

## EN BANC

[ G.R. No. 221103, October 16, 2018 ]

### REGINA ONGSIAKO REYES, PETITIONER, VS. HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL, RESPONDENT.

#### DECISION

**CARPIO, J.:**

##### The Case

In this petition for certiorari filed before this Court, petitioner Regina Ongsiako Reyes challenges the constitutionality of several provisions of the 2015 Revised Rules of the House of Representatives Electoral Tribunal (HRET). In particular, petitioner questions (1) the rule which requires the presence of at least one Justice of the Supreme Court to constitute a quorum; (2) the rule on constitution of a quorum; and (3) the requisites to be considered a member of the House of Representatives.

##### The Antecedent Facts

Petitioner alleges that she has two pending *quo warranto* cases before the HRET. They are (1) Case No. 13-036 (*Noeme Mayores Tan and Jeasseca L. Mapacpac v. Regina Ongsiako Reyes*) and (2) Case No. 130037 (*Eric D. Junio v. Regina Ongsiako Reyes*).

On 1 November 2015, the HRET published the 2015 Revised Rules of the House of Representatives Electoral Tribunal (2015 HRET Rules).

Petitioner alleges that Rule 6 of the 2015 HRET Rules is unconstitutional as it gives the Justices, collectively, denial or veto powers over the proceedings by simply absenting themselves from any hearing. In addition, petitioner alleges that the 2015 HRET Rules grant more powers to the Justices, individually, than the legislators by requiring the presence of at least one Justice in order to constitute a quorum. Petitioner alleges that even when all six legislators are present, they cannot constitute themselves as a body and cannot act as an Executive Committee without the presence of any of the Justices. Petitioner further alleges that the rule violates the equal protection clause of the Constitution by conferring the privilege of being indispensable members upon the Justices.

Petitioner alleges that the quorum requirement under the 2015 HRET Rules is ambiguous because it requires only the presence of at least one Justice and four Members of the Tribunal. According to petitioner, the four Members are not limited to legislators and may include the other two Justices. In case of inhibition, petitioner alleges that a mere majority of the remaining Members shall be sufficient to render a decision, instead of the majority of all the Members.

Petitioner likewise alleges that Rule 15, in relation to Rules 17 and 18, of the 2015 HRET Rules unconstitutionally expanded the jurisdiction of the Commission on Elections (COMELEC). Petitioner alleges that under Section 17, Article VI of the 1987 Constitution as well as the 2011 Rules of the HRET, a petition may be filed within 15 days from the date of the proclamation of the winner, making such proclamation the operative fact for the HRET to acquire jurisdiction. However, Rule 15 of the 2015 HRET Rules requires that to be considered a Member of the House of Representatives, there should be (1) a valid proclamation; (2) a proper oath; and (3) assumption of office. Further, Rule 17 of the 2015 HRET Rules states that election protests should be filed within 15 days from June 30 of the election year or the date of actual assumption of office, whichever is later, while Rule 18 provides that petitions for *quo warranto* shall be filed within 15 days from June 30 of the election year or the date of actual assumption of office, whichever is later. Petitioner alleges that this would allow the COMELEC to determine whether there was a valid proclamation or a proper oath, as well as give it opportunity to entertain cases between the time of the election and June 30 of the election year or actual assumption of office, whichever is later.

Petitioner alleges that the application of the 2015 HRET Rules to all pending cases could prejudice her cases before the HRET.

The HRET, through the Secretary of the Tribunal, filed its own Comment.<sup>[1]</sup> Thus, in a Manifestation and Motion<sup>[2]</sup> dated 13 January 2016, the Office of the Solicitor General (OSG) moved that it be excused from representing the HRET and filing a Comment on the petition. The Court granted the OSG's Manifestation and Motion in its 2 February 2016 Resolution.<sup>[3]</sup>

The HRET maintains that it has the power to promulgate its own rules that would govern the proceedings before it. The HRET points out that under Rule 6 of the 2015 HRET Rules, a quorum requires the presence of at least one Justice-member and four members of the Tribunal. The HRET argues that the requirement rests on substantial distinction because there are only three Justice-members of the Tribunal as against six Legislator-members. The HRET further argues that the requirement of four members assures the presence of at least two Legislator-members to constitute a quorum. The HRET adds that the requirement of the presence of at least one Justice was incorporated in the Rules to maintain judicial equilibrium in deciding election contests and because the duty to decide election cases is a judicial function. The HRET states that petitioner's allegation that Rule 6 of the 2015 HRET Rules gives the Justices virtual veto power to stop the proceedings by simply absenting themselves is not only speculative but also imputes bad faith on the part of the Justices.

The HRET states that it only has jurisdiction over a member of the House of Representatives. In order 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. Hence, the requirement of concurrence of these three requisites is within the power of the HRET to make.

### **The Issue**

The issue before this Court is the constitutionality of the following provisions of the 2015 HRET Rules:

- (1) Rule 6(a) requiring the presence of at least one Justice in order to constitute a quorum;
- (2) Rule 15, paragraph 2, in relation to Rule 17; and
- (3) Rule 6, in relation to Rule 69.

### **The Ruling of this Court**

The petition has no merit.

The pertinent provisions questioned before this Court are the following:

- (I) Rule 6(a) and Rule 6, in relation to Rule 69

- (1) Rule 6 of the 2015 HRET Rules provides:

*Rule 6. Meetings; Quorum; Executive Committee Actions on Matters in Between Regular Meetings. -*

(a) The Tribunal shall meet on such days and hours as it may designate or at the call of the Chairperson or of a majority of its Members. The presence of at least one (1) Justice and four (4) Members of the Tribunal shall be necessary to constitute a quorum. In the absence of the Chairperson, the next Senior Justice shall preside, and in the absence of both, the Justice present shall take the Chair.

(b) In the absence of a quorum and provided there is at least one Justice in attendance, the Members present, who shall not be less than three (3), may constitute themselves as an Executive Committee to act on the agenda for the meeting concerned, provided, however, that its action shall be subject to confirmation by the Tribunal at any subsequent meeting where a quorum is present.

(c) In between the regular meetings of the Tribunal, the Chairperson, or any three (3) of its Members, provided at least one (1) of them is a Justice, who may sit as the Executive Committee, may act on the following matters requiring immediate action by the Tribunal:

- 1. Any pleading or motion,

- (a) Where delay in its resolution may result in irreparable or substantial damage or injury to the rights of a party or cause delay in the proceedings or action concerned;

- (b) Which is urgent in character but does not substantially affect the rights of the adverse party, such as one for extension of time to comply with an order/resolution of the

Tribunal, or to file a pleading which is not a prohibited pleading and is within the discretion of the Tribunal to grant; and

(c) Where the Tribunal would require a comment, reply, rejoinder or any other similar pleading from any of the parties or their attorneys;

2. Administrative matters which do not involve new applications or allocations of the appropriations of the Tribunal; and

3. Such other matters as may be delegated by the Tribunal.

However, any such action/resolution shall be included in the order of business of the immediately succeeding meeting of the Tribunal for its confirmation.

(2) Rule 69 of the 2015 HRET Rules provides:

Rule 69. *Votes Required.* - In resolving all questions submitted to the Tribunal, all the Members present, inclusive of the Chairperson, shall vote.

Except as provided in Rule 5(b) of these Rules, the concurrence of at least five (5) Members shall be necessary for the rendition of decisions and the adoption of formal resolutions, provided that, in cases where a Member inhibits or cannot take part in the deliberations, a majority vote of the remaining Members shall be sufficient.

This is without prejudice to the authority of the Supreme Court or the House of Representatives, as the case may be, to designate Special Member or Members who should act as temporary replacement or replacements in cases where one or some of the Members of the Tribunal inhibits from a case or is disqualified from participating in the deliberations of a particular election contest, provided that:

(1) The option herein provided should be resorted [to] only when the required quorum in order for the Tribunal to proceed with the hearing of the election contest, or in making the final determination of the case, or in arriving at decisions or resolutions thereof, cannot be met; and

(2) Unless otherwise provided, the designation of the Special Member as replacement shall only be temporary and limited only to the specific case where the inhibition or disqualification was made.

(II) Rule 15, paragraph 2, in relation to Rule 17

Rules 15 and 17 of the 2015 HRET Rules provide:

Rule 15. *Jurisdiction.* - The Tribunal is the sole judge of all contests relating to the election, returns, and qualifications of the Members of the House of Representatives.

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.

Rule 17. *Election Protest*. - A verified election protest contesting the election or returns of any Member of the House of Representatives shall be filed by any candidate who had duly filed a certificate of candidacy and has been voted for the same office, within fifteen (15) days from June 30 of the election year or the date of actual assumption of office, whichever is later.

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We shall discuss issues (1) and (3) together.

***Presence of at least one Justice-member to Constitute a Quorum***

Petitioner alleges that the requirement under Rule 6 of the 2015

HRET Rules that at least one Justice should be present to constitute a quorum violates the equal protection clause of the 1987 Constitution and gives undue power to the Justices over the legislators.

The argument has no merit.

Section 17, Article VI of the 1987 Constitution provides for the composition of the HRET. It states:

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. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and all the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its Chairman.

In accordance with this organization, where the HRET is composed of three Justices of the Supreme Court and six members of the House of Representatives, it is clear that the HRET is a collegial body with members from two separate departments of the government: the Judicial and the Legislative departments. The intention of the framers of the 1987 Constitution is to make the tribunal an independent, constitutional body subject to constitutional restrictions.<sup>[4]</sup> The origin of the tribunal can be traced back from the electoral commissions under the 1935 Constitution whose functions were quasi-judicial in nature.<sup>[5]</sup> The presence of the three Justices, as against six members of the House of Representatives, was intended as an additional guarantee to ensure impartiality in the judgment of cases before it.<sup>[6]</sup> The