



Republic of the Philippines
House of Representatives Electoral Tribunal
 Electoral Tribunal Building
 Commonwealth Avenue, Quezon City

AURELIO D. GONZALES, JR.,
 Protestant,

-versus-

HRET Case No. 13-011 (EP)
Third District, Pampanga

OSCAR S. RODRIGUEZ,
 Protestee.

Promulgated:

x _____ x

DEC 16 2013

RESOLUTION

For resolution are: (1) the special and affirmative defenses raised by protestee in his *Verified Answer (with Special and Affirmative Defenses and Counter-Protest)* dated July 17, 2013; and (2) protestee's *Omnibus Motion (i) To Set Aside Preliminary Conference on 11 September 2013, (ii) To Defer Issuance of Preliminary Conference Order, and (iii) To Set Aside for Oral Arguments Before the Honorable Tribunal* dated September 12, 2013.

Election Protest

On May 29, 2013, protestant filed an election protest against protestee, who garnered 140,826 votes over the former's 108,275 votes in the May 13, 2013 elections, for gross violation of Section 261(v) of the Omnibus Election Code (OEC), which prohibits any public official or employee, including barangay officials, from releasing, disbursing or using public funds during 45 days before a regular election, and Commission on Elections (Comelec) Resolution No. 9585, which implements Section 261(v) of the OEC that prohibits the release, disbursement and expenditure of public funds effective March 29, 2013 until May 13, 2013. Protestant prays to disqualify protestee from holding office as Representative of the Third District of Pampanga, and annul and set aside his proclamation as elected representative of the district, among others. There is, however, no prayer to proclaim protestant as the duly elected Representative thereof.

In his protest, protestant alleges that protestee signed and issued numerous checks in favor of several payees just a few days before the elections using the account of the "City of San Fernando, Pampanga" and the

“Municipality of San Fernando, Pampanga” with the Land Bank of the Philippines, San Fernando Branch. As example, protestant cites that just a few days before the elections, protestee signed and issued checks in varying amounts from ₱3,000.00 to ₱5,000.00 each in favor of seven residents of the City of San Fernando and the Municipality of San Fernando.

Protestant also alleges that on May 10, 2013, or just three days before the elections, protestee distributed “financial assistance,” also in the amount of ₱5,000.00, to his so-called “scholars” at the Don Honorio Ventura Technological State University (DHVTSU). Protestee allegedly distributed the checks at the Heroes’ Hall, which is adjacent to the Provincial Capitol in the City of San Fernando. The supposed scholars, numbering more or less 1,000 students, are, according to protestant, residents or constituents not only of the City of San Fernando but also of other parts of the Third District of Pampanga.

Protestant likewise alleges that protestee violated Section 261(o)¹ of the OEC. Considering the very close proximity of the release and distribution of the checks/funds to the date of election, the place of distribution and other circumstances, there can be no doubt that protestee committed the above-enumerated acts to bolster his candidacy and support his election campaign.

Further, protestant states that “[t]he indiscriminate issuance of the above checks and the distribution of ‘financial assistance’ to numerous recipients, beneficiaries and/or ‘scholars’ just a few days before the elections xxx obviously constitute massive vote buying.”

Special and Affirmative Defenses

On July 18, 2013, protestee filed his *Verified Answer (with Special and Affirmative Defenses and Counter-Protest)*, dated July 17, 2013, contesting the elections and results of 370 out of 371 clustered precincts (CPs) in the municipalities of Arayat (81), Mexico (96), Sta. Ana (34) and San Fernando City (159), and raising, *inter alia*, the following special and affirmative defenses:

3.1. **WITHOUT ADMITTING** to the veracity of the allegations in the instant protest, herein Protestee agrees that “**vote buying**” is a ground for filing an election protest. However, a perusal of the protest would reveal that the Protestant relied heavily on **Section 261** of the **Omnibus Election Code (OEC)**. Hence, it is evident that the same

¹ Section 261 (o) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign. - Any person who uses under any guise whatsoever, directly or indirectly, (1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; (2) any printing press, radio, or television station or audio-visual equipment operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the Armed Forces of the Philippines; or (3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled corporations, or by the Armed Forces of the Philippines for any election campaign or for any partisan political activity.

partakes the nature of a **COMPLAINT** with the aim to convict herein Protestee of an election offense under the same.

3.2. With all due respect and without necessarily preempting the wise judgment of this Honorable Tribunal, herein Protestee most respectfully submits that an election offense, particularly vote-buying, **can never be proven** by filing an **ELECTION PROTEST**. It is well settled that an election protest involves the opening of the ballot boxes and other pertinent election paraphernalia in order to determine the real winner of a particular elective position in question. The process involves manual recount of ballots or decryption of ballots images, if necessary, purposely to verify if the results as per the elections returns are reflective of the actual votes of the general electorate. Further, the re-visiting of ballots is also conducted to determine whether the Precinct Count Optical Scan (PCOS) machines accurately read the votes as indicated in the ballots.

3.3. Worded otherwise, an election protest is filed by a losing candidate because he believes that he is the real winner and not the winning candidate. This is particularly true in this case considering that herein Protestant prays that the Protestee not only be disqualified from holding office as the Representative of the Third District of Pampanga but also that the latter's proclamation as such be **ANNULLED** and **SET ASIDE** so the former can assume the latter's place.

3.4. Then again, bearing in mind that the instant Election Protest was anchored mainly on the allegation of "*massive vote-buying*" pursuant to **Section 261** of the **OEC**, the following salient questions come to mind: **Will the act of opening the ballot boxes prove that herein Protestee indeed committed vote- buying? Will the manual recount of ballots show that the votes cast in favor of herein Protestee are indeed "bought votes"? Will the ballots and the outcome of the manual recount DIRECTLY, CLEARLY, AND UNEQUIVOCALLY establish the participation of the Protestee in the malicious allegations of *massive vote-buying*?**

3.5. Obviously, the answer to these questions is a resounding **NO**. To repeat, while it may be true that "*vote-buying*" is a ground for filing an election protest, **the same can never be proven through the opening of ballot boxes or manual recount as a necessary process therein**. The unsubstantiated and malicious claim of herein Protestant cannot hide the reality that his submission is indeed a **COMPLAINT** under the guise of a voluminous yet "**meatless**" election protest which is not within the jurisdiction of this Honorable Tribunal thus, must be dismissed.

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3.17. With regard to the matter of issuance of the "checks", it is worth stating that the same was made through the Self- Employment Program (SEA) Loan Program which is a capability building program of the Department of Social Welfare and Development (DSWD) and the local government units that aims to enhance the socio-economic skills of the poor families through the organization of community-based associations and individuals for entrepreneurial development. It is one of the core social protection programs under the DSWD's Convergence Strategy that brings opportunities for sustainable livelihood and guaranteed employment to the poor.

3.18. Furthermore, SEA is a regular program of the City of San Fernando, Pampanga which is aligned to the City's objective to improve the socio-economic condition geared towards the eradication of extreme poverty and hunger among its constituents. For the information of this Honorable Tribunal, the gist of this program is that: the City government will lend a certain amount of money to an indigent which he/she will use to start a small-time business. In turn, such indigent will then pay the said loan according to the agreed feasible and convenient terms.

3.19. Marie Paz Garcia, Rosana Catacutan, Jenelyn David, Lorena David, Maricel Vital, Ernesto Santos, and Elvira Sanchez are applicants of this program and their applications were already approved as early as December 2012. It just so happened that the release of the checks representing the amount loaned was delayed. As per proper investigation, the cause of the delay was traced to the program implementer, a casual employee, who was terminated with due cause on January 4, 2013. Taking into account that the very purpose of the program is to alleviate the plight of the poor, it is but proper that the said checks be released without haste hence it was given to them on the dates mentioned in the protest.

3.20. As with the issue of "financial assistance" given to the scholars of the City of San Fernando at the Don Honorio Ventura Technological State University (DHVTSU), herein Protestee respectfully manifests that the same was made through a Special Allotment Release Order (SARO) of the Department of Budget and Management to the said school. As such, the release of the funds depends solely at the discretion of the school which is in accord with the existing budgeting, accounting and auditing rules and regulations. Therefore, the City Government of San Fernando or the Protestee, being the incumbent Mayor at that time was NOT privy to the disbursement of the funds as the SARO was for the account of the DHVTSU.

3.21. With this, it is crystal clear that the Protestee did not commit "vote-buying" or any election-related irregularity as complained by herein Protestant.

Protestant's Reply

Meanwhile, on August 7, 2013, protestant filed a *Verified Answer to Counter-Protest (with Reply to Protestee's Answer dated 17 July 2013)* dated August 1, 2013, stating, *inter alia*, the following:

30. Protestant admits that he has the burden of proving that there were disbursements made during the prohibited period. However, once Protestant is able to present evidence sufficient to convince this Honorable Tribunal of the truth of the allegations in his Protest, or has established a *prima facie* case against Protestee, the burden of evidence shifts to Protestee to show that the subject disbursements were made under the exceptions provided for by law.

31. As the issuance of checks and distribution of "financial assistance" a few days before the elections are not denied by the Protestee, Protestant has sufficiently overcome his burden of proof. Thus, the burden now shifts on Protestee to adduce evidence as would meet and nullify, if not

overthrow, the *prima facie* evidence established against him. Unfortunately, Protestee merely offers feeble explanations that are insufficient or fail to discharge his burden of evidence.

32. Protestee merely manifested that the disbursements were made pursuant to the Self-Employment Program (SEA) Loan Program of the Department of Social Welfare and Development and of the local government. However, he did not attach any documentation to substantiate such manifestation.

33. In any case, Protestee's allegation of the seemingly noble cause of the disbursements does not squarely address the issue. The crux of the Protest is not only the existence of the disbursements but also the timing and circumstances of the same. In the present case, Protestee admittedly signed and issued checks in varying amounts from Three Thousand Pesos (P3,000.00) to Five Thousand Pesos (P5,000.00) each in favor of certain individuals a week or just a few days before the 13 May 2013 elections.

34. Protestee likewise merely manifested that the financial assistance represented by the various checks he issued was made through a Special Allotment Release Order (SARO) of the Department of Budget and Management. However, he has not shown or provided any proof or documentation thereof. What is concededly glaring is that Protestee NEVER denied either the fact of distribution or his dubious presence during the awarding of such financial assistance. If indeed he was not privy to the allotment of the SARO to Don Honorio Ventura Technological State University ("DHVTSU"), why was the awarding done within the premises of the San Fernando City Hall (of which Protestee was the incumbent mayor at that time) and not of the campus? This is one of the questions that cast serious doubts as regards the validity of the distribution/disbursement of such public funds.

35. Indeed, the law leaves no room for doubt or misinterpretation. The Omnibus Election Code and COMELEC Resolution No. 9585 prohibit public officials or employees from disbursing, releasing and expending any public funds during the period of 29 March 2013 until 13 May 2013. Only in exceptional circumstances and under stringent conditions can public funds be legally disbursed, released or expended. To be exempted from the prohibition, the concerned government office must seek authorization from the COMELEC after due notice and hearing. Protestant would like to make it of record that Protestee failed to get this exemption or authorization. Attached herewith as **Annex "A"** is a letter from the COMELEC certifying that the neither the Protestee nor the City Government of San Fernando sought or were issued an exemption or authorization in order to validly issue the checks or distribute "financial assistance."

36. All told, Protestee failed to prove that the disbursements were made under the exceptions set forth under the law. Therefore, the issuance of checks and release of financial assistance fall within the ambit of vote-buying as described in Section 262 of the Omnibus Election Code. Accordingly, Protestee should be held liable for his wrongdoings. He does not deserve to occupy the public position he claims to have won, as such position is imbued with public trust.

Preliminary Conference

In the preliminary conference conducted before the hearing commissioner on September 11, 2013, the parties were given a non-extendible period of ten (10) days from said date or until September 23, 2013 within which to submit simultaneously their respective memoranda regarding their positions on the special and affirmative defenses raised by protestee, with a caveat that with or without the memoranda, the aforesaid issues will be deemed submitted for resolution.

Likewise, the following issues were raised by protestee during the preliminary conference:

1. Whether or not the instant protest should be summarily dismissed for failure to state a cause of action and for being grossly insufficient in form and substance;
2. Whether or not the instant protest should be summarily dismissed for being filed based on Section 261 of the OEC and NOT on Section 255 of the OEC which is the governing law of filing election protest and judicial recounting of the ballots;
3. Whether or not the instant protest should be treated as one for *quo warranto* and not for election protest;
4. Whether or not the Tribunal should order the retrieval of the contested ballot boxes and the recount of the contents thereof considering the fact the instant protest DID NOT pray for the retrieval and recounting of the ballots;
5. In the event that the Tribunal would order the retrieval and recounting of the contested ballots:
 - (a) Will the act of opening the ballot boxes prove that protestee indeed committed vote-buying?
 - (b) Will the manual recount of the contested ballots show that the votes cast in favor of protestee are in fact "bought votes"?
 - (c) Will the ballots and the outcome of the manual recount directly, clearly, and unequivocally establish the participation of protestee in the malicious allegations of massive vote-buying?
 - (d) Will the recount and revision of contested ballots show that protestant would obtain more votes than what was actually reported in the Election Returns, Statement of Votes and

Certificates of Canvass and that protestee obtained less votes than that reflected in said election documents?

Memoranda of the Parties

On September 20, 2013, protestee filed his *Memorandum (in Support of Protestee's Special and Affirmative Defenses)* dated September 19, 2013, stating, among other things, the following:

(1) The instant submission is a complaint for the alleged commission of election offenses falling within the exclusive jurisdiction of the Comelec and not of this Tribunal;

(2) The petition while denominated as "Election Protest," neither prayed for the counting of votes nor a re-tabulation of ballots, and is thus inconsistent with the nature and purpose of an election protest;

(3) The case of *Ocampo vs. Crespo*² is not applicable to the present case; and

(4) The present case should be summarily dismissed for being insufficient in form and substance under Section 21 of the 2011 HRET Rules.

On September 24, 2013, *Protestant's Memorandum (Re: Protestee's Special and Affirmative Defenses)* dated September 23, 2013 was filed, stating, *inter alia*:

(1) The Supreme Court, in *Nolasco vs. Comelec*,³ explained that vote-buying has its criminal and electoral aspects. Its electoral aspect to ascertain whether the offender should be disqualified from office can be determined in an administrative proceeding that is summary in character; while this Tribunal, in *Montalban vs. Locsin*,⁴ ruled that the commission of prohibited acts under Section 68 of the Omnibus Election Code may be directly proven before this Tribunal and that previous conviction by a criminal court is not indispensable as the disqualification may be found and pronounced by this Tribunal itself;

(2) The present election protest is sufficient in form and substance, otherwise, this Tribunal should have dismissed the same under Rule 21 of the 2011 HRET Rules; and

(3) This Tribunal, in *Ocampo vs. Crespo*,⁵ an election protest, declared Rep. Mark Jimenez to have engaged in massive vote-buying and consequently disqualified him as Representative of the Sixth District of Manila in the May 14, 2001 elections.

² HRET Case No. 01-2004, March 27, 2003, 16 HRET Reports 359.

³ G. R. No. 122250 & 122258, July 21, 2007.

⁴ HRET Case No. 87-28, May 2, 1988.

⁵ HRET Case No. 01-2004, March 27, 2003, 16 HRET Reports 359.



The instant election protest must be dismissed.

Insufficient in Form and Substance

At the outset, it should be made clear that what protestant filed before the Tribunal is an election protest.

Pertinently, Rule 16, paragraph 5 of the 2011 HRET Rules provides:

An election protest shall state:

- (1) xxx xxxxxx
- (2) The total number of contested individual and clustered precincts per municipality or city;
- (3) The individual and clustered precinct numbers and location of the contested precincts; and
- (4) The specific acts or omissions complained of constituting the electoral frauds, anomalies or irregularities in the contested precincts.

Even if the petition of protestant did not specifically ask the Tribunal for the recount and revision of the ballots and several consequent proceedings prior to it, such as the collection of ballot boxes and related election documents from their places of origin, Rule 32, par. 3 (Cash Deposit) of the 2011 HRET Rules still recognizes the possibility of recount or revision by requiring the remittance of cash deposit, thus:

Rule 32. Cash Deposit. – In addition to the fees prescribed in the preceding Rule, each protestant, counter-protestant or petitioner in *quo warranto* shall make a cash deposit with the Tribunal in the following amounts:

- (1) xxx xxx xxx
- (2) If the protest or counter-protest does not require the bringing to the Tribunal of the ballot boxes, copies of election returns as well as other election documents and paraphernalia from the district concerned, ten thousand pesos (₱10,000.00) to be paid within ten (10) days after the filing of the protest or counter-protest.”

Concomitantly, it is imperative for the protestant to provide sufficient information to the Tribunal as to the number of precincts and the places, be it a city, municipality, barangay or precinct, where protestant lost to the proclaimed winner as a result of any of the electoral frauds or irregularities prohibited under election laws, rules and regulations administered by the different electoral Tribunals alleged to be committed by protestee and her supporters as set forth in Rule 16, paragraph 5 of the 2011 HRET Rules. This he failed to do.

Further, aside from the fact that protestant failed to mention the specific number of precincts which he claims he was supposed to have won, a perusal of the petition of protest would show that there was also no allegation of fraud and irregularities in the conduct of the May 13, 2013 elections and in the counting and canvassing of votes. In view of the gross violations of paragraph 5, Rule 16 of the 2011 HRET Rules, the election protest, perforce, must be dismissed.

Considering that there are no allegations of fraud and irregularities committed by protestee in the conduct of the May 13, 2013 elections, as well as in the counting and canvassing of votes during said elections in the district, the proper remedy is a criminal case.

The disqualification of a candidate on the ground of vote-buying, terrorism, overspending, and commission of other prohibited election acts or residence in a foreign country may be sought in proceedings before the Commission on Elections (Comelec) under Section 68, BP 881 before the proclamation of the winner. But after his election and proclamation, his right to the office may be questioned in an election protest on the ground of vote-buying, terrorism, overspending, or commission of prohibited acts defined in the election laws to annul the election but not to disqualify the candidate.

Section 6 of Republic Act No. 6646 (The Electoral Reforms Law of 1987) provides:

SEC. 6. *Effects of Disqualification Case.*—Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him shall not be counted. If for any reason a candidate is not declared by final judgment before an election to be disqualified and he is voted for and receives the winning number of votes in such election, the Court or Commission shall continue with the trial and hearing of the action, inquiry or protest and, upon motion of the complainant or any intervenor, may during the pendency thereof order the suspension of the proclamation of such candidate whenever the evidence of his guilt is strong (*italics supplied*).

The afore-quoted provision explicitly applies only to any candidate who has been declared by final judgment to be disqualified before an election. Why there is a difference between a petition for disqualification filed before and after the election proceeds from the fact that before the election, the question of disqualification is raised as an issue before the electorate and those who vote for the candidate assume the risk that should said candidate be disqualified after the election, their votes would be declared stray or invalid votes. Such would not be true in the case of one filed after the electorate has already voted.⁶

Issue in Election Protest; What must be proved and how

The issue in an election protest is *who obtained the highest number of legal votes*. Necessarily, to successfully prosecute an election protest, the protestant must show that he actually obtained the highest number of valid votes. Proving this may be done in several ways. One is by showing miscounting and/or misappreciation of votes in a process called revision of ballots, wherein the ballot boxes are opened and their contents, especially the ballots, re-counted and re-examined. Another is by proving that certain votes of a protestee are invalid, because, among other things, the ballots were cast under duress (*e.g.* protestee having engaged in massive vote-buying) or that the ballots were cast by persons other than the registered voters.⁷

Moreover, in order to annul the votes on the ground of vote-buying the votes or ballots of the voters who allegedly voted in consideration of goods or money received by them must be duly identified.⁸

Although proof of vote-buying may be deduced without resort to the ballots, two (2) conditions must concur in order to annul the elections in a political unit (precinct, municipality or district, as the case may be):

- (1) The illegality must affect more than 50% of the votes cast; and
- (2) It is impossible to distinguish the good votes from the bad.⁹

⁶ *Bagatsing v. COMELEC*, G.R. No. 134047, December 15, 1999.

⁷ *Loyola vs. Dragon*, HRET Case No. 92-026, January 31, 1991, 3 HRET Reports 512.

⁸ *Timbal vs. Layatin*, HRET Case No. 46, March 22, 1990, 1 HRET Reports 431; *Mamba vs. Dupaya*, HRET Case No. 29, July 16, 1990, 1 HRET Reports 549.

⁹ *Expaldon vs. Bandon, Jr.*, HRET Case No. 14, November 26, 1990, 2 HRET Reports 55.



Election Protest against Rep. Mark Jimenez

In *Ocampo vs. Crespo*,¹⁰ an election protest, although the Tribunal declared Rep. Mark Jimenez to have engaged in massive vote-buying and consequently disqualified him as Representative of the Sixth District of Manila in the May 14, 2001 elections, it should be noted that earlier, in two (2) consolidated *quo warranto* cases,¹¹ the Tribunal already declared Rep. Mark Jimenez “ineligible for the Office of Representative of the Sixth District of Manila for lack of residence in the district” and ordered “him to vacate his office.”

Unlike in the present case, the protestant in *Ocampo* impugned the election in the protested precincts not only on the ground of massive vote-buying allegedly committed by the protestee, but also on the following grounds: (1) misreading of votes in favor of the protestee; (2) falsification of election returns; (3) substitution of election returns; (4) use of marked, spurious, fake and stray ballots; and (5) presence of ballots written by one person/two persons. Likewise, unlike in the present case, not only the issue on whether massive vote-buying was committed by protestee in the protested precincts was raised in *Ocampo*, but also the recount and revision of ballots in the protested precincts.

Moreover, the Tribunal ruled, in the aforesaid decision in the above-mentioned *quo warranto* cases, that after a candidate has been proclaimed elected, his disqualification on grounds of vote-buying, terrorism, overspending, and other election irregularities can only be sought in an election protest, this time for the purpose of ANNULING HIS ELECTION. The Tribunal spoke of ANNULMENT OF ELECTION and NOT DISQUALIFICATION OF ELECTED CANDIDATE.

The office of an election protest is TO ANNUL THE ELECTION of an elected candidate on the grounds of frauds and irregularities in the conduct of election and the counting and canvassing of votes, and NOT TO DISQUALIFY AN ELECTED OFFICIAL. In *Ocampo*, considering the evidence regarding massive vote-buying committed by the protestee and consistent with its earlier decision disqualifying him, the Tribunal declared Rep. Mark Jimenez to have engaged in massive vote-buying and consequently disqualified him as Representative of the Sixth District of Manila in the May 14, 2001 elections. In *Loyola vs. Dragon*,¹² the Tribunal, in dismissing an election protest filed only on the ground that the protestee should be disqualified on account of violation of certain provisions of the Omnibus Election Code, ruled that *disqualification alone cannot be a ground for election protest*.

¹⁰ HRET Case No. 01-2004, March 27, 2003, 16 HRET Reports 359.

¹¹ *Abante vs. Crespo*, HRET Case No. 01-020 and *Ocampo vs. Crespo*, HRET Case No. 01-023, March 6, 2003, 16 HRET Reports 271.

¹² HRET Case No. 92-026, January 31, 1991, 3 HRET Reports 512.

Conclusion

This election protest seeks to DISQUALIFY protestee, NOT to annul the election, on the grounds that he violated Section 261(v) of the OEC on the 45-day ban on release of public funds and Section 261(o) thereof relating to the use of public funds, money deposited in trust, equipment, facilities owned and controlled by the government for an election campaign. Clearly, the grounds are not proper in election protest, the office of which is to annul the election. Moreover, Section 261(o) is not included in Section 68¹³ of the OEC as basis for disqualification. If at all, both may be proper subjects of prosecution for election offenses.

WHEREFORE, the election protest filed by protestant Aurelio D. Gonzales, Jr. against protestee Oscar S. Rodriguez is **DISMISSED** for lack of merit.

Consequently, the counter-protest filed by protestee is likewise **DISMISSED**.

SO ORDERED.



PRESBITERO J. VELASCO, JR.
Associate Justice, Supreme Court
Chairperson


¹³ Sec. 68. *Disqualifications.* - Any candidate who, in an action or protest in which he is a party is declared by final decision of a competent court guilty of, or found by the Commission of having (a) given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions; (b) committed acts of terrorism to enhance his candidacy; (c) spent in his election campaign an amount in excess of that allowed by this Code; (d) solicited, received or made any contribution prohibited under Secs. 89, 95, 96, 97 and 104; or (e) violated any of Secs. 80, 83, 85, 86 and 261, paragraphs d, e, k, v, and cc, subparagraph 6, shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office. Any person who is a permanent resident of or an immigrant to a foreign country shall not be qualified to run for any elective office under this Code, unless said person has waived his status as permanent resident or immigrant of a foreign country in accordance with the residence requirement provided for in the election laws.



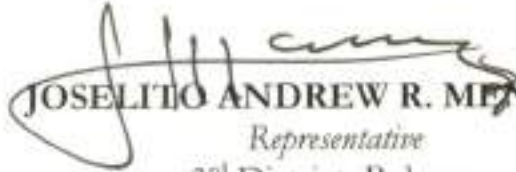
DIOSDADO M. PERALTA
Associate Justice, Supreme Court
Member



LUCAS P. BERSAMIN
Associate Justice, Supreme Court
Member



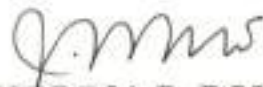
FRANKLIN P. BAUTISTA
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Member




JOSELITO ANDREW R. MENDOZA
Representative
3rd District, Bulacan
Member



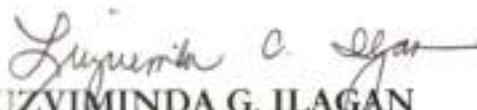
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Member




JERRY P. IREÑAS
Representative
Lone District, Iloilo City
Member



LUZVIMINDA G. ILAGAN
Representative
Gabriela Party-List
Member

CERTIFICATION

Pursuant to Rule 66 of the 2011 Rules of the House of Representatives Electoral Tribunal, it is hereby certified that the conclusions in the above Resolution of the Tribunal were arrived at in consultation before the case was assigned to a Member for writing the same.



PRESBITERO J. VELASCO, JR.
Associate Justice, Supreme Court
Chairperson

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