

## EN BANC

[ G.R. No. 189466, February 11, 2010 ]

**DARYL GRACE J. ABAYON, PETITIONER, PRESENT: VS. THE  
HONORABLE HOUSE OF REPRESENTATIVES ELECTORAL  
TRIBUNAL, PERFECTO C. LUCABAN, JR., RONYL S. DE LA CRUZ  
AND AGUSTIN C. DOROGA, RESPONDENTS.**

[G.R. No. 189506]

**CONGRESSMAN JOVITO S. PALPARAN, JR., PETITIONER, VS.  
HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL (HRET),  
DR. REYNALDO LESACA, JR., CRISTINA PALABAY, RENATO M.  
REYES, JR., ERLINDA CADAPAN, ANTONIO FLORES AND  
JOSELITO USTAREZ, RESPONDENTS.**

### D E C I S I O N

**ABAD, J.:**

These two cases are about the authority of the House of Representatives Electoral Tribunal (HRET) to pass upon the eligibilities of the nominees of the party-list groups that won seats in the lower house of Congress.

#### The Facts and the Case

In **G.R. 189466**, petitioner Daryl Grace J. Abayon is the first nominee of the *Aangat Tayo* party-list organization that won a seat in the House of Representatives during the 2007 elections.

Respondents Perfecto C. Lucaban, Jr., Ronyl S. Dela Cruz, and Agustin C. Doroga, all registered voters, filed a petition for *quo warranto* with respondent HRET against *Aangat Tayo* and its nominee, petitioner Abayon, in HRET Case 07-041. They claimed that *Aangat Tayo* was not eligible for a party-list seat in the House of Representatives, since it did not represent the marginalized and underrepresented sectors.

Respondent Lucaban and the others with him further pointed out that petitioner Abayon herself was not qualified to sit in the House as a party-list nominee since she did not belong to the marginalized and underrepresented sectors, she being the wife of an incumbent congressional district representative. She moreover lost her bid as party-list representative of the party-list organization called *An Waray* in the immediately preceding elections of May 10, 2004.

Petitioner Abayon countered that the Commission on Elections (COMELEC) had already confirmed the status of *Aangat Tayo* as a national multi-sectoral party-list organization representing the workers, women, youth, urban poor, and elderly and

that she belonged to the women sector. Abayon also claimed that although she was the second nominee of *An Waray* party-list organization during the 2004 elections, she could not be regarded as having lost a bid for an elective office.

Finally, petitioner Abayon pointed out that respondent HRET had no jurisdiction over the petition for *quo warranto* since respondent Lucaban and the others with him collaterally attacked the registration of *Aangat Tayo* as a party-list organization, a matter that fell within the jurisdiction of the COMELEC. It was *Aangat Tayo* that was taking a seat in the House of Representatives, and not Abayon who was just its nominee. All questions involving her eligibility as first nominee, said Abayon, were internal concerns of *Aangat Tayo*.

On July 16, 2009 respondent HRET issued an order, dismissing the petition as against *Aangat Tayo* but upholding its jurisdiction over the qualifications of petitioner Abayon.<sup>[1]</sup> The latter moved for reconsideration but the HRET denied the same on September 17, 2009,<sup>[2]</sup> prompting Abayon to file the present petition for special civil action of *certiorari*.

In **G.R. 189506**, petitioner Jovito S. Palparan, Jr. is the first nominee of the *Bantay* party-list group that won a seat in the 2007 elections for the members of the House of Representatives. Respondents Reynaldo Lesaca, Jr., Cristina Palabay, Renato M. Reyes, Jr., Erlinda Cadapan, Antonio Flores, and Joselito Ustarez are members of some other party-list groups.

Shortly after the elections, respondent Lesaca and the others with him filed with respondent HRET a petition for *quo warranto* against *Bantay* and its nominee, petitioner Palparan, in HRET Case 07-040. Lesaca and the others alleged that Palparan was ineligible to sit in the House of Representatives as party-list nominee because he did not belong to the marginalized and underrepresented sectors that *Bantay* represented, namely, the victims of communist rebels, Civilian Armed Forces Geographical Units (CAFGUs), former rebels, and security guards. Lesaca and the others said that Palparan committed gross human rights violations against marginalized and underrepresented sectors and organizations.

Petitioner Palparan countered that the HRET had no jurisdiction over his person since it was actually the party-list *Bantay*, not he, that was elected to and assumed membership in the House of Representatives. Palparan claimed that he was just *Bantay's* nominee. Consequently, any question involving his eligibility as first nominee was an internal concern of *Bantay*. Such question must be brought, he said, before that party-list group, not before the HRET.

On July 23, 2009 respondent HRET issued an order dismissing the petition against *Bantay* for the reason that the issue of the ineligibility or qualification of the party-list group fell within the jurisdiction of the COMELEC pursuant to the Party-List System Act. HRET, however, defended its jurisdiction over the question of petitioner Palparan's qualifications.<sup>[3]</sup> Palparan moved for reconsideration but the HRET denied it by a resolution dated September 10, 2009,<sup>[4]</sup> hence, the recourse to this Court through this petition for special civil action of *certiorari* and prohibition.

Since the two cases raise a common issue, the Court has caused their consolidation.

## **The Issue Presented**

The common issue presented in these two cases is:

Whether or not respondent HRET has jurisdiction over the question of qualifications of petitioners Abayon and Palparan as nominees of *Aangat Tayo* and *Bantay* party-list organizations, respectively, who took the seats at the House of Representatives that such organizations won in the 2007 elections.

## **The Court's Ruling**

Petitioners Abayon and Palparan have a common theory: Republic Act (R.A.) 7941, the Party-List System Act, vests in the COMELEC the authority to determine which parties or organizations have the qualifications to seek party-list seats in the House of Representatives during the elections. Indeed, the HRET dismissed the petitions for *quo warranto* filed with it insofar as they sought the disqualifications of *Aangat Tayo* and *Bantay*. Since petitioners Abayon and Palparan were not elected into office but were chosen by their respective organizations under their internal rules, the HRET has no jurisdiction to inquire into and adjudicate their qualifications as nominees.

If at all, says petitioner Abayon, such authority belongs to the COMELEC which already upheld her qualification as nominee of *Aangat Tayo* for the women sector. For Palparan, *Bantay's* personality is so inseparable and intertwined with his own person as its nominee so that the HRET cannot dismiss the *quo warranto* action against *Bantay* without dismissing the action against him.

But, although it is the party-list organization that is voted for in the elections, it is not the organization that sits as and becomes a member of the House of Representatives. Section 5, Article VI of the Constitution,<sup>[5]</sup> identifies who the "members" of that House are:

**Sec. 5. (1). The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.** (Underscoring supplied)

Clearly, the members of the House of Representatives are of two kinds: "members x x x who shall be elected from legislative districts" and "**those who x x x shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.**" This means that, from the Constitution's point of view, it is the party-list representatives who are "elected" into office, not their parties or organizations. These representatives are elected, however, through that peculiar party-list system that the Constitution authorized and that Congress by law established where the voters cast their votes for the organizations or parties to