowena Amelia V. Guanzon and concurred in by Commissioner Marlon S. Casquejo of the COMELEC First Division, Manila. Commissioner Aimee P. Ferolino issued a dissenting opinion. *See rollo*, pp. 226–228.

³ *Id.* at 263–277. The September 9, 2022 Resolution in SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP) was signed by Chairperson George Erwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, and Rey E. Bulay of the COMELEC *En Banc*, Manila.

⁴ *Id.* at 211. Filed on February 8, 2021 and docketed as SPP No. 21-001 (PLM).

⁵ *Id.* Filed on March 29, 2021 and docketed as SPP No. 21-082 (MIP).

⁶ *Id.* at 156–169. *In Re: Petition to Deny Due Course to the Manifestation of Intent to Participate in the Party-List System of Representation in the 09 May 2022 Elections filed by Soliman Villamin, Jr.*, docketed as SPP No. 21-002 (MIP).

⁷ *Irish Fajilagot Alfon, Sandy Pande Santos, Jeffrey D. Cortazar, Jayson Molina, John Christopher Alrey Buena v. Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Represented by: Soliman A. Villamin, Jr., National Chairperson*, docketed as SPP No. 21-003 (MIP).

Leaders decided to conduct an investigation on the activities of DV Boer and appointed Lejun Dela Cruz (Dela Cruz) to investigate the matter.⁸

On November 3, 2019, Dela Cruz relayed to the Council of Leaders that the Securities and Exchange Commission (SEC) issued an advisory against DV Boer, the Department of Agriculture was on the “look-out” for DV Boer, and there was public confusion on whether the members of MAGSASAKA and those behind DV Boer were one and the same. Based on the report, the Council of Leaders suspended Villamin et al. from the Council of Leaders until their names were cleared of any impropriety, illegality, or unethical behavior so as not to drag the name of the Party in the said activities.⁹

On December 21, 2019, MAGSASAKA held a General Assembly where the attending members were informed of the suspension of Villamin et al. from the Council of Leaders. This was immediately followed by an election of a new set of Council of Leaders. Atty. Du claimed that Villamin et al. were notified of the meeting, but Villamin disputed this, maintaining that only Cortez was notified. Villamin, believing that his group’s ouster was substantially and procedurally infirm, reported the incident to the COMELEC.¹⁰

On June 26, 2021, the MAGSASAKA faction of Atty. Du (Du faction) held another General Assembly, elected a new set of Council Leaders, and expelled Villamin et al. from the Party due to their involvement in the DV Boer scam, and the issuance of a warrant of arrest against them for syndicated estafa.¹¹

In the second petition, Alfon et al. averred that they filed complaints against Villamin for estafa, syndicated estafa, and violations of the Securities Regulations Code for collecting investments from the public despite not having the necessary license from the SEC. They claimed that Villamin’s filing of the MIP puts the election process in mockery or disrepute.¹²

On November 25, 2021, the COMELEC First Division issued a Resolution¹³ in favor of Villamin, finding that his removal was in violation of MAGSASAKA’s *Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran (Saligang Batas)*.¹⁴ The COMELEC held that Villamin was neither notified of the meetings nor given a chance to refute the allegations against him contrary to the provisions of the *Saligang Batas*, thereby violating his right to due process. Even the general assemblies where he was suspended and expelled were not conducted in accordance with the *Saligang Batas*. Since MAGSASAKA failed to show that Villamin was validly suspended and eventually removed, he remained to be the National

⁸ *Rollo*, pp. 74–76.

⁹ *Id.* at 81–84.

¹⁰ *Id.* at 92–97. Minutes of the Meeting.

¹¹ *Id.* at 120–121. Assembly Resolution Nos. 01-2021 & 02-2021.

¹² *Id.* at 215.

¹³ *Id.* at 210–225.

¹⁴ *Id.* at 220.

Chairperson when he filed his MIP.¹⁵ The relevant portions of the assailed November 25, 2021 Resolution of the COMELEC First Division read:

Measured against these standards, *We* find that the procedure conducted by the faction of Petitioner Du in the suspension, removal from office, and replacement of Respondent [Villamin et al.] were not in accord with the procedure laid down in the Party's *Saligang Batas at Alituntunin* and were done in bad faith. Specifically, the procedure undertaken by the faction of Petitioner Du violated the right to due process guaranteed by the *Saligang Batas at Alituntunin* and the manner provided in Article VIII regarding the removal of elected party officials.¹⁶

....

All these show that Respondent [Villamin et al.] were not accorded their right to due process as inscribed in the Party's *Saligang Batas at Alituntunin*. Furthermore, the events leading to the suspension of Respondent [Villamin et al.] betray the bad faith of Petitioner Du's group. As such, *We* find that their suspension is invalid.¹⁷

As to the removal of Respondent [Villamin et al.] from the Council of Leaders and the subsequent election of a new set of Council of Leaders during the [December 21, 2019] meeting, *We* find that the records are bereft of proof to show that there was a valid conduct of a General Assembly as well as a valid vote to remove the former and elect a new set of Council of Leaders.¹⁸

....

Assuming *arguendo* that there was a quorum to validly conduct business, Petitioner Du still failed to prove that the required number of votes was achieved to validly remove Respondent [Villamin et al.]. Considering the circumstances of the Party, *We* find it baffling why the votes were not properly recorded in the Minutes.

Furthermore, there was no notice of said General Assembly given to Respondent Villamin, although the records show that one was given to Mr. Crisanto/King Cortez. However, the notice to the latter cannot be equated as notice to the former as the [two] are different persons. The indispensable nature of providing notice for the [December 21, 2019] meeting must be underscored as the meeting is not a regular meeting of the Party. How else would a member be apprised if no notice was given.

All told, Petitioner Du failed to prove by substantial evidence that Respondent Villamin was validly suspended and eventually removed and replaced the Party's National [Chairperson]. This being the case, Respondent Villamin remained to be the Party's National [Chairperson] when he filed the second MIP on [March 29, 2021] as his term of office was until April 2021 or until his replacement is validly elected. As such, he did not commit misrepresentation when he filed the Manifestation of Intent to Participate in the 2022 Party-List Elections.¹⁹ (Emphasis in the original)

¹⁵ *Id.* at 223.

¹⁶ *Id.* at 220.

¹⁷ *Id.* at 222.

¹⁸ *Id.*

¹⁹ *Id.* at 223.

Anent the second petition, the COMELEC First Division ruled that Villamin's filing of the MIP did not put the election process in mockery and/or disrepute since at the time of the filing of the MIP, he remained to be MAGSASAKA's National [Chairperson]; thus, he validly filed the MIP on behalf of the Party.²⁰ The COMELEC First Division clarified that in the party-list elections, the candidate elected by the voters is the party-list and not the party's nominee. MAGSASAKA Party-List is an entity different from Villamin.²¹

The dispositive portion of the November 25, 2021 Resolution reads:

WHEREFORE, premises considered, the Commission (*First Division*) **RESOLVED**, as it hereby **RESOLVES**, to **DENY** the Petitions to Deny Due Course to the Manifestation of Intent to Participate in the Party-List System of Representation in the [May 9, 2022] Elections filed by herein Respondent Soliman Villamin, Jr.

SO ORDERED.²² (Emphasis in the original)

Atty. Du and Alfon et al. filed their respective motions for reconsideration, which the COMELEC *En Banc* denied on September 9, 2022.²³ The COMELEC *En Banc* clarified that the instant case falls within the limited jurisdiction of the COMELEC over intra-party leadership disputes. Particularly, that it has jurisdiction to pass upon the issue of due process, since Villamin's removal from the Council of Leaders is a pivotal issue in determining who is authorized to file an MIP on behalf of MAGSASAKA; thus:

Clearly, the due process issue passed upon by the Commission (*First Division*) is but incidental to its constitutional function of registering political parties. It is not one of administrative due process, but rather due process rights that can be found in the provisions of the Party's *Saligang Batas at Alituntunin ng Magkakasama sa Sakahan, Kaunlaran*.

It goes without saying that contrary to Petitioner's allegation, the Commission (*First Division*) did not arrogate unto itself the discretion to determine the validity of MAGSASAKA's council meetings and the removal of its officers. Rather, it resolved the case on the basis of substantial evidence, guided by the provisions of the *Saligang Batas*.²⁴ (Emphasis in the original)

The COMELEC *En Banc* agreed with the COMELEC First Division's finding that Villamin's right to due process was violated since there was no sufficient notice of the December 21, 2019 General Assembly, or that Villamin was duly informed of the said General Assembly. Moreover, MAGSASAKA was not able to establish that a quorum was met during the

²⁰ *Id.* at 224.

²¹ *Id.* at 224–225.

²² *Id.* at 225.

²³ *Id.* at 263–277.

²⁴ *Id.* at 268.

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General Assembly.²⁵ Thus, the removal of Villamin as National Chairperson and the subsequent conduct of special elections were null and void.²⁶ Even the prior proceedings that led to the General Assembly were also void, since Villamin was not given the opportunity to explain his side. All these acts violated MAGSASAKA's own *Saligang Batas*. The COMELEC *En Banc* also noted that Atty. Du, as Secretary General of the Party, had the positive duty under the *Saligang Batas* to fix the agenda and send the notices to all members, including Villamin.²⁷

The COMELEC *En Banc* asserted its authority to invalidate the process already agreed upon by a majority of the council members, as it was not for the majority, including Atty. Du, "to dispense of the rudimentary requirements of due process when it is specifically required under the *Saligang Batas*, and it will affect the rights of its members."²⁸

Finally, on the alleged failure of the COMELEC First Division to declare Villamin in default and on the irregularities of his submissions, the COMELEC *En Banc* asserted that it has the discretion to liberally construe its own rules, and that it is not bound by technical rules of procedure and evidence, especially if such rule hampers a complete and exhaustive disposition of the merits of the case. Anent Alfon et al.'s motion for reconsideration, the COMELEC *En Banc* reiterated that it is not the proper forum to determine the degree of participation, guilt, or innocence of Villamin with respect to his activities in DV Boer.²⁹

The COMELEC *En Banc* ruled:

We therefore affirm the Resolution of the Commission (First Division) that Respondent, as the National [Chairperson] of MAGSASAKA Party-List, is duly authorized to file on its behalf the Manifestation of Intent to participate in the Party-List System of Representation for the 2022 National and Local Elections.

WHEREFORE, premises considered, the Commission **RESOLVED**, as it hereby **RESOLVES**, to **DENY** the Motions for Reconsideration filed by Petitioners in SPP Nos. 21-002 (MIP) and 21-003 (MIP). Consequently, the Resolution of the Commission (*First Division*) dated [November 25, 2021] is hereby **AFFIRMED**.

SO ORDERED.³⁰ (Emphasis in the original)

Meanwhile, MAGSASAKA garnered 276,889 votes during the May 9, 2022 National Elections, entitling it to a seat in the House of Representatives.³¹ On August 12, 2022, MAGSASAKA filed a motion for

²⁵ *Id.* at 272.

²⁶ *Id.*

²⁷ *Id.* at 274.

²⁸ *Id.*

²⁹ *Id.* at 275-276.

³⁰ *Id.* at 276-277.

³¹ *Id.* at 11.

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proclamation, but the COMELEC did not issue a Certificate of Proclamation.³²

Aggrieved, MAGSASAKA filed the instant Petition, claiming that the COMELEC acted without or in excess of its jurisdiction or with grave abuse of discretion when it: (1) did not declare Villamin in default; (2) did not allow MAGSASAKA or Atty. Du to cross-examine Villamin's witnesses; (3) interfered in intra-party disputes; (4) ruled that MAGSASAKA violated Villamin's right to due process; and (5) did not deny Villamin's MIP.³³

According to MAGSASAKA, the COMELEC should have declared Villamin in default when he failed to file his Answer and Joint Judicial Affidavit within the period provided by the COMELEC, and only filed the same a mere 23 minutes before the scheduled hearing. Villamin also furnished MAGSASAKA a soft copy only of his Answer through electronic mail (e-mail) during the said hearing. Villamin's Answer was also defective for not having been properly notarized.³⁴ The COMELEC likewise erred in not allowing MAGSASAKA to cross-examine Villamin's witnesses, notwithstanding his conflicting claims and the fact that he was allowed to cross-examine MAGSASAKA's witnesses.³⁵

MAGSASAKA contends that even prior to the controversy, Villamin consistently refused to attend meetings despite MAGSASAKA's attempts to communicate with him. For a long time, Villamin had been remiss in his duties as National Chairperson and had failed to face his party mates to explain his involvement in the alleged illegal activities. Anent Cortez's representation of Villamin, MAGSASAKA argued that Cortez had been acting on Villamin's behalf, speaking for the latter and the other suspended officers during the General Assembly.³⁶

MAGSASAKA argues that due process considerations in internal affairs of political parties are outside the ambit of the very limited jurisdiction of the COMELEC. If Villamin's rights were indeed violated, the issue of due process cannot be invoked before the COMELEC, but rather in the ordinary courts of law.³⁷ Assuming that due process was necessary, MAGSASAKA defended its actions by stating that the decisions relating to Villamin et al. were approved by a majority of the Council of Leaders, and it is not upon the COMELEC to rule as invalid, a process that was clearly agreed upon by the Party. MAGSASAKA stressed that the Party and its Council of Leaders would best know what process to conduct and how to investigate its members.³⁸

³² *Id.* at 13.

³³ *Id.* at 13–14. MAGSASAKA also assailed the COMELEC's failure to issue a Certificate of Proclamation in favor of MAGSASAKA despite garnering votes sufficient for one seat. However, this issue has been rendered moot and academic by the COMELEC's issuance of a Certificate of Proclamation in favor of MAGSASAKA Party List on October 10, 2022.

³⁴ *Id.* at 15–16.

³⁵ *Id.* at 18–19.

³⁶ *Id.* at 23–25.

³⁷ *Id.* at 19–21.

³⁸ *Id.* at 22.

MAGSASAKA posits that contrary to the COMELEC's finding, Villamin was validly removed from his position in conformity with its *Saligang Batas*. The lack of an attendance sheet cannot invalidate the General Assembly because, as shown in the pictures and Minutes of the Meeting, the assembly was conducted and the personalities of the attendees were undisputed. COMELEC's conclusion that there was no quorum is based on an erroneous interpretation that the attendance of individual members is necessary for a valid General Assembly. MAGSASAKA points out that pursuant to its *Saligang Batas*, the General Assembly does not require the attendance of all its members, but only that of its leaders acting in a representative capacity. This has been the practice of MAGSASAKA even before the 2019 elections and Villamin did not object to such practice when he was still the National Chairperson. MAGSASAKA stresses that there were more leaders or representatives who attended the December 21, 2019 General Assembly than those who attended the April 18, 2018 General Assembly where Villamin was elected. Thus, he cannot assail the same procedure which brought him to his position as National Chairperson as it would be tantamount to saying that his election was invalid.³⁹ Finally, even assuming that the December 21, 2019 General Assembly is declared invalid, the decision to expel Villamin et al. from the Party has been cured and declared moot by the reaffirmation of the delegates in the June 26, 2021 General Assembly.⁴⁰

MAGSASAKA insists that since Villamin made untruthful statements in the MIP, the COMELEC should have denied his MIP. Moreover, since Villamin had no authority to file the said MIP, it should have been treated by the COMELEC as a mere scrap of paper and outrightly dismissed. Consequently, there being no infirmity in MAGSASAKA's registration, it should have been proclaimed and the certificate of proclamation should not have been withheld.⁴¹

Meanwhile, on September 14, 2022, the COMELEC held an Executive Session to determine who will sit as MAGSASAKA's representative in the House of Representatives.⁴² Through National Board of Canvassers (NBOC) Resolution No. 22-0953,⁴³ the COMELEC adopted the recommendations of the COMELEC Law Department which, relying on the COMELEC *En Banc*'s Resolution finding Villamin et al. "as the rightful group of MAGSASAKA Party-list," gave due course to the nominations from Villamin's group and merely noted the withdrawals and nominations of the Du faction. More importantly, the COMELEC resolved "[t]o issue a Certificate of Proclamation to Roberto Gerard L. Nazal, Jr. [Nazal] as the MAGSASAKA Party-List Representative in the 19th Congress."⁴⁴ Nazal was Villamin et al.'s first

³⁹ *Id.* at 25–28.

⁴⁰ *Id.* at 28.

⁴¹ *Id.* at 32–33.

⁴² *Id.* at 448–459. Excerpt from the Minutes of the Executive Session of the Commission on Election Held on September 14, 2022.

⁴³ *Id.*

⁴⁴ *Id.* at 458.

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nominee in the Certificate of Nomination submitted to the COMELEC on June 6, 2022.⁴⁵

On October 10, 2022, the COMELEC *En Banc* issued a Certificate of Finality⁴⁶ declaring its Resolution dated September 9, 2022 as final and executory, and an Entry of Judgment.⁴⁷ On the same date, the COMELEC *En Banc*, acting as the NBOC, issued a Certificate of Proclamation⁴⁸ to MAGSASAKA Party-List and named Nazal as the qualified nominee to sit as the Party's representative in the House of Representatives. Nazal took his oath of office on the same day.⁴⁹

On October 18, 2022, this Court, upon motion of MAGSASAKA, issued a *status quo ante* order to maintain the prevailing *status quo* prior to the promulgation of NBOC Resolution No. 22-0953 confirming Nazal's proclamation as MAGSASAKA's representative, and the issuance of a Certificate of Proclamation in his favor.⁵⁰

MAGSASAKA also filed its Supplemental Petition for *Certiorari*,⁵¹ arguing that the COMELEC *En Banc* gravely abused its discretion in issuing NBOC Resolution No. 22-0953 and the Certificate of Proclamation in favor of Nazal. According to MAGSASAKA, Nazal is not included in the organizational roster of MAGSASAKA, much less as its first nominee, as in fact, Nazal is a founder of and is openly affiliated with PASAHERO Party-List (PASAHERO). Moreover, Nazal has consistently and openly campaigned for PASAHERO, and never for MAGSASAKA. Not being a *bona fide* member of MAGSASAKA 90 days before the elections, Nazal is disqualified from being a nominee of MAGSASAKA, much less its representative in the House of Representatives.

MAGSASAKA additionally points out that there is no basis for the issuance of the Certificate of Proclamation in favor of Nazal. COMELEC's ruling on Villamin's removal is still pending before the Court and is not yet final and executory. Moreover, the issue of who are the legitimate nominees of MAGSASAKA has not yet been put forth in the proceedings *a quo*, as the only matter discoursed was the removal of Villamin from the Party.

In his Comment,⁵² Villamin reiterates the findings of the COMELEC and maintains that he remains to be the National Chairperson because his suspension and removal were illegal and were made in clear violation of his right to confront the witnesses against him.⁵³ Claiming that there are a total of 3,298 members of MAGSASAKA, there should have been 1,650 members to

⁴⁵ *Id.* at 451.

⁴⁶ *Id.* at 480-484.

⁴⁷ *Id.* at 485-487.

⁴⁸ *Id.* at 460.

⁴⁹ *Id.* at 501. Nazal took his Oath before Presiding Judge Jose G. Paneda of Branch 220, Regional Trial Court, Quezon City.

⁵⁰ *Id.* at 471-d-471-f.

⁵¹ *Id.* at 506-529. Filed on October 18, 2022.

⁵² *Id.* at 690-735.

⁵³ *Id.* at 720.

constitute a quorum to be able to elect new members of the Council of Leaders. Instead, during the December 21, 2019 General Assembly, there were only 98 members present. Villamin claims that there was no way to determine whether the required quorum was met because there was no attendance sheet offered in evidence.⁵⁴ Villamin adds that the COMELEC's jurisdiction over the issue of leadership in a political party is already settled in jurisprudence, and that the issues presented by MAGSASAKA have been rendered moot and academic by the issuance of the Certificate of Proclamation in favor of Nazal.⁵⁵ Finally, Villamin avers that MAGSASAKA raised errors of judgment, and not errors of jurisdiction; thus, the Petition should be denied for utter lack of merit in fact and in law.⁵⁶

In its Comment/Opposition,⁵⁷ the COMELEC, through the Office of the Solicitor General (OSG), argues that the Petition failed to establish grave abuse of discretion. The OSG invokes the wide latitude vested in the COMELEC in the discharge of its constitutional functions, including its power to investigate intra-party disputes when necessary. Neither did the COMELEC commit grave abuse of discretion in not declaring Villamin in default and in not allowing MAGSASAKA to cross-examine Villamin's witnesses, the same being based on COMELEC's sound discretion. Finally, the issues raised in the Petition, especially the validity of Villamin's dismissal from the Party, are factual in nature.

A special civil action for *certiorari* under Rule 64, in relation to Rule 65, is an independent action that can be availed of only if there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.⁵⁸ The writ of *certiorari* has a very limited scope, thus:

Viewed in a different angle, such extraordinary writ [of *certiorari*] is strictly confined to the determination of the propriety of the trial court's jurisdiction—whether it had the authority to take cognizance of the case and if so, whether the exercise of its jurisdiction has or has not been attended by grave abuse of discretion amounting to lack or excess of jurisdiction.⁵⁹

The Court has defined grave abuse of discretion in this wise:

Grave abuse of discretion arises when a lower court or tribunal violates the Constitution, the law, or existing jurisprudence. It means such capricious and whimsical exercise of judgment as would amount to lack of jurisdiction; it contemplates a situation where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, so patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform the duty enjoined by law.⁶⁰

⁵⁴ *Id.* at 725.

⁵⁵ *Id.* at 728–729.

⁵⁶ *Id.* at 729–730.

⁵⁷ *Id.* at 994–1029.

⁵⁸ *Ejercito v. COMELEC*, 748 Phil. 205, 229 (2014) [Per J. Peralta, *En Banc*].

⁵⁹ *Denila v. Republic*, 877 Phil. 380, 427 (2020) [Per J. Gesmundo, Third Division].

⁶⁰ *Ejercito v. COMELEC*, 748 Phil. 205, 229–230 (2014) [Per J. Peralta, *En Banc*], citing *Juan v. COMELEC*, 550 Phil. 294, 302 (2007) [Per J. Nachura, *En Banc*]. (Citation omitted)

Meanwhile, the term lack of jurisdiction or “without jurisdiction” means that the court acted with absolute lack of authority; while the term “excess of jurisdiction” means that the court transcended its power or acted without any statutory authority.⁶¹

The COMELEC gravely abused its discretion when it failed to declare Villamin in default

The COMELEC was quick to brush aside MAGSASAKA’s claim that Villamin should have been declared in default when he belatedly filed his Answer and Joint Affidavit, conveniently invoking its authority to liberally construe, or even suspend its own rules. Indeed, the COMELEC Rules of Procedure allows the electoral body to liberally construe and even suspend its own rules to achieve just, expeditious, and inexpensive determination and disposition of every action and proceeding brought before it.⁶² However, such flexibility was “never intended to forge a bastion for erring litigants to violate the rules with impunity.”⁶³

A liberal interpretation and application of rules of procedure can be resorted to only in proper cases and under justifiable causes and circumstances.⁶⁴ In *Kho v. COMELEC*,⁶⁵ the Court found that the COMELEC committed grave abuse of discretion when it suspended its Rules of Procedure for no justifiable reason and to the prejudice of the other party. In the said case, the COMELEC First Division admitted respondent’s answer with counterprotest which was filed four days beyond the reglementary period, without the filing of any motion for extension. The Court ruled that since the Answer was filed outside the reglementary period provided for, the COMELEC First Division had no jurisdictional authority to entertain the belated answer with counterprotest, much less pass upon and decide the issues raised therein.⁶⁶

In the present case, the COMELEC First Division⁶⁷ set the petitions to deny due course for hearing on September 13, 2021. It required private respondents to file their Answers and submit the documents for presentation during the hearing, through e-mail, at least three days before the scheduled

⁶¹ *Denila v. Republic*, 877 Phil. 380, 426 (2020) [Per J. Gesmundo, Third Division].

⁶² COMELEC Rules of Procedure, Rule 1, secs. 3 & 4 read:

Sec. 3. Construction. – These rules shall be liberally construed in order to promote the effective and efficient implementation of the objectives of ensuring the holding of free, orderly, honest, peaceful and credible elections and to achieve just, expeditious and inexpensive determination and disposition of every action and proceeding brought before the Commission.

Sec. 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.

⁶³ *Pates v. COMELEC*, 609 Phil. 260, 266 (2009) [Per J. Brion, *En Banc*], citing *Fortich v. Corona*, 359 Phil. 210 (1998) [Per J. Martinez, Second Division].

⁶⁴ *Id.*

⁶⁵ 344 Phil. 878 (1997) [Per J. Torres, Jr., *En Banc*].

⁶⁶ *Id.* at 885–886.

⁶⁷ *Rollo*, pp. 278–280. COMELEC First Division Order dated September 6, 2021.

hearing on September 10, 2021. After filing through e-mail, four hard copies should have been sent to the Office of the Clerk of the COMELEC, not later than three days prior to the scheduled hearing. Pre-marking of the evidence was also scheduled on September 10, 2021. However, instead of filing the Answer and Judicial Affidavits on September 10, 2021, Villamin filed the same on September 13, 2021, or on the date of the actual hearing, merely 23 minutes before the scheduled time. MAGSASAKA was only furnished a copy of Villamin's Answer and Joint Judicial Affidavit during the hearing itself. Worse, and this has not been disputed, Villamin failed to present any justifiable reason for his failure to timely file his Answer and Judicial Affidavit. This, notwithstanding, the COMELEC still admitted Villamin's pleadings without any reason or explanation.

Procedural rules are not mere technicalities that may be ignored at will to suit the convenience of a party. These are established primarily to provide order to, and enhance the efficiency of, our judicial system.⁶⁸ Absent any plausible explanation for its non-compliance or any compelling reason warranting the relaxation of the rules, a party's plain violation of the rules should not be countenanced.⁶⁹

When the COMELEC admitted Villamin's belated Answer and Joint Judicial Affidavit without any justifiable reason, the COMELEC not only allowed Villamin to blatantly disregard its Order and its Rules of Procedure, it also deprived MAGSASAKA of its right to cross-examine Villamin and his witnesses and violated its right to due process.

In his Dissenting Opinion, Justice Ricardo R. Rosario (Justice Rosario) propounds that the COMELEC has the discretion to decide whether a party should be declared in default,⁷⁰ and reminds Us that orders of default are not looked upon with favor for they may amount to a positive and considerable injustice to the defendant.⁷¹ Justice Rosario posits that in the absence of any allegation or proof that the belated filing was intended to delay the case or that the COMELEC's acceptance of Villamin's Answer was impelled by bad faith or malice, the Court cannot whimsically overturn the COMELEC's construction of its own rules. In any event, MAGSASAKA was not deprived of its right to cross examine Villamin's witnesses since it was able to file several pleadings confronting Villamin's Answer.⁷²

The requirements of due process in an administrative context are satisfied where the parties are afforded a fair and reasonable opportunity to explain their side of the controversy at hand. The standard of due process that must be met in administrative tribunals allows a certain degree of latitude *as long as fairness is not ignored*.⁷³ Inasmuch as the Court frowns upon orders

⁶⁸ *Malixi v. Baltazar*, 821 Phil. 423, 435–436 (2017) [Per J. Leonen, Third Division]

⁶⁹ *Kolin Electronics Co., Inc. v. Taiwan Kolin Corp. Ltd.*, G.R. Nos. 221347 & 221360–61, December 1, 2021 [Per J. Hernandez, Second Division].

⁷⁰ J. Rosario, Dissenting Opinion, May 16, 2024, p. 2.

⁷¹ *Id.* at 3.

⁷² *Id.* at 3–4.

⁷³ *Samalio v. Court of Appeals*, 494 Phil. 456, 465 (2005) [Per J. Corona, *En Banc*]. (Emphasis supplied)

of default as it may cause “positive and considerable injustice” to Villamin, the Court likewise seeks to protect MAGSASAKA from the injustice brought about by the “liberality” extended to Villamin.

The Court acknowledges that under the COMELEC’s Rules of Procedure, the cross-examination of affiants is subject to the discretion of the COMELEC *En Banc* or Division, when there is a need for clarification of certain matters.⁷⁴ Nevertheless, We agree with MAGSASAKA that Villamin’s belated filing of his Answer and Joint Judicial Affidavit deprived even the COMELEC itself of the opportunity to exercise its discretion to allow the conduct of cross-examination. Certainly, MAGSASAKA could not have adequately prepared for cross-examination since Villamin’s Answer and Joint Judicial Affidavit were filed during the hearing itself. The late filing prevented MAGSASAKA from having a meaningful opportunity to cross-examine the witnesses. Notably and indisputably, Villamin was able to cross-examine MAGSASAKA’s witnesses as he had ample time to prepare for it because MAGSASAKA filed the Judicial Affidavits of its witnesses on time, in compliance with the September 6, 2021 Order.

The right of a party to confront and cross-examine opposing witnesses in a judicial litigation, be it criminal or civil in nature, or in proceedings before administrative tribunals with quasi-judicial powers, is a fundamental right which is part of due process.⁷⁵ Our laws proscribe the absence of a chance to cross-examine and considers such right to be sufficiently protected only when a real opportunity to conduct a cross-examination is provided.⁷⁶ Regrettably, there was none in the present case. That MAGSASAKA was able to file several pleadings, some of which may have passed upon some of the matters raised in Villamin’s Answer, should not be equated with having a cross-examination. A “reasonable opportunity” to be heard should not be confined to the submission of pleadings. The parties must be given the opportunity to examine the witnesses against them. Through the examination and cross-examination of witnesses, administrative bodies would be in a better position to ferret out the truth and, in turn, render a more accurate decision.⁷⁷

Thus, while the COMELEC has the authority and discretion to liberally apply the rules to avoid injustice to a litigant, it cannot exercise such discretion when, as a result of such liberal application, one party is favored and the other

⁷⁴ COMELEC Rules of Procedure, Rule 17, sec. 3 provides:

Sec. 3. Oral Testimony Dispensed with Where Proceedings are Summary. – When the proceedings are authorized to be summary, in lieu of oral testimonies, the parties may, after due notice, be required to submit their position paper together with affidavits, counter-affidavits and other documentary evidence; and when there is a need for clarification of certain matters, at the discretion of the Commission or the Division, the parties may be allowed to cross-examine the affiants.

This provision shall likewise apply to cases where the hearing and reception of evidence are delegated by the Commission or the Division to any of its officials; and when there is a need for clarification of certain matters, the hearing officer may schedule a hearing to propound clarificatory questions, observing for that purpose Section 6 of Rule 34 of these Rules.

⁷⁵ *Anciro v. People*, 298-A Phil. 624, 637–638 (1993) [Per J. Davide, Jr., First Division], citing *Savory Luncheonette v. Lakas ng Manggagawang Pilipino*, 159 Phil. 310 (1975) [Per J. Muñoz Palma, First Division].

⁷⁶ *Dy Teban Trading, Inc. v. Dy*, 814 Phil. 564, 579 (2017) [Per J. Jardeleza, Third Division].

⁷⁷ *Saunar v. Executive Secretary Ermita*, 822 Phil. 536, 553 (2017) [Per J. Martires, Third Division].

is deprived of its right to due process, such as in this case. In so doing, the COMELEC gravely abused its discretion.

Villamin was validly removed from his position as National Chairperson

While sectoral parties are free to conduct their activities without State interference, the Court recognizes that the COMELEC has limited jurisdiction over intra-party disputes, particularly intra-party leadership issues, as an incident to its power to register political parties.⁷⁸ COMELEC's power to register political parties necessarily involves the determination of the persons who must act on its behalf.⁷⁹

COMELEC Resolution No. 9366⁸⁰ provides that any party-list group previously registered under the party-list system of representation, which intends to participate in the next regular national and local elections, shall file with the COMELEC an MIP in the party-list election.⁸¹ Such manifestation shall be signed by the President or Chairperson, or in the absence of a President or Chairperson, the Secretary General of the party or group.⁸² Meanwhile, under MAGSASAKA's *Saligang Batas*, the *Tagapangulo* or Chairperson is the official representative of the organization, together with the Secretary General, in all legal and financial transactions and external communications of the Party.⁸³ Villamin's authority to file the MIP hinges on his status as the National Chairperson. This is the intra-party leadership dispute which the COMELEC validly took cognizance of.

As summed up by the COMELEC, MAGSASAKA's *Saligang Batas* provides that officials may be validly removed from their positions when it has been duly proven, after an examination and investigation of the officials concerned, that they neglected their duties or committed acts that may tarnish the image of the organization and are detrimental to the people.⁸⁴

As a general rule, findings of fact of the COMELEC, when supported by substantial evidence, shall be final and nonreviewable.⁸⁵ 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

⁷⁸ *Atienza, Jr. v. COMELEC*, 626 Phil. 654, 670–671 (2010) [Per J. Abad, *En Banc*].

⁷⁹ *Id.* at 670, citing *Palmares v. COMELEC*, G.R. Nos. 86177–78, August 31, 1989 [Resolution].

⁸⁰ COMELEC Resolution No. 9366 (2012).

⁸¹ *Id.* at Rule 3, sec. 1.

⁸² *Id.* at Rule 3, sec. 2.

⁸³ *Rollo*, p. 427. *Saligang Batas, Artikulo V, Seksyon 3(A[2])* reads:

A. TAGAPANGULO

....

2. ay opisyal na kinatawan ng organisasyon (kasama ang Pangkalahatang Kalihim) sa lahat ng legal at pinansyal na transaksyon at ugnayang panlabas;

....

⁸⁴ *Id.* at 268–269.

⁸⁵ *Buenafe v. COMELEC*, G.R. Nos. 260374 & 260426, June 28, 2022 [Per J. Zalameda, *En Banc*].

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 COMELEC, however, found that since Villamin was not accorded the basic requisites of notice and opportunity to be heard as provided in MAGSASAKA's *Saligang Batas*, his suspension and removal from the Council of Leaders were invalid. Moreover, there was no valid General Assembly, and no valid vote to remove Villamin.

The Court is not persuaded.

*Prior notice is not required under
MAGSASAKA's Saligang Batas*

Several members of the Court pointed out that nothing in the records show that Villamin was given prior notice of the expulsion proceedings against him, and that such omission was admitted by MAGSASAKA and Atty. Du. While such may be the case, the lack of prior notice did not render Villamin's removal as National Chairperson invalid.

*Atienza v. COMELEC*⁸⁷ tells us that the requirements of due process do not apply to the internal affairs of political parties. Being considered private organizations, the rights of party members are based on the organization's charter, which is a contract among party members.⁸⁸ Accordingly, the dispute within the party, in this case between MAGSASAKA and Villamin, should be resolved within the bounds of the party's charter, and not on any other consideration.

The *Saligang Batas* provides the following rules for the removal of its officials:

ARTIKULO VIII

PAGBAWI SA POSISYON NG MGA HALAL NA OPISYALES

Seksyon 1. Ang sino man na opisyal na napatunayan nagpabaya sa tungkulin at gawaing iniatas sa kanya at gayun din nakagawa ng mga aktibidad na makakasira sa imahe ng organisasyon at makakasama sa mamamayan ay maaaring mapatalsik sa kanyang posisyon.

Seksyon 2. Isang Liham-Petisyon mula sa isang lehitimong kasaping indibidwal o organisasyon na maaring pagbatayan ng pagsusuri at imbestigasyon ang magiging daan para sa pagpapatalsik sa sinumang opisyal ng organisasyon.

Seksyon 3. Ang Liham-Petisyon para sa pagbawi ng posisyon ay pagpapasalahan ng pamunuan kung saan siya nabibilang na organo, sa

⁸⁶ *Cadangan v. COMELEC*, 606 Phil. 752, 760 (2009) [Per J. Nachura, *En Banc*].

⁸⁷ 626 Phil. 654 (2010) [Per J. Abad, *En Banc*].

⁸⁸ *Id.* at 673.

pamamagitan ng 2/3 na boto. Sa isang banda kung makakaapekto sa pamunuan duminig ng usapin, ito ay ihaharap sa mas mataas na pamunuan.

Seksyon 4. Ang opisyal na hahalili sa nabakanteng posisyon ay dapat na ihalal ng mga kasapi ng pamunuan kung saan ito nabibilang na organo.

Seksyon 5. Kung ang buong pamunuan o malaking bahagi ng pamunuan ay babawian ng posisyon at magresulta sa krisis sa liderato, ang Kongreso na naghalal sa kanila ay kagyat na pupulungin para sa pagdaraos ng ispesyal na halalan.⁸⁹ (Emphasis in the original)

Notably, due notice is not required in the above procedure. What the rules provide is that there be a letter-petition seeking the removal of the party official and a 2/3 vote of the Council in favor of the removal. Prior notice is not a demandable right because it is not mandated in MAGSASAKA's *Saligang Batas*. Neither do the rules require that a full-blown hearing must be conducted for the purpose.

As pointed out by Chief Justice Alexander G. Gesmundo (Chief Justice Gesmundo), even in the realm of administrative law, the absence of "prior notice" does not necessarily result in a violation of due process. In *Board of Commissioners of the Bureau of Immigration v. Wenle*,⁹⁰ the Court recognized that there is no controlling form or precise definition of due process⁹¹ and that not all situations calling for procedural safeguards call for the same kind of procedure.⁹² It may even be stated, without fear of contradiction, that the right to a notice and hearing are not essential to due process of law.⁹³ While these rulings refer to administrative processes before a government body, the same may be applied to the processes of a private organization, such as a party-list organization.

There being no requirement of prior notice in MAGSASAKA's *Saligang Batas*, the COMELEC gravely abused its discretion in finding that the lack of prior notice to Villamin rendered his removal as National Chairperson ineffectual.

Notwithstanding the absence of prior notice, Villamin was sufficiently apprised of the developments and given ample opportunity to be heard

MAGSASAKA maintains that even prior to the leadership controversy, Villamin had consistently refused to attend meetings of the Council of Leaders and was a no-show, citing reasons as being out of the country,⁹⁴ and would

⁸⁹ Rollo, p. 430.

⁹⁰ G.R. No. 242957, February 28, 2023 [Per C.J. Gesmundo, *En Banc*].

⁹¹ *Id.* at 27, citing *Morfe v. Mutuc*, 130 Phil. 415 (1968) [Per J. Fernando, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded in the Supreme Court website.

⁹² *Id.*, citing *Morrissey v. Brewer*, 408 U.S. 471 (1972).

⁹³ *Id.* at 28, citing *Cornejo v. Gabriel*, 41 Phil. 188 (1920) [Per J. Malcolm, *En Banc*].

⁹⁴ Rollo, p. 23.

only send his people to attend, particularly Cortez.⁹⁵ Villamin not only refused MAGSASAKA's attempts to communicate, he was also remiss in his duty to be present as National Chairperson and perform his official functions, including facing his partymates to explain his involvement in the DV Boer scam.⁹⁶ Curiously, Villamin never debunked this statement.

In determining party leadership issues, the COMELEC must not simply look at technicalities. The COMELEC cannot expect, much less demand, from MAGSASAKA that it adhere to the same strict tenets of due process required from the government. Moreover, while MAGSASAKA's *Saligang Batas* has no provision on how notice in expulsion proceedings should be given, it is accepted that according to its own rules, officials can be expelled from their positions when it has been duly proven that they neglected their duties or committed acts that may tarnish the image of the organization and are detrimental to its members.

Justice Rosario takes the position that there is no factual basis to support the finding that Villamin was validly notified of the meetings; thus, his absence cannot be construed as an act of refusal, disinterest, or failure to fulfill his duties.⁹⁷

As aptly observed by one of Our colleagues, the investigation and adjudication of Villamin's expulsion took place over a period of two years. It is contrary to common sense to conclude that the National Chairperson did not know of the proceedings seeking his expulsion considering the notoriety that such action would have made within the inner circle of the organization, especially since a majority of the Council of Leaders were present at the expulsion proceedings, and a General Assembly was convened twice for such purpose. Some members of the Court propound that the reasons for Villamin's nonattendance to the meetings have not been established by facts, and the intent to evade investigation cannot be presumed. While this may be true, the Court cannot simply accept Villamin's claim of lack of prior notice as sufficient justification for his nonparticipation in the party proceedings. As the highest-ranking official of the party, Villamin should be aware and concerned with what was happening within the organization he leads, even if he was going through other personal and private issues. It is highly unlikely that he had no inkling of the internal turmoil in the party. With several persons filing administrative and criminal complaints against Villamin and DV Boer for the illegal investment scam, and the SEC advisory that DV Boer had no authority to offer, solicit, sell, or distribute any investment or securities,⁹⁸ it is also not far-fetched that Villamin opted to lie low and bide his time, prioritizing the said cases over his responsibilities to the Party. Thus, We find that Villamin was aware of the proceedings and was given several chances to be heard, only that he was the one who refused to communicate without any

⁹⁵ *Id.* at 249. Motion for Reconsideration of the COMELEC First Division Resolution dated November 25, 2021.

⁹⁶ *Id.* at 23.

⁹⁷ J. Rosario, *Reflections*, January 23, 2024, p. 5.

⁹⁸ *Rollo*, pp. 170–171. SEC Advisory dated April 30, 2019.

explanation or justification. Surely, MAGSASAKA could not be completely at fault for acting expeditiously to conduct the proceedings since it was the Party's name and reputation, and even the members' investments, which were at stake.

MAGSASAKA was able to establish quorum

Further propounding on the invalidity of Villamin's ouster, Justice Rosario points out that irregularities attended the General Assembly and the Council of Leaders' meetings, especially on the matter of quorum. Specifically, he states that MAGSASAKA failed to submit the attendance sheet for the December 21, 2019 General Assembly, and that in the June 28 and November 3, 2019 meetings of the Council of Leaders, there were 13 enumerated members of the Council when MAGSASAKA's *Saligang Batas* limits the Council to 11 members.

The *Saligang Batas* provides:

ARTIKULO V
ANG ISTRUKTURA NG MAGSASAKA

Seksyon 1. Ang KONGRESO: ito ang pinakamataas na organo sa pamumuno sa MAGSASAKA na binubuo ng lahat ng mga kaanib na samahan ng magsasaka sa pamamagitan ng kanilang mga opisyal na kinatawan o delegado.

....

1.3. Ang Korum ng Kongreso ay simpleng korum (50%+1) ng mga opisyal na kinatawan ng bawat kasaping samahan o delegado.

....⁹⁹

As explained by MAGSASAKA, the failure to submit the attendance sheet is not fatal in proving that there was a quorum, since quorum for purposes of the General Assembly is constituted by the official representatives of the members and not literally of the entire membership of the Party. The attendance of all the members is not required, but only that of its leaders, acting in a representative capacity.¹⁰⁰ This method of establishing quorum is an internal party practice and has been observed in past General Assemblies of the Party. Worthy of note is that Villamin was elected as Chairperson in 2018 in a General Assembly conducted in the same manner—a fact which Villamin never refuted.

To hold the representative mode of attendance as invalid would result in far-reaching consequences, not only to the Party, but even to Villamin himself. Considering that the Party has been conducting its business and carrying out its General Assemblies in such manner, all its acts would be

⁹⁹ *Id.* at 426.

¹⁰⁰ *Id.* at 27.

tainted with illegality, including Villamin's election as Chairperson in 2018. As for the matter of quorum and composition of the Council of Leaders, it is interesting to note that Villamin himself did not question the membership of the Council of Leaders for the said meetings, but merely bewailed the alleged lack of notice and the lack of opportunity to be heard.¹⁰¹ Even so, the interpretation of quorum and membership is best left to the Party, as will be further discussed below.

We acknowledge the apprehension of some members of the Court that the absence of a quorum may undermine the accountability of the decision-making process as the decisions made without sufficient participation may not truly reflect the will of the constituency.¹⁰² However, We find that such concern is unfounded in this case. On the contrary, this case shows that the party's interpretation of quorum is an established party practice and a further demonstration of the will of its members.

The COMELEC gravely abused its discretion when it confined itself to procedural due process in the assailed COMELEC Resolutions

While the COMELEC has limited jurisdiction over intra-party leadership disputes, it does not mean that COMELEC can substitute its own judgment for that of the Party. The COMELEC cannot disregard the Party's actions simply because these do not appear to be in line with the COMELEC's interpretation of the party's *Saligang Batas*. A party must be allowed to interpret its own governing rules and remove officials from participating in its own affairs.

The Court cannot subscribe to the COMELEC's statement that it is not for the majority "to dispense of the rudimentary requirements of due process when it is specifically required under the *Saligang Batas* and it will affect the rights of its members."¹⁰³ No less than Chief Justice Gesmundo himself has observed the COMELEC's restricted appreciation of the case. The COMELEC confined itself to ascertaining the party's compliance with procedural due process in removing Villamin as National Chairperson, but paid no attention to the matter of compliance with substantive due process when it failed to consider the reason behind Villamin's removal—his participation in the alleged illegal activities of DV Boer and its effects on the party as a whole.¹⁰⁴ This basis was clearly set forth in MAGSASAKA's Petition to Deny Due Course to Villamin's MIP,¹⁰⁵ where it was alleged that Villamin was voted out of its Council of Leaders because of "anomalies that he and his family corporation DV Boer Inc. were involved with,"¹⁰⁶ including reports of unusual business activities "akin to *ponzi* or pyramiding

¹⁰¹ *Id.* at 716–717. Comment/Opposition.

¹⁰² J. Leonen, Reflections, May 20, 2024, p. 15.

¹⁰³ *Rollo*, p. 274.

¹⁰⁴ C.J. Gesmundo, Reflections, p. 15.

¹⁰⁵ *Rollo*, pp. 326–328.

¹⁰⁶ *Id.* at 327.

schemes.”¹⁰⁷ The Petition to Deny Due Course also stated that letter-complaints were lodged against Villamin because “the name of the party is being dragged with the DV Boer scandal and that they have members who were also scammed by it.”¹⁰⁸

The decision to oust Villamin as National Chairperson was not made arbitrarily. The Minutes of the December 21, 2019 General Assembly reveals how the Party arrived at its decision to remove Villamin et al. When the issue between the Party and DV Boer was brought up, a coordinator manifested that the matter would affect everyone and that the General Assembly was the best platform to discuss it, and suggested that collective action and focus on finding solutions were needed.¹⁰⁹ Still, another coordinator proposed to “vacate the Board and elect [a] new set of Board members.”¹¹⁰ Cortez, Villamin’s close associate, objected because the members involved in the issue were not given a chance to explain their side. Some coordinators manifested that the General Assembly is the highest policy-making body and has the power to decide including the vacancy and election of new Board members; and since the body is in quorum, the assembly can proceed with the order of business.¹¹¹ The representatives from Bulacan, Pampanga, Isabela, Bataan, and Tarlac manifested that all positions should be vacated. Notably, some representatives stated that the situation should not affect the goals of the Party, and that the proceedings of the General Assembly is not an act of turning back on the other members of the Board. Upon motion to vacate all positions and elect a new set of officers, 36 representatives voted in favor of the motion, and one voted against it. Thereafter, a new set of members of the Board was elected.¹¹²

The records show that MAGSASAKA was highly resolute in keeping Villamin out of its affairs. The Minutes of the General Assembly shows that the representatives were aware that the issue of Villamin’s involvement in DV Boer would spark discussion and attract attention to the prejudice of the entire Party, and as such the Party had to act immediately. The fact that a party risks and realizes internal friction does not justify intrusion, since presumably a party will be motivated by self-interest and not engage in acts that run counter to its political success.¹¹³ Further, while it may not be politically expedient to alienate an important part of the party, such as the party chairperson in this case, such exclusion is within the party’s prerogative.¹¹⁴

It is in the interest of every political and, in this case, sectoral party, not to allow persons it had not chosen to hold themselves out as representatives of the party.¹¹⁵ Corollary to the right to identify the people who

¹⁰⁷ *Id.* at 328.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 94.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.* at 95–96.

¹¹³ *Federspiel v. Ohio Republican Party State Cent. Comm.*, 867 F. Supp. 617, 619 (S.D. Ohio. 1994).

¹¹⁴ *Id.*

¹¹⁵ *Laban ng Demokratikong Pilipino v. COMELEC*, 468 Phil. 70, 84 (2004) [Per J. Tinga, *En Banc*].

make up the association is the right to exclude persons in its association and not to lend its name and prestige to those which it deems undeserving to represent its ideals.¹¹⁶ The Party's members and leaders had lost faith in Villamin's fitness to continue serving as the National Chairperson. According to MAGSASAKA, Villamin was an absentee Chairperson who failed to perform his official functions, evaded Party meetings, and had a proclivity for criminal activities. Moreover, the allegations of illegal activities of DV Boer (of which Villamin is president and Chief Executive Officer), were legitimate subjects of concern, as these involved scams allegedly perpetrated even on some members of the Party, dragging the name and reputation of the Party into the controversy. In fact, the Court observes that, based on news reports, warrants of arrest from different courts have been issued and served on Villamin relative to the criminal complaints filed against him.¹¹⁷

It is wise to adopt Chief Justice Gesmundo's proposal that in intra-party disputes, it is imperative that the COMELEC consider the totality of evidence affecting both procedural and substantive matters to guarantee that the party-list system shall not be manipulated by reprehensible interests that corrupt the will of the electorate.¹¹⁸ In the present case, procedural deviations in the removal of a party officer, if any, should not affect the validity of the removal itself so long as the removal is based on proper substantive grounds, and is sufficiently shown to be the intent of the Party.¹¹⁹ This approach also allows the COMELEC to scrutinize party-list organizations using the benchmarks¹²⁰ proposed by Senior Associate Justice Marvic M.V.F. Leonen (Senior Associate Justice Leonen) in *Atong Paglaum, Inc. v. COMELEC*,¹²¹ to ensure that the party list system genuinely represents and bolsters the true spirit of the marginalized and underrepresented groups.

By choosing to focus on procedural concerns, the COMELEC disregarded MAGSASAKA's substantive grounds for removing Villamin as National Chairperson, grounds which caused MAGSASAKA to resolutely remove him from the organization, and grounds which Villamin have not sufficiently countered. In so doing, the COMELEC failed to serve the public interest since it unduly interfered with the political processes.¹²² The Court cannot allow the COMELEC, on account of its perceived procedural deviations from MAGSASAKA's *Saligang Batas*, to force the Party to retain Villamin as its National Chairperson and reward him with such leadership

¹¹⁶ *Id.*

¹¹⁷ PEOPLE'S TONIGHT, *Arrest warrant issued vs agri trader*, PEOPLE'S TONIGHT, June 18, 2021, available at <https://journalnews.com.ph/arrest-warrant-issued-vs-agri-trader/> (last accessed on June 18, 2024); Ed Amoroso, *Trader at misis inaresto sa Pampanga, hindi dinukot*, PILIPINO STAR NGAYON, February 28, 2022, available at <https://www.philstar.com/pilipinostar-ngayon/probinsiya/2022/02/28/2163851/trader-misis-inaresto-sa-pampanga-hindi-dinukot> (last accessed on June 18, 2024); Iliana Padigos, *QC cops nab eight alleged 'most wanted' persons in separate ops*, INQUIRER.NET, July 21, 2022, available at <https://newsinfo.inquirer.net/1632177/qc-cops-nab-eight-most-wanted-persons-in-separate-ops> (last accessed on June 18, 2024).

¹¹⁸ C.J. Gesmundo, *Reflections*, p. 16.

¹¹⁹ *Id.* at 17.

¹²⁰ J. Leonen, *Concurring and Dissenting Opinion*, in *Atong Paglaum, Inc. v. COMELEC*, 707 Phil. 454, 751–753 (2013) [Per J. Carpio, *En Banc*].

¹²¹ 707 Phil. 454 (2013) [Per J. Carpio, *En Banc*].

¹²² *Sinaca v. Mula*, 373 Phil. 896, 912 (1999) [Per C.J. Davide, *En Banc*].

position when the Party itself had found him unfit, not only as its leader, but as a member as well. Clearly, the COMELEC gravely abused its discretion.

Moreover, compelling MAGSASAKA to retain Villamin as National Chairperson would be tantamount to forcing the Party to be represented in the House of Representatives by Nazal, Villamin's nominee, whose membership in the Party has been denied by MAGSASAKA, and who is alleged to have founded, campaigned for, and been nominated in the same 2022 National Elections for PASAHERO, a party-list which lost in the elections.¹²³ A sectoral party like MAGSASAKA has the right to identify the people who constitute the association and the people who best represent the party's ideologies and preference.¹²⁴ A party's representative in Congress not only serves as the face of the party, but more importantly, as the champion of its causes. Certainly, MAGSASAKA would want its nominee to be truly representative of its goals and aspirations, one who has been nominated by its legitimate party leadership, and more importantly, one who is recognized as one of its legitimate members.

To be clear, the Court is not ruling on the qualifications of Nazal as a representative or nominee. That Nazal will not be able to sit as the Party's representative in the House of Representatives is merely a consequence of the finding that Villamin was validly removed as National Chairperson and no longer had authority to file the MIP, and consequently submit Certificates of Nomination for MAGSASAKA.

It is worth mentioning at this point that the principal issue advanced by Senior Associate Justice Leonen in this case is whether the COMELEC gravely abused its discretion when it "decided on which faction in a party-list properly provided a list of nominees,"¹²⁵ and "when it ministerially and perfunctorily acted on the controversies relating to Villamin and Nazal's nominations,"¹²⁶ such that there is a need to remand the case to the COMELEC to allow it to review MAGSASAKA's procedures for expulsion of nominees and replacement of expelled nominees.¹²⁷ The majority disagrees.

As can be seen from the assailed COMELEC Resolutions, the parties' arguments, and the Court's discussion, the real issue in this case is whether the COMELEC committed grave abuse of discretion in finding that Villamin was not validly removed as MAGSASAKA National Chairperson for lack of due process, and was consequently authorized to file the Party's MIP. Villamin's qualifications as a nominee were never raised as an issue before the COMELEC or before this Court. Even the matter of which faction properly provided a list of nominees was never put in question before

¹²³ *Rollo*, pp. 461–463, 1092–1096, 1184–1198. MAGSASAKA submitted to this Court pictures downloaded from Facebook showing Nazal campaigning for PASAHERO and identifying him as founder and first nominee of the said party.

¹²⁴ *Sinaca v. Mula*, 373 Phil. 896, 912 (1999) [Per C.J. Davide, Jr., *En Banc*].

¹²⁵ J. Leonen, *Reflections*, p. 1.

¹²⁶ *Id.* at 18.

¹²⁷ *Id.*

COMELEC. In fact, when the MIPs and MAGSASAKA's Petition to Deny Due Course Villamin's MIP were filed, the list of nominees for both factions had not yet been submitted. The MAGSASAKA Du faction filed its MIP on February 8, 2021 and its Certificates of Nomination for the first batch of nominees on October 6, 2021.¹²⁸ Meanwhile, Villamin filed his MIP on March 29, 2021 and the Certificates of Nomination for the first batch of nominees on October 7, 2021.¹²⁹ Moreover, Nazal was only included in the list of nominees on May 31, 2022,¹³⁰ or after the COMELEC First Division issued its November 25, 2021 Resolution. Associate Justice Amy C. Lazaro-Javier even pointed out that Nazal's qualification as a nominee was never put in question before the COMELEC, and MAGSASAKA's original petition before the Court only concerns the COMELEC's resolution declaring as valid the MIP filed by Villamin.¹³¹ Since Villamin and Nazal's qualifications as nominees were not recognized as issues in the proceedings before the COMELEC and before this Court, there is no need to remand the case to the COMELEC for a review of MAGSASAKA's procedure for expulsion and replacement of expelled nominees, as proposed by Senior Associate Justice Leonen.

Considering the foregoing, this Court finds that the COMELEC gravely abused its discretion when it focused on purely procedural matters and disregarded the substantive issues raised by MAGSASAKA in the proceedings below, refused to acknowledge established party practice, and substituted its mandate over that of MAGSASAKA, thereby unlawfully instituting Villamin as its National Chairperson. It cannot be overemphasized that Villamin was validly and convincingly removed as MAGSASAKA's National Chairperson. Accordingly, Villamin misrepresented himself as the National Chairperson when he filed the MIP. He had no more authority to file the MIP and the COMELEC should have denied it due course. Moreover, since Villamin was no longer the National Chairperson of MAGSASAKA, his nominee, Roberto Gerard L. Nazal, Jr., could not have been validly proclaimed as MAGSASAKA's Party-list Representative in the House of Representatives.

ACCORDINGLY, the Petition is **GRANTED**. The COMELEC First Division Resolution dated November 25, 2021 and the COMELEC *En Banc* Resolution dated September 9, 2022 in the consolidated cases of SPP No. 21-002 (MIP) and SPP No. 21-003 (MIP), finding Soliman Villamin, Jr. as the duly authorized representative to file the Manifestation of Intent to Participate (MIP) in the Party-List System of Representation for the 2022 National and Local Elections, and denying Magkakasama sa Sakahan, Kaunlaran (MAGSASAKA) Party-List's petition to deny due course to the said MIP are **REVERSED** and **SET ASIDE**.

¹²⁸ *Rollo*, p. 493. National Board of Canvassers (NBOC) Resolution No. 22-0953, September 14, 2022.

¹²⁹ *Id.* at 489.

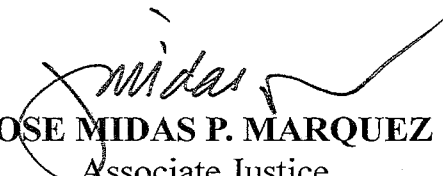
¹³⁰ *Id.* at 490.

¹³¹ J. Lazaro-Javier, Second Revised Reflection, April 12, 2024, p. 15.

The *Status Quo Ante* Order issued by this Court on October 18, 2022 is **LIFTED**.


The COMELEC is **ORDERED** to give due course to the nominations of MAGSASAKA and **ISSUE** a Certificate of Proclamation to the rightful nominee as the MAGSASAKA Party-List representative in the 19th Congress, pursuant to the tenor of this Decision.

SO ORDERED.


JOSE MIDAS P. MARQUEZ
Associate Justice

WE CONCUR:

See concurring opinion

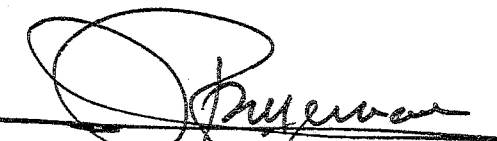

ALEXANDER G. GESMUNDO
Chief Justice


See separate concurring and dissenting opinion


MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

See Concurring Opinion

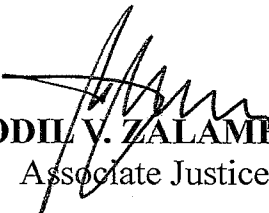

RAMON PAUL L. HERNANDO
Associate Justice

With Dissent

AMY C. LAZARO-JAVIER
Associate Justice

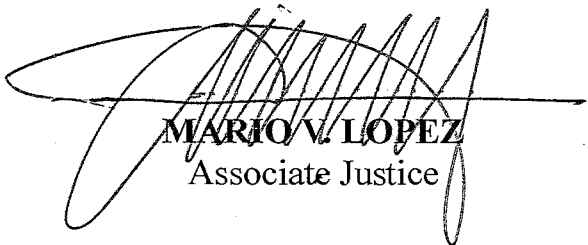


(No Part)

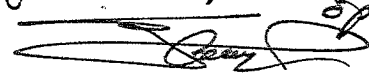
HENRI JEAN PAUL B. INTING
Associate Justice



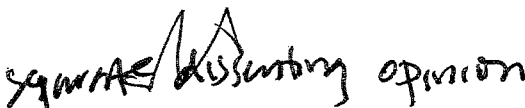
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice

pls see separate concurring opinion


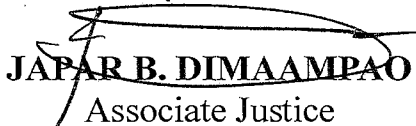
SAMUEL H. GAERLAN
Associate Justice

separate dissenting opinion


RICARDO R. ROSARIO
Associate Justice



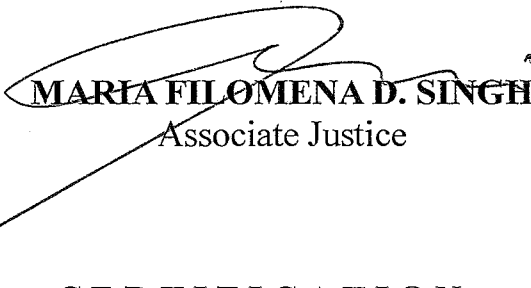
JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



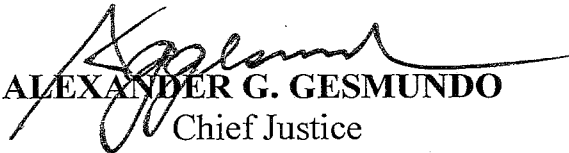
ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
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