



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.

Promulgated on:

JAN 27 2016

x-----x

RESOLUTION

I

The *Manifestation* dated January 8, 2016 filed by Larrazabal Law Office on January 18, 2016 that the Roque & Butuyan Law Offices should be deemed the lead counsel for respondent is hereby **NOTED**.

II

On January 19, 2016, respondent filed a *Manifestation with Motion* dated January 19, 2016 stating, among others, that the Resolution of the Tribunal dated December 14, 2015 is ineffective and invalid as the required votes were not obtained.

On the following day, particularly on January 20, 2016, respondent filed a *Motion to Declare Null and Void the Resolution dated 14 December 2015* praying that the

assailed December 14, 2015 Resolution of the Tribunal be deemed null and void and without legal force and effect and thus be set aside, and that the November 28, 2013 and September 11, 2014 Resolutions of the Tribunal be deemed as valid and subsisting.

In the foregoing motion, respondent makes the following assertions:

(1) The December 14, 2015 Resolution of the Tribunal is null and void for not having been passed by the required number of votes. While the assailed December 14, 2015 Resolution was approved by a majority of four members of the Tribunal composed of Associate Justice Diosdado M. Peralta, Rep. Ma. Theresa B. Bonoan, Rep. Wilfrido Mark M. Enverga and Rep. Luzviminda C. Ilagan, respondent espouses the view that the vote of Rep. Ilagan should not have been counted. She claims that when Rep. Ilagan filed her certificate of candidacy for the position of councilor for Davao City under the local political party "Hugpong Sa Tawong Lungsod", she forfeited her congressional seat as party-list Representative for Gabriela Party-list pursuant to Section 15 of Republic Act No. 7941 (RA 7941), otherwise known as the "Party-List System Act";

(2) In acting on and granting the petition for intervention which is neither a protest nor a *quo warranto* petition, the HRET has no jurisdiction over it and committed grave abuse of discretion amounting to lack or excess of jurisdiction; and

(3) The HRET committed grave abuse of discretion amounting to lack or excess of jurisdiction when it did not make an independent determination of the facts and applicable laws after conducting a trial on the merits and merely relied on *Reyes v. Comelec* which dispositive portion did not oust respondent from her office as a Member of the House of Representatives.

In its meeting held on January 21, 2016, the Tribunal requested its Member, Rep. Emerenciana De Jesus, as well as its previous Member, Rep. Ilagan, through Rep. De Jesus, to submit their respective comments on respondent's *Manifestation with Motion* dated January 19, 2016 and *Motion to Declare Null and Void The Resolution Dated 14 December 2015* dated January 20, 2016.

Consequently, Rep. Ilagan and Rep. De Jesus submitted their *Comment and Manifestation* for the Tribunal's consideration.

In the foregoing *Comment and Manifestation*, both Rep. Ilagan and Rep. De Jesus asseverate that:

(1) The January 19, 2016 *Manifestation* and the *Motion to Declare Null and Void the Resolution dated 14 December 2015* are mere scraps of paper for being filed out of time;

(2) Rep. Ilagan remains to be the incumbent Gabriela Women's Party Representative in the House of Representatives and official member of the HRET at the time of the deliberation and issuance of the assailed December 14, 2015 Resolution;

(3) The HRET did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the assailed Resolution as the Rules of Court, which apply suppletorily to the HRET Rules, allow third parties to intervene in proceedings and that the HRET has the power to resolve issues and incidents filed in relation to the exercise of its constitutional authority, including the discretion whether or not to take cognizance of a petition or motion for inhibition, a pleading which is not prohibited under the HRET Rules; and

(4) The Tribunal cannot take cognizance of the January 19, 2016 *Manifestation* and the *Motion to Declare Null and Void the Resolution dated 14 December 2015* because the same were filed out of time and that the assailed December 14, 2015 Resolution has already attained finality based on the fact that respondent failed to file a motion for reconsideration thereon and an entry of judgment has already been issued.

The Tribunal finds no merit in the contentions of the respondent.

It must be emphasized that the Tribunal no longer has jurisdiction to rule on respondent's motions considering that the assailed December 14, 2015 Resolution has become final and executory on December 27, 2015, and an Entry of Judgment had already been issued on January 13, 2016. Pursuant to the doctrine of finality of judgment, once a decision becomes final and executory, it is removed from the power and jurisdiction of the court which rendered it to further alter or amend it, much less revoke it.¹

Indeed, as of December 14, 2015, Rep. Ilagan has not yet resigned as a Member of the Tribunal. Her vote is valid as she remains to be the Representative of the Gabriela Women's Party in the House of Representatives and official member of the HRET. Hence, at the time she cast her vote in the meeting of the Tribunal on said date, such vote is considered valid.

WHEREFORE, finding no merit in the contentions of respondent, her *Manifestation with Motion* dated January 19, 2016 and *Motion to Declare Null and Void the Resolution dated 14 December 2015* dated January 20, 2016 are **DENIED**. The Resolution of the Tribunal dated December 14, 2015 is **AFFIRMED**.

SO ORDERED.

¹ *Young vs. Court of Appeals*, G.R. No. 83271, May 8, 1991, 204 SCRA 584, 599.

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
2nd District, Davao del Sur
Member

I join Congressman
Therese Aquino

JOSELITO ANDREW R. MENDOZA

Representative
3rd District, Bulacan
Member

WILFRIDO MARK M. ENVERGA

Representative
1st District, Quezon
Member

MA. THERESA B. BONOAN

Representative
4th District, Manila
Member

I maintain my
previous vote.

JERRY P. TREÑAS

Representative
Lone District, Iloilo City
Member

EMERENCIANA A. DE JESUS

Representative
Gabriela Party-List
Member

Copy furnished:

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