



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, 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

Promulgated: **DEC 14 2015**

RESOLUTION

1

This resolves the September 23, 2014 Motion for Reconsideration filed by intervenor Victor Vela Sioco assailing the September 11, 2014 Resolution of the Tribunal, dismissing his Petition-in-Intervention in the present case.

It may be recalled that on September 11, 2014, the Tribunal – with four (4) Members<sup>1</sup> voting in the affirmative, three (3) Members<sup>2</sup> joining the dissent, and two (2) Members<sup>3</sup> taking no part – issued a Resolution **dismissing** Victor Vela Sioco’s *Petition-In-Intervention* “for lack of merit,” and **directing** “the hearing and reception of evidence of the two *Petitions for Quo Warranto* against the Respondent to **proceed**.” The minority’s view is that the Tribunal has jurisdiction over the said petitions.

In the *Dissenting Opinion*, it voted to dismiss outright the two *Petitions for Quo Warranto* on the ground that the Tribunal has no jurisdiction. The position is anchored on the recent ruling in **G.R. No. 207264**,<sup>4</sup> entitled “*Regina Ongsiako*

<sup>1</sup> Rep. Franklin P. Bautista, Rep. Josebita Andrew R. Mendoza, Rep. Jerry P. Trenas and Rep. Luzviminda C. Ilagan.  
<sup>2</sup> Acting Chairperson, Justice Diosdado M. Peñafla, Rep. Wilfrido Mark M. Enverga and Rep. Ma. Theresa B. Borsan.  
<sup>3</sup> Chairperson, Justice Presbitero J. Velasco, Jr. and Justice Lucas P. Bersamin.  
<sup>4</sup> June 25, 2013, 699 SCRA 522; and October 22, 2013, 708 SCRA 197.

*Reyes v. Commission on Elections and Joseph Socorro Tan*,” where the Supreme Court **declared with finality** that respondent is **not** a **Member** of the House of Representatives (for the Lone District of Marinduque) as it **affirmed** the Commission on Elections’ **cancellation** of her **Certificate of Candidacy** and the **nullification** of her **proclamation**.

In his present *Motion for Reconsideration* of the Tribunal’s September 11, 2014 Resolution, intervenor Victor Vela Sioco vigorously asserts, *inter alia*, that in light of the Supreme Court ruling in **G.R. No. 207264**, the September 11, 2014 Resolution is clearly “**CONTRARY TO LAW AND EXISTING JURISPRUDENCE**.” He, therefore, prays this Tribunal “to revisit the said Resolution and reconsider the same.”

In resolving intervenor Sioco’s motion, the minority simply **denies** the same, as it “**finds no reason** why the September 11, 2014 Resolution should be set aside,” and “**DIRECTS** the Secretary of the Tribunal to calendar this case for preliminary conference.”

Contrary to the minority’s view, the **final Supreme Court ruling in G.R. No. 207264 is the COGENT REASON** to set aside the September 11, 2014 Resolution. As stated in the earlier Dissent:

#### *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.”<sup>5</sup> 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.

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.”<sup>6</sup> 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.”<sup>7</sup>

<sup>5</sup> See the Prayer of both Petitions for *Quo Warranto*.

<sup>6</sup> Section 17, Article VI of the Constitution.

<sup>7</sup> Rule 14 of the 2011 Rules of the House of Representatives Electoral Tribunal.



In *Limkaching v. COMELEC, et al.*,<sup>8</sup> 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."<sup>9</sup> (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 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 *Maron v. COMELEC*, **the HRET does not have jurisdiction over a candidate who is not a member of the House of Representatives**, to wit:

<sup>8</sup> G.R. No. 178831-32, April 1, 2009, 601 Phil. 751, 779; 583 SCRA 1, 33.

<sup>9</sup> *Id.* at 779-780. (Citation of authorities omitted)

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 *Vinson-Chato v. COMELEC*, citing *Agabao v. COMELEC* and *Guerra 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.**<sup>10</sup> (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 **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.<sup>11</sup> 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."<sup>12</sup>

The Supreme Court has spoken. Its pronouncements must be respected. Being the ultimate guardian of the Constitution,<sup>13</sup> 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**

<sup>10</sup> *Reyes v. Commission on Elections*, G.R. No. 207264, June 25, 2013, 699 SCRA 522, 533-535.

<sup>11</sup> *Id.* at 536. (Emphasis supplied)

<sup>12</sup> P. 2 of Resolution dated October 22, 2013 in *Reyes v. Commission on Elections*, G.R. No. 207264.

<sup>13</sup> *Duchas, Jr. v. House of Representatives Electoral Tribunal*, G.R. No. 185401, July 21, 2009, 593 SCRA 316, 326.



judgment is **final**.<sup>14</sup> This Tribunal, as all other courts, must take their bearings from the decisions and rulings of the Supreme Court.<sup>15</sup>

**WHEREFORE**, in view of the foregoing, the September 23, 2014 Motion for Reconsideration of Victor Vela Sioco is hereby **GRANTED**. The September 11, 2014 Resolution of Tribunal is hereby **REVERSED** and **SET ASIDE**. Accordingly, the present *Petitions for Quo Warranto* are hereby **DISMISSED** for lack of jurisdiction.

## II

The Tribunal, having already granted intervenor Sioco's *Motion for Reconsideration* dated September 23, 2014, filed on even date and dismissed the two (2) instant petitions, **NOTES** and **DENIES** the *Motion to be Allowed/Required to File Comment/Opposition to Intervenor's Motion for Reconsideration* dated October 31, 2014, filed on November 3, 2014 by petitioners in HRET Case No. 13-036.

## III

The Tribunal, having already granted intervenor Victor Vela Sioco's *Motion for Reconsideration* dated September 23, 2014, filed on even date and dismissed the two (2) instant petitions, **NOTES** his *Motion to Set Motion for Reconsideration for Hearing* dated March 12, 2015, filed on March 13, 2015.

## IV

The Tribunal **DENIES** respondent's *Manifestation with Urgent Motion for Suspension of Proceedings* dated July 31, 2015, filed on even date, and her *Reiterative Motion for Suspension of Proceedings* dated August 25, 2015, filed on even date, there being no restraining order issued by the Supreme Court.

## V

The Tribunal **DENIES** respondent's *Third Motion for Resolution for Inhibition of Justice Diosdado M. Peralta with Prayer for Suspension of Proceedings* dated September 1, 2015, filed on September 2, 2015, considering that the Tribunal, in Resolution No. 15-040, already denied respondent's (i) *Motion for Inhibition of Justice Diosdado M. Peralta with Urgent Motion for the Suspension of Proceedings* dated February 23, 2015, filed on February 24, 2015, and (ii) *Reiterative Motion for Suspension of Proceedings with Motion for Resolution of the Motion for Inhibition of Justice Diosdado M. Peralta* dated May 18, 2015, filed on May 19, 2015.

## VI

The Tribunal **NOTES** respondent's *Manifestation with Motion: (1) To Consider Respondent's Comments as Her Answer; and (2) To Declare the Issues as Joined; but DENIES* the *Motion (3) To Set the Cases for Preliminary Conference* dated September 18, 2015, filed on September 21, 2015.


**SO ORDERED.**


<sup>14</sup> *Re: Subposna Ducus Tecum Dated January 11, 2010 of Acting Director Alex A. Amante, PIAB-C, Office of the Ombudsman, A.M. No. 10-1-13-SC*, March 2, 2010, 614 SCRA 1, 8. (Emphasis supplied)

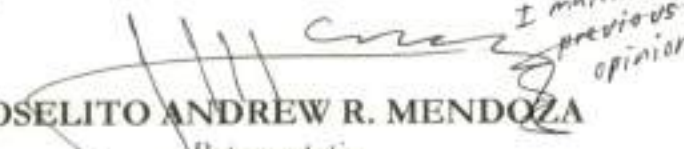
<sup>15</sup> *See Republic v. Garcia*, G.R. No. 167741, July 12, 2007, 527 SCRA 493, 502.


*(no part)*  
**PRESBITERO J. VELASCO, JR.**  
*Associate Justice, Supreme Court*  
Chairperson


  
**DIOSDADO M. PERALTA**  
*Associate Justice, Supreme Court*  
Member


*(NO PART)*  
  
**LUCAS P. BERSAMIN**  
*Associate Justice, Supreme Court*  
Member


  
**FRANKLIN P. BAUTISTA**  
*Representative*  
2<sup>nd</sup> District, Davao del Sur  
Member

*I dissent. I maintain my previous opinion.*  
  
**JOSELITO ANDREW R. MENDOZA**  
*Representative*  
3<sup>rd</sup> District, Bulacan  
Member

  
**WILFRIDO MARK M. ENVERGA**  
*Representative*  
1st District, Quezon  
Member

  
**MA. THERESA B. BONOAN**  
*Representative*  
4<sup>th</sup> District, Manila  
Member

*I dissent. I maintain my previous opinion.*  
  
**JERRY P. TREÑAS**  
*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

Copy furnished:

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