

EN BANC

[G.R. Nos. 206844-45, July 23, 2013]

COALITION OF ASSOCIATIONS OF SENIOR CITIZENS IN THE PHILIPPINES, INC. [SENIOR CITIZENS PARTY-LIST], REPRESENTED HEREIN BY ITS CHAIRPERSON AND FIRST NOMINEE, FRANCISCO G. DATOL, JR., PETITIONER, VS. COMMISSION ON ELECTIONS, RESPONDENT.

[G. R. NO. 206982]

COALITION OF ASSOCIATIONS OF SENIOR CITIZENS IN THE PHILIPPINES, INC. (SENIOR CITIZENS), REPRESENTED BY ITS PRESIDENT AND INCUMBENT REPRESENTATIVE IN THE HOUSE OF REPRESENTATIVES, ATTY. GODOFREDO V. ARQUIZA, PETITIONER, VS. COMMISSION ON ELECTIONS, RESPONDENT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

The present petitions were filed by the two rival factions within the same party-list organization, the Coalition of Associations of Senior Citizens in the Phil., Inc. (SENIOR CITIZENS) that are now praying for essentially the same reliefs from this Court.

One group is headed by Godofredo V. Arquiza (Rep. Arquiza), the organization's incumbent representative in the House of Representatives. This group shall be hereinafter referred to as the Arquiza Group. The other group is led by Francisco G. Datol, Jr., the organization's erstwhile third nominee. This group shall be hereinafter referred to as the Datol Group.

G.R. Nos. 206844-45 is the Extremely Very Urgent Petition for Certiorari (With Prayer for the Forthwith Issuance of a Writ of Preliminary Injunction and Temporary Restraining Order [TRO] and/or Status Quo Ante Order [SQA0])^[1] filed in the name of SENIOR CITIZENS by Francisco G. Datol, Jr. For brevity, we shall refer to this petition as the Datol Group's petition.

G.R. No. 206982 is the Very Urgent Petition for *Certiorari* (With Application for a Temporary Restraining Order and Writ of Preliminary Injunction)^[2] filed on behalf of SENIOR CITIZENS by Rep. Arquiza. We shall refer to this as the Arquiza Group's petition.

The above petitions were filed pursuant to Rule 64^[3] in relation to Rule 65^[4] of the Rules of Court, both assailing the Omnibus Resolution 5 dated May 10, 2013 of the Commission on Elections (COMELEC) *En Banc* in SPP No. 12-157 (PLM) and SPP No.

12-191 (PLM). Said Resolution disqualified SENIOR CITIZENS from participating in the May 13, 2013 elections and ordered the cancellation of its registration and accreditation as a party-list organization.

THE ANTECEDENTS

On March 16, 2007, the COMELEC *En Banc* accredited SENIOR CITIZENS as a party-list organization in a Resolution^[6] issued on even date in SPP No. 06-026 (PL).

SENIOR CITIZENS participated in the May 14, 2007 elections. However, the organization failed to get the required two percent (2%) of the total votes cast.^[7] Thereafter, SENIOR CITIZENS was granted leave to intervene in the case of *Barangay Association for National Advancement and Transparency (BANAT) v. Commission on Elections*.^[8] In accordance with the procedure set forth in BANAT for the allocation of additional seats under the party-list system, SENIOR CITIZENS was allocated one seat in Congress. Rep. Arquiza, then the organization's first nominee, served as a member of the House of Representatives.

Subsequently, SENIOR CITIZENS was allowed to participate in the May 10, 2010 elections.

On May 5, 2010, the nominees of SENIOR CITIZENS signed an agreement, entitled Irrevocable Covenant, the relevant terms of which we quote:

IRREVOCABLE COVENANT

KNOW ALL MEN BY THESE PRESENT

We, in representation of our respective personal capacity, hereby covenant and agree as follows:

ARTICLE I PARTIES AND PERSONS

1. **ATTY. GODOFREDO V. ARQIDZA**, of legal age, married, Filipino, and residing at 1881 C.M. Recto Avenue, Sampaloc, Manila, and representing the Senior Citizens Party-list in my capacity as President with our General Headquarters at Room 404 West Trade Center, 132 West Avenue, hereinafter referred to as the FIRST PARTY;
2. **ATTY. DAVID L. KHO**, of legal age, married, Filipino, and residing at 35 Quezon Avenue, Quezon City, hereinafter referred to as the SECOND PARTY;
3. **FRANCISCO G. DATOL, JR.**, of legal age, married, Filipino, and residing at North Olympus Blk., 3, Lot 15 Ph4 Grieg St., Novaliches, Quezon City, hereinafter referred to as the THIRD PARTY;

4. **REMEDIOS D. ARQUIZA**, of legal age, married, Filipino, and residing at 1881 C.M. Recto Avenue, Sampaloc, Manila, hereinafter referred to as the FOURTH PARTY;

5. **LINDA GADDI DAVID**, of legal age, married, Filipino, and residing at 150 Don Francisco, St. Francis Vii., San Fernando, Pampanga City (sic) hereinafter referred to as the FIFTH PARTY;

xxxx

ARTICLE III THE LIST OF CANDIDATES

We agree that official candidates of the SENIOR CITIZENS PARTY-LIST and in the following order shall be:

<u>Name</u>	<u>CTC No.</u>	<u>Issued at</u>	<u>Issued on</u>
1. Godofredo Arquiza	V. S.C.I.D.#2615256	Manila	04-02-04
2. David L. Kho	16836192	Quezon City	03-15-09
3. Francisco Datal, Jr.	G. 27633197	Quezon City	02-10-10
4. Remedios Arquiza	D. S.C.I.D.#50696	Quezon City	01-02-07
5. Linda Gaddi David	CCI2009 12306699	Pampanga	01-04-10

ARTICLE IV SHARING OF POWER

The Nominees agreed and pledged on their legal and personal honor and interest as well as the legal privileges and rights of the respective party-list offices, under the following circumstances and events:

ELECTION RESULTS

Where only ONE (1) candidate qualifies and is proclaimed, then No. 1 shall assume the Office of Party-list Representative in CONGRESS from July 1, 2010 to June 30, 2012 and shall relinquish his seat in Congress by the proper and legal acts and No. 2 shall assume said seat from July 1, 2012 to June 30, 2013;

In the event TWO (2) candidates qualify and are proclaimed, then, No. 1 shall serve for three (3) years, and No. 2 and No. 3 will each serve for one-and-a-half years.

In the event THREE (3) candidates qualify and are proclaimed, then No. 1 shall serve for three years; No. 2 will serve for two (2) years and afterwards shall relinquish the second seat to No.4 nominee, who will then serve for one (1) year; No. 3 will occupy the third seat for two (2)

years and afterwards shall relinquish said seat on the third year to Nominee 5, who will serve for the remaining one (1) year.

In Fine:

If only one (1) seat is won
No. 1 nominee = 2 years
No. 2 nominee = 1 year

If two (2) seats are won
No. 1 nominee= 3 years
No.2 nominee 1 1/2 years
No.3 nominee= 1 1/2 years

If three (3) seats are won:
No. 1 nominee 3 years
No. 2 nominee 2 years
No.3 nominee= 2 years
No.4 nominee= 1 year
No.5 nominee= 1 year

All beginning July 1, 2010

SHARING OF RIGHTS BENEFITS AND PRIVILEGES

That serving incumbent Congress Representative in the event one or more is elected and qualified shall observe proper sharing of certain benefits by virtue of his position as such, to include among others, appointment of persons in his office, projects which may redound to the benefits and privileges that may be possible under the law.

The above mentioned parties shall oversee the implementation of this COVENANT.

IN WITNESS WHEREOF, the parties hereto have set their hands this [MAY 05 2010] in [QUEZON CITY].

_____ (Signed) _____ (Signed) _____

Godofredo V. Arquiza
S.C.LD. #2615256 Iss. at Manila
on 04-02-04

David L. Kho
CTC#16836192 Iss. at
Quezon City on 03-15-09

(Signed) _____

(Signed) _____

Francisco G. Datol, Jr.
CTC#16836192 Iss. at
Quezon City on 03-15-09

Remedios D. Arquiza
S.C.I.D.#50696 Iss. at
Quezon City on 01-02-07

(Signed) _____

Linda Gaddi David
CTC#CCI2009 12306699 Iss. at
San Fernando, Pampanga on 01-
04-10^[9]

After the conduct of the May 10, 2010 elections, SENIOR CITIZENS ranked second among all the party-list candidates and was allocated two seats in the House of Representatives. The first seat was occupied by its first nominee, Rep. Arquiza, while the second was given to its second nominee, David L. Kho (Rep. Kho).

The split among the ranks of SENIOR CITIZENS came about not long after.

According to the Datol Group's petition, the members of SENIOR CITIZENS held a national convention on November 27, 2010 in order to address "the unfulfilled commitment of [Rep. Arquiza] to his constituents."^[10] Further, a new set of officers and members of the Board of Trustees of the organization were allegedly elected during the said convention. SENIOR CITIZENS' third nominee, Francisco G. Datol, Jr., was supposedly elected as the organization's Chairman. Thereafter, on November 30, 2010, in an opposite turn of events, Datol was expelled from SENIOR CITIZENS by the Board of Trustees that were allied with Rep. Arquiza.^[11]

Thenceforth, the two factions of SENIOR CITIZENS had been engaged in a bitter rivalry as both groups, with their own sets of officers, claimed leadership of the organization.

The Resignation of Rep. Kho

On December 14, 2011, Rep. Arquiza informed the office of COMELEC Chairman Sixto S. Brillantes, Jr. in a letter^[12] dated December 8, 2011 that the second nominee of SENIOR CITIZENS, Rep. Kho, had tendered his resignation, which was to take effect on December 31, 2011. The fourth nominee, Remedios D. Arquiza, was to assume the vacant position in view of the previous expulsion from the organization of the third nominee, Francisco G. Datol, Jr.

The letter of Rep. Arquiza was also accompanied by a petition^[13] dated December 14, 2011 in the name of SENIOR CITIZENS. The petition prayed that the "confirmation and approval of the replacement of Congressman David L. Kho, in the person of the fourth nominee, Remedios D. Arquiza, due to the expulsion of the third nominee, Francisco G. Datol, Jr., be issued immediately in order to pave the way of her assumption into the office."^[14] Before the COMELEC, the petition was docketed as **E.M. No. 12-040**.

Attached to the petition was the resignation letter 15 of Rep. Kho, which was addressed to the Speaker of the House of Representatives. The letter stated thus:

THE HONORABLE SPEAKER

House of Representatives
Congress
Republic of the Philippines
Quezon City

Sir:

I am hereby tendering my irrevocable resignation as Representative of the Senior Citizens Party-list in the House of Representatives, effective December 31, 2011 in the event that only two (2) seats are won by our party-list group; and will resign on June 30, 2012 in case three seats are won.

As a consequence thereof, the Coalition of Associations of Senior Citizens in the Philippines, Inc. shall nominate my successor pursuant to law and Rules on the matter.