



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

NOTICE

Sirs/ Mesdames:

Please take notice that in HRET Case No. 13-028 (EP), *Lord Allan Jay Q. Velasco vs. Regina O. Reyes (Lone District, Marinduque)*, the Tribunal issued Resolution No. 13-228 dated November 28, 2013, which reads as follows:

On November 21, 2013, protestant filed a *Motion to Withdraw Election Protest Ad Cautelam* dated November 15, 2013 stating as follows:

1. On May 31, 2013, protestant filed an Election Protest *Ad Cautelam* dated May 30, 2013 praying, among others, for the issuance of a judgment finding protestee as a non-candidate and considering as stray all votes cast/tallied/credited in her favor in all the clustered precincts that functioned in the Lone Legislative District of the Province of Marinduque during the May 13, 2013 national and local elections, owing to the final ruling of the Commission on Elections (Comelec) *En Banc*, promulgated on May 14, 2013, affirming the March 27, 2013 Resolution of the Comelec First Division cancelling her certificate of candidacy in SPA No. 13-053 (DC) entitled "Joseph Socorro B. Tan vs. Atty. Regina Ongsiako Reyes."
2. The election protest was filed *ad cautelam* as a precautionary measure in view of the pendency of protestant's Verified Petition, filed on May 20, 2013, before the Comelec in SPC Case No. 13-010 entitled "Rep. Lord Allan Jay Q. Velasco vs. Provincial Board of Canvassers (PBOC) of the Lone District of the Province of Marinduque and Regina Ongsiako Reyes," where protestant questioned the illegal composition and proceedings of the PBOC and prayed for the annulment of protestee's proclamation.
3. On June 25, 2013, the Supreme Court denied protestee's petition for *certiorari* which assailed Comelec Resolutions dated March 27, 2013 and May 14, 2013 in SPA No. 13-053 (DC), ordering the cancellation of her certificate of candidacy. The dispositive portion of the Supreme Court Resolution states:

IN VIEW OF THE FOREGOING, the instant petition is DISMISSED, finding no grave abuse of discretion on the part of the Commission on Elections. The 14 May 2013

HRET Case No. 13-028 (EP)
 Lord Allan Jay Q. Velasco vs. Regina O. Reyes
 Lone District, Marinduque
 Resolution No.13-228

Resolution of the COMELEC En Banc affirming the 27 March
 2013 Resolution of the COMELEC First Division is upheld.

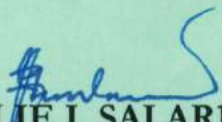
SO ORDERED.

4. On October 22, 2013, the Supreme Court denied protestee's motion for reconsideration of the above Resolution and affirmed the dismissal of protestee's petition.
5. Meanwhile, on July 9, 2013, the Comelec *En Banc*, in SPC No. 13-010, nullified protestee's proclamation on May 18, 2013 and ordered the proclamation of protestant.
6. Consequently, on July 16, 2013, protestant was officially proclaimed by the specially constituted PBOC of Marinduque as the duly elected Member of the House of Representatives for the Lone District of Marinduque.
7. The July 9, 2013 Comelec Resolution and the July 16, 2013 proclamation of the protestant already became final and executory, there being no petition filed by the protestee before this Tribunal or before the Supreme Court to question the same.

Pursuant to Rule 17, Section 1 of the Rules of Court,¹ which applies suppletorily, the instant protest may be dismissed by the protestant as a matter of right at any time before service of the answer by filing a notice of dismissal, or in this case, a motion for withdrawal of the election protest.

WHEREFORE, the Tribunal GRANTS protestant's *Motion to Withdraw Election Protest Ad Cautelam* dated November 15, 2013, filed on November 21, 2013.

(Justice Presbitero J. Velasco, Jr. inhibited from this case and stepped out of the room during the deliberation of this case. Justice Diosdado M. Peralta took over as Acting Chairperson.)


GIRLIE I. SALARDA
Secretary of the Tribunal

¹ Section 1. Dismissal upon notice by plaintiff.

A complaint may be dismissed by the plaintiff by filing a notice of dismissal at any time before service of the answer or of a motion for summary judgment. Upon such notice being filed, the court shall issue an order confirming the dismissal. Unless otherwise stated in the notice, the dismissal is without prejudice, except that a notice operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in a competent court an action based on or including the same claim.

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Lord Allan Jay Q. Velasco vs. Regina O. Reyes
Lone District, Marinduque
Resolution No.13-228

Copy furnished:

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