



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

NOEME MAYORES TAN
and **JEASSECA L. MAPACPAC,**
Petitioners,

-versus-

HRET Case No. 13-036 (QW)
Lone District of Marinduque

REGINA ONGSIAKO REYES,
Respondent.

X-----X

ERIC DEL MUNDO JUNIO
Petitioner,

-versus-

HRET Case No. 13-037 (QW)
Lone District, Marinduque

REGINA ONGSIAKO REYES,
Respondent.

X-----X

DISSENTING OPINION

Before the Tribunal are two (2) consolidated *Petitions for Quo Warranto*, the first one was filed on July 11, 2013 by petitioners Noeme Mayores Tan and Jeasseca L. Mapaepac against respondent Regina Ongsiako Reyes, docketed as HRET Case No. 13-036 (QW); and the second was filed on December 17, 2013 by petitioner Eric Del Mundo Junio against the same respondent, docketed as HRET

Case No. 13-037 (QW). Both petitions question the eligibility of Regina Reyes to sit as Member of the House of Representatives for the Lone District of Marinduque on the ground that she had been found to be a non-Filipino citizen, resulting in the cancellation of her Certificate of Candidacy (COC) by the Commission on Elections (COMELEC) in SPA No. 13-053 (DC). The petition of Eric Del Mundo Junio additionally pleads that since such cancellation of respondent's COC was later **upheld** by the Supreme Court in its Resolution dated June 25, 2013 in **G.R. No. 207264**, entitled *Regina Ongsiako Reyes v. Commission on Elections and Joseph Socorro Tan*, this Tribunal should bar respondent from sitting as Member of the House of Representatives.

Also, a *Petition-In-Intervention* was filed on March 12, 2014 by Victor Vela Sioco, seeking the dismissal of the present petitions for being moot and academic in view of the aforesaid Supreme Court ruling in G.R. No. 207264.

The Antecedent Facts

In the May 13, 2013 National and Local Elections, respondent Regina Reyes filed her COC for the position of Member of the House of Representatives for the Lone District of Marinduque.

This was resisted by Joseph Socorro Tan—a resident and registered voter of the Municipality of Torrijos, Marinduque—who filed on October 31, 2012 before the COMELEC an *Amended Petition To Deny Due Course Or To Cancel The Certificate of Candidacy of Regina Reyes*, docketed as SPA No. 13-053 (DC). The petition sought the cancellation of her COC or her disqualification as candidate on the ground that she made false material declarations therein that she is a Filipino citizen when she is, in fact, an American citizen; and that she is a resident of Barangay Lupac, Boac, Marinduque when she is a permanent resident of the United States of America (U.S.A.).

Regina Reyes answered that Joseph Socorro Tan's allegations that she is an American citizen and a permanent resident of U.S.A. are mere conjectures, unsupported by evidence. She insisted that she is a resident of Boac, Marinduque, her domicile of origin, and that she has not abandoned the same.

In support of his petition, Joseph Socorro Tan countered by submitting a *Manifestation* dated February 7, 2013 with *Motion to Admit Newly-Discovered Evidence and Amended List of Exhibits*. The said documentary evidence consisted of, among others, [a] a Certification of Travel Records of Regina O. Reyes, issued by the Bureau of Immigration, showing that she has been using an American passport in her travels to the U.S.A. since October 14, 2005 to June 30, 2012; and [b] a copy of an article entitled "Seeking and Finding the Truth About Regina O. Reyes" posted on the internet on January 8, 2013, with an Affidavit of Identification and Authenticity of Document executed by the author, Eliseo J. Obligacion, which provides a database file of the Bureau of Immigration detailing the travels of Regina O. Reyes, an American citizen and holder of U.S. Passport No. 306278853 with a "*Balikkbayan*" (BB) status.

On March 27, 2013, the COMELEC First Division issued a Resolution in SPA No. 13-053 (DC) which granted Joseph Socorro Tan's petition and **cancelled the COC of Regina Reyes**. It found that, contrary to Regina Reyes' declarations in her COC, she is not a Filipino citizen as she did not perform the following essential acts required under Republic Act (R.A.) No. 9225 or the Citizenship Retention and Re-acquisition Act of 2003: [a] a personal and sworn renunciation of her American citizenship before any public officer authorized to administer an oath, and [b] an oath of allegiance to the Republic of the Philippines before the Consul-General of the Philippine Consulate in the U.S.A. Moreover, the COMELEC First Division found that Regina Reyes did not have the requisite one-year residency in Marinduque as required in Section 6, Article VI of the 1987 Constitution. It concluded that Regina Reyes committed false material representations in her COC concerning her citizenship and residency requirements, thereby rendering her ineligible to be elected to the position she aspired for.

On May 14, 2013, the COMELEC *En Banc* denied Regina Reyes' *Motion for Reconsideration* for lack of merit and affirmed the March 27, 2013 Resolution of its First Division.

On May 18, 2013, the Provincial Board of Canvassers (PBOC) proclaimed Regina Reyes as the one who garnered the highest number of votes over her rival, Lord Allan Jay Q. Velasco, in the May 13, 2013 Elections.

On June 7, 2013, Regina Reyes took her oath of office before Speaker of the House of Representatives Feliciano R. Belmonte, Jr.

On June 10, 2013, Regina Reyes filed before the Supreme Court a *Petition for Certiorari with Prayer for Temporary Restraining Order and/or Preliminary Injunction and/or Status Quo Ante Order*, entitled ***Regina Ongsiako Reyes v. Commission on Elections and Joseph Socorro B. Tan***, docketed as **G.R. No. 207264**. She assailed the COMELEC of exceeding its jurisdiction in cancelling her COC, contending basically that [a] after she was proclaimed winner, the COMELEC lost its jurisdiction over her; and that [b] she was denied due process when the COMELEC considered Joseph Socorro Tan's "newly-discovered evidence" which became the basis for its resolution of the case, without giving her the opportunity to present controverting evidence.

The Supreme Court *En Banc*, in its **June 25, 2013 Resolution** in **G.R. No. 207264**, dismissed Regina Reyes' *Petition for Certiorari* and upheld the COMELEC *En Banc* May 14, 2013 Resolution affirming the COMELEC First Division Resolution of March 27, 2013 which cancelled her COC. The Supreme Court ruled that the COMELEC **was not ousted of its jurisdiction upon Regina Reyes' proclamation** by the PBOC because: "More importantly, x x x **before** the proclamation of [Regina Reyes] on 18 May 2013, the COMELEC *En Banc* had already finally disposed of the issue of [her] lack of Filipino citizenship and residency *via* its Resolution dated 14 May 2013. After 14 May, 2013, there was, before the COMELEC, no longer any pending case on [her] qualifications to run

for the position of Member of the House of Representatives. x x x. The Board of Canvassers which proclaimed [Regina Reyes] cannot by such act be allowed to render nugatory a decision of the COMELEC *En Banc* which affirmed a decision of the COMELEC First Division.”¹ The Supreme Court further held:

As to the issue of whether [Regina Reyes] failed to prove her Filipino citizenship, as well as her one-year residency in Marinduque, suffice it to say that **the COMELEC committed no grave abuse of discretion in finding her ineligible for the position of Member of the House of Representatives.**

x x x

Furthermore, **there was no denial of due process in the case at bar as petitioner [Regina Reyes] was given every opportunity to argue her case before the COMELEC.** From 10 October 2012 when Tan’s petition was filed up to 27 March 2013 when the [COMELEC] First Division rendered its resolution, petitioner had a period of five (5) months to adduce evidence. Unfortunately, she did not avail herself of the opportunity given her.² (Emphasis supplied)

On July 9, 2013, the COMELEC *En Banc* issued a Resolution in SPC No. 13-010³ which, among others things, “declared **NULL and VOID and without any legal force and effect**” the **May 18, 2013 proclamation of respondent Regina O. Reyes**, and ordered the proclamation of Lord Allan Jay Q. Velasco as the winning candidate. On July 16, 2013, the new PBOC of Marinduque proclaimed Velasco as the duly elected Member of the House of Representatives for the Lone District of Marinduque in the May 13, 2013 Elections.⁴

On July 11, 2013, as stated at the outset, petitioners Noeme Mayores Tan—a resident and registered voter of Gitnang Bayan, Mogpog, Marinduque—and Jeasseca L. Mapaepac—a resident and registered voter of Sumangga, Mogpog, Marinduque—jointly filed a *Petition for Quo Warranto* against respondent Regina

¹ *Reyes v. Commission on Elections and Jose Socorro B. Tan*, G.R. No. 207264, June 25, 2013, 699 SCRA 522, 537.

² *Id.* at pp. 538-539.

³ A Petition entitled, “IN THE MATTER OF DECLARING NULL AND VOID THE PROCEEDINGS OF THE PROVINCIAL BOARD OF CANVASSERS (PBOC) OF MARINDUQUE AND THE SUBSEQUENT PROCLAMATION OF REGINA O. REYES AS MEMBER OF THE HOUSE OF REPRESENTATIVES IN THE LONE DISTRICT OF THE PROVINCE OF MARINDUQUE, AND/OR SUSPEND THE EFFECTS THEREOF,” filed by “REP. LORD ALLAN JAY Q. VELASCO, Petitioner, versus NEW/OLD MEMBERS OF THE PBOC OF THE LONE DISTRICT OF THE PROVINCE OF MARINDUQUE, AND REGINA ONGSIAKO REYES, Respondents.” Annex “D” of the *Petition-In-Intervention* dated March 12, 2014 filed by Victor Vela Sioco.

⁴ Annex “F”, *id.*

Reyes before this Tribunal, docketed as HRET Case No. 13-036 (QW). In questioning Regina Reyes' eligibility to sit as Member of the House of Representatives for the Lone District of Marinduque, petitioners contend that since the COMELEC Resolutions cancelling respondent's COC "were not implemented," thus allowing her to be voted for, "it is the House of Representatives Electoral Tribunal (HRET) that has jurisdiction and authority to hear and decide to its final and proper disposition the issue of [her eligibility]."⁵

On October 22, 2013, the Supreme Court issued a Resolution in G.R. No. 207264, denying respondent Regina Reyes' *Motion for Reconsideration* of its June 25, 2013 Resolution, and ordered an Entry of Judgment. It mainly reiterated its earlier ruling that "**the proclamation which [Regina Reyes] secured on 18 May 2013 was WITHOUT ANY BASIS.**"⁶

On December 17, 2013, petitioner Eric Del Mundo Junio—a resident and registered voter of Tigwi, Torrijos, Marinduque—also filed a *Petition for Quo Warranto* against Regina Reyes, docketed as HRET Case No. 13-037 (QW). Junio maintains that since respondent Regina Reyes "is INELIGIBLE to sit as Member of the House of Representatives for being a non-Filipino, as previously declared by the COMELEC (in SPA No. 13-053) and the Supreme Court (in G.R. No. 207264)," "[t]here is no reason why the Honorable HRET should not rule in the same manner."⁷

On March 12, 2014, Victor Vela Sioco—a resident and registered voter of Tigwi, Torrijos, Marinduque—filed a *Petition-In-Intervention* asserting that the issue of Regina Reyes' ineligibility to sit as Member of the House of Representatives are now rendered moot and academic by the final pronouncements of the Supreme Court in G.R. 207264.

⁵ Petition for *Quo Warranto* filed by Noeme Mayores Tan and Jeaseca L. Mapacpac, docketed as HRET Case No.13-036 (QW), pp. 4-5.

⁶ P. 3 of Resolution dated October 22, 2013 in G.R. No. 207264 (Emphasis supplied).

⁷ Petition for *Quo Warranto* filed by Eric Del Mundo Junio, HRET Case No.13-037 (QW), pp. 3-5.

Without necessarily giving due course to the present *Petitions for Quo Warranto* and *Petition-In-Intervention*, the Tribunal issued Resolutions No. 14-081 and 14-082 dated March 13, 2014, requiring Regina Reyes to comment thereon.

On May 8, 2014, respondent Regina Reyes filed her *Joint Comment (to the Petitions for Quo Warranto)* contending that “[w]hile indeed, the Honorable Tribunal can take note of the May 14, 2013 Resolution of the COMELEC *En Banc* rendered in SPA No. 13-053 (DC) and the June 25, 2013 Resolution of the Supreme Court in G.R. No. 207264 which declared with finality that respondent Reyes is ineligible to be a candidate under Sec. 6, Article VI of the Constitution, [it] is not bound by the COMELEC pronouncements and findings in said case”⁸ since it is the sole judge of all contests relating to the election, returns and qualifications of Members of the House of Representatives. Besides, respondent further argues, SPA No. 13-053 (DC) was a petition for cancellation of her COC filed pursuant to Section 78 of the Omnibus Election Code, involving issues pertaining to her candidacy, and within the exclusive jurisdiction of the COMELEC; while the present petitions for *quo warranto* are governed by the HRET Rules of Procedure, involving the issue of her eligibility as a member of the House of Representatives, and within the exclusive jurisdiction of this Tribunal. Respondent then prays “that appropriate proceedings be conducted by the Honorable Tribunal whereby the petitioners and respondent will be required to adduce evidence in support of their respective complaints and defense; and that after due proceedings, the petitions be dismissed for lack of merit.”⁹

On the same day, Regina Reyes also filed her *Comment (to the Petition-In-Intervention)*, reiterating her posture stated in her *Joint Comment (to the Petitions for Quo Warranto)*.

On May 28, 2014, Victor Vela Sioco filed a *Reply To the Comment (to the Petition-In-Intervention)* stating that the Supreme Court, in G.R. No. 207264, not

⁸ Joint Comment filed by respondent Regina Reyes, p. 10.

⁹ *Id.* at pp. 10-11, 14.

only upheld the cancellation of Regina Reyes' COC but "had also stamped with approval the determinative findings of the COMELEC" that she is ineligible for the position of Member of the House of Representatives as she failed to prove her Filipino citizenship and her one-year residency in Marinduque, thus making false declarations in her COC concerning her citizenship and residency.¹⁰

On June 6, 2014, respondent filed a *Supplemental Comment* praying for the dismissal of the *Petition-In-Intervention* for insufficient payment of filing fee and cash deposits.

The Tribunal's Jurisdiction

It is necessary to clarify the Tribunal's jurisdiction over the present petitions for *quo warranto*, considering the parties' divergent postures on how the Tribunal should resolve the same *vis-a-vis* the Supreme Court ruling in G.R. No. 207264.

The petitioners believe that the Tribunal has jurisdiction over their petitions. They pray that, "after due proceedings," the Tribunal "declare Respondent REGINA ONGSIAKO REYES DISQUALIFIED/INELIGIBLE to sit as Member of the House of Representatives, representing the Province of Marinduque."¹¹ In addition, petitioner Eric Del Mundo Junio urges the Tribunal to follow the Supreme Court pronouncement in G.R. No. 207264.

On the other hand, Victor Vela Sioco, in his *Petition-In-Intervention*, pleads for the outright dismissal of the present petitions considering the Supreme Court final ruling in G.R. No. 207264. For her part, respondent Regina Reyes prays too for the dismissal of the present petitions, albeit after reception of evidence by the contending parties.

¹⁰ Reply [To the Comment (To the Petition-In-Intervention)] of Victor Vela Sioco, pp. 2-4.

¹¹ See the Prayer of both Petitions for *Quo Warranto*.

The constitutional mandate of the Tribunal is clear: It is “the sole judge of all contests relating to the election, returns, and qualifications of [House] Members.”¹² Such power or authority of the Tribunal is echoed in its 2011 Rules of the House of Representatives Electoral Tribunal: “The Tribunal is the sole judge of all contests relating to the election, returns, and qualifications of the Members of the House of Representatives.”¹³

In *Limkaichong v. COMELEC, et al.*,¹⁴ the Supreme Court *En Banc* ruled:

“The Court has invariably held that once a winning candidate **has been proclaimed, taken his oath, and assumed office** as a Member of the House of Representatives, **the COMELEC’s jurisdiction over election contests relating to his election, returns, and qualifications ends, and the HRET’s own jurisdiction begins.** It follows then that the proclamation of a winning candidate divests the COMELEC of its jurisdiction over matters pending before it at the time of the proclamation. The party questioning his qualification should now present his case in a proper proceeding before the HRET, the constitutionally mandated tribunal to hear and decide a case involving a Member of the House of Representatives with respect to the latter’s election, returns and qualifications. The use of the word “sole” in Section 17, Article VI of the Constitution and in Section 250 of the OEC underscores the exclusivity of the Electoral Tribunal’s jurisdiction over election contests relating to its members.”¹⁵ (Emphasis in the original)

In the present cases, **before** respondent Regina Reyes was proclaimed on May 18, 2013, the COMELEC *En Banc*, in its Resolution of May 14, 2013 in SPA No. 13-053 (DC), had already resolved that the COMELEC First Division correctly cancelled her COC on the ground that she lacked the Filipino citizenship and residency requirements. Thus, the COMELEC nullified her proclamation. When Regina Reyes challenged the COMELEC actions, the Supreme Court *En Banc*, in its Resolution of June 25, 2013 in G.R. No. 207264, **upheld** the same.

With the COMELEC’s cancellation of respondent Regina Reyes’ COC, resulting in the nullification of her proclamation, the Tribunal, much as we would want to, cannot assume jurisdiction over the present petitions. The jurisdiction of

¹² Section 17, Article VI of the Constitution.

¹³ Rule 14 of the 2011 Rules of the House of Representatives Electoral Tribunal.

¹⁴ G.R. No. 178831-32, April 1, 2009, 601 Phil. 751, 779; 583 SCRA 1, 33.

¹⁵ *Id.* at 779-780 ((Citation of authorities omitted)

the HRET begins only after the candidate is considered a Member of the House of Representatives. And to be considered a Member of the House of Representatives, there must be a concurrence of the following requisites: (1) a valid proclamation, (2) a proper oath, and (3) assumption of office, so the Supreme Court pronounced in its Resolution of June 25, 2013 in G.R. No. 207264, thus:

x x x, the jurisdiction of the HRET begins only after the candidate is considered a Member of the House of Representatives, as stated in Section 17, Article VI of the 1987 Constitution:

Section 17. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective **Members**. x x x. (Emphasis and underscoring supplied)

As held in *Marcos v. COMELEC*, the HRET does not have jurisdiction over a candidate who is not a member of the House of Representatives, to wit:

As to the House of Representatives Electoral Tribunal's supposed assumption of jurisdiction over the issue of petitioner's qualifications after the May 8, 1995 elections, suffice it to say that HRET's jurisdiction as the sole judge of all contests relating to the elections, returns and qualifications of members of Congress **begins only after a candidate has become a member of the House of Representatives. Petitioner not being a member of the House of Representatives, it is obvious that the HRET at this point has no jurisdiction over the question.** (Emphasis in the original)

The next inquiry, then, is when is a candidate considered a Member of the House of Representatives?

In *Vinzons-Chato v. COMELEC*, citing *Aggabao v. COMELEC* and *Guerrero v. COMELEC*, the Court ruled that:

The Court has invariably held that once a winning candidate has been **proclaimed, taken his oath, and assumed office** as a Member of the House of Representatives, the COMELEC's jurisdiction over election contests relating to his election, returns, and qualifications ends, and the HRET's own jurisdiction begins.

x x x

From the foregoing, it is then clear that **to be considered a Member of the House of Representatives, there must be a concurrence of the following requisites: (1) a valid proclamation, (2) a proper oath, and (3) assumption of office.**¹⁶ (Emphasis and underscoring supplied)

Based on the above-quoted ruling of the Supreme Court, a *valid proclamation* is the first essential element before a candidate can be considered a

¹⁶ *Reyes v. Commission on Elections*, G.R. No. 207264, June 25, 2013, 699 SCRA 522, 533-535.


Member of the House of Representatives over which the Tribunal could assume jurisdiction. Such element is obviously absent in the present cases as Regina Reyes' proclamation was nullified by the COMELEC, which nullification was upheld by the Supreme Court. On this ground alone, the Tribunal is without power to assume jurisdiction over the present petitions since Regina Reyes "**cannot be considered a Member of the House of Representatives,**" as declared by the Supreme Court *En Banc* in G.R. No. 207264.¹⁷ It further stressed:

"x x x there was no basis for the proclamation of petitioner [Regina Reyes] on 18 May 2013. Without the proclamation, the petitioner's oath of office is likewise baseless, and without a precedent oath of office, there can be no valid and effective assumption of office."¹⁸

The Supreme Court has spoken. Its pronouncements must be respected. Being the ultimate guardian of the Constitution,¹⁹ and by constitutional design, the Supreme Court is "supreme in its task of adjudication; xxx. As a rule, all decisions and determinations in the exercise of judicial power ultimately go to and stop at the Supreme Court **whose judgment is final.**"²⁰ This Tribunal, as all other courts, must take their bearings from the decisions and rulings of the Supreme Court.²¹

WHEREFORE, the Tribunal **DISMISSES** the present *Petitions for Quo Warranto* for lack of jurisdiction. Accordingly, the present *Petition-In-Intervention* is likewise **DISMISSED**.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice, Supreme Court
Acting Chairperson

¹⁷ *Id.* at 536 (Emphasis supplied).

¹⁸ P. 2 of Resolution dated October 22, 2013 in *Reyes v. Commission on Elections*, G.R. No. 207264.

¹⁹ *Dueñas, Jr. v. House of Representatives Electoral Tribunal*, G.R. No. 185401, July 21, 2009, 593 SCRA 316, 326.

²⁰ *Re: Subpoena Duces Tecum Dated January 11, 2010 of Acting Director Aleu A. Amante, PIAB-C, Office of the Ombudsman*, A.M. No. 10-1-13-SC, March 2, 2010, 614 SCRA 1, 8 (Emphasis supplied).

²¹ See *Republic v. Garcia*, G.R. No. 167741, July 12, 2007, 527 SCRA 495, 502.

Copy furnished:

Atty. DANILO F. SALINDONG

Counsel for Petitioners Tan & Mapaapac
JCLGE Building, 3573 Sandico St.
Barangay Tejeros, Makati City

PEDRO D. GENATO

Counsel for Petitioner Junio
207 Gedisco Building
1148 Roxas Boulevard, Ermita, Manila

LARRAZABAL LAW OFFICE

Counsel for Respondent
703 BF Condominium
Soriano cor. Solano Streets
Intramuros, Manila

GIZELLE LOU M. CABAUG-FUGOSO

Counsel for Intevenor- Victor Vela Sioco
Unit 58C Stephanie Place, Road 3
Visayas Avenue, Quezon City