

## SECOND DIVISION

[ G.R. NO. 148938, July 12, 2007 ]

**EDGAR L. VALDEZ, PETITIONER, VS. NATIONAL  
ELECTRIFICATION ADMINISTRATION AND JOSEPHINE S.  
SEÑERES, RESPONDENTS.**

### D E C I S I O N

**CARPIO, J.:**

#### The Case

This is a petition for review on certiorari<sup>[1]</sup> of the 14 February 2001<sup>[2]</sup> and 29 June 2001 Resolutions<sup>[3]</sup> of the Court of Appeals in CA-G.R. SP No. 57583. The 14 February 2001 Resolution granted the motion for reconsideration filed by the National Electrification Administration (NEA) and private respondent Josephine S. Señeres (Señeres) and affirmed with modification the 14 February 2000 NEA Resolution declaring Señeres as the duly elected director of the Sultan Kudarat Electric Cooperative, Inc. (SUKECO). The 29 June 2001 Resolution denied petitioner Edgar L. Valdez's (Valdez) motion for reconsideration.

#### The Facts

SUKECO is an electric cooperative organized under Presidential Decree No. 269,<sup>[4]</sup> as amended by Presidential Decree No. 1645,<sup>[5]</sup> with a franchise to operate in Sultan Kudarat and some municipalities in the province of Maguindanao.

On 13 March 1999, SUKECO conducted elections for one member of the board of directors to represent the Municipality of Tacurong, Sultan Kudarat. Valdez and Señeres were the only candidates in the election. Later that day, the District Election Committee (DECOM) proclaimed Señeres as the winner.

On 16 March 1999, Valdez filed a protest with the DECOM praying for the disqualification of Señeres and the nullification of the election results in six precincts. Valdez alleged massive fraud, widespread cheating, and serious election irregularities.

In an Order dated 19 March 1999, the DECOM recalled and cancelled the proclamation of Señeres and restrained her from assuming the position of member of the board of SUKECO. Pending resolution of the protest, the NEA allowed Valdez, the incumbent board member, to continue being a board member in a hold-over capacity.

On 24 March 1999, Señeres filed her answer and a motion for reconsideration of the 19 March 1999 DECOM Order. On 28 April 1999, Señeres filed a motion to inhibit the DECOM from further hearing the protest.

On 2 July 1999, the DECOM denied the motions of Señeres and scheduled the case for presentation of evidence. Upon Valdez's motion and over the objections of Señeres, the DECOM opened the ballot boxes and started the recount. Then in a letter dated 21 July 1999, Señeres stated that she was "inhibiting" herself from taking part in the proceedings before the DECOM because she believed that she could not be afforded her constitutional right to due process and that she would just submit herself to the jurisdiction of the NEA.

On 9 October 1999, the DECOM issued its Decision<sup>[6]</sup> and the dispositive portion of the DECOM Decision reads:

WHEREFORE, in view of the findings of the DECOM regarding widespread and massive election fraud and irregularities perpetrated by the protestee, the DECOM annuls the election results in Precincts No. 17, 18, 19, 20, 21 and 22, Tacurong District, and confirms the recall and hereby annuls the proclamation of the Protestee as the duly elected member of the Cooperative BODs representing Tacurong District in the Election held on March 13, 1999. For the same reasons adverted to above, this DECOM further disqualifies her to vote and be voted upon as a member of the BODs in future elections of the Cooperative.

With the annulment, therefore, of the election results in precinct No. 17, 18, 19, 20, 21 and 22, thus 1,436 votes of protestee less 736 annulled votes = 700 votes, 981 votes of protestant less 142 votes annulled = 839 votes, this DECOM proclaims the Protestant as the duly elected member of the BODs of the Cooperative, Tacurong District by a majority of 139 votes.

SO ORDERED.<sup>[7]</sup>

On 12 October 1999, Valdez filed a motion for execution pending appeal. The DECOM granted the motion and proclaimed Valdez as the winner.<sup>[8]</sup>

On 18 October 1999, Valdez filed a motion to declare the DECOM Decision final and executory because Señeres failed to appeal to the Regional Electrification Center (RE Center).

On 19 October 1999, the DECOM granted the motion.<sup>[9]</sup> The DECOM noted that although Señeres filed a notice of appeal<sup>[10]</sup> with the DECOM on 13 October 1999, Señeres appealed to the wrong body. According to the DECOM, Señeres should have appealed the DECOM Decision to the RE Center and not to "NEA, Manila."

However, the NEA gave due course to the appeal of Señeres. On 14 February 2000, the NEA issued its Resolution.<sup>[11]</sup> The dispositive portion of the NEA Resolution reads:

WHEREFORE, in light of the foregoing consideration, subscribing to the doctrine that ours is still a government of laws and not of men and considering that the electorate of the Tacurong District of the Sultan Kudarat Electric Cooperative (SUKELCO) had thus spoken and had made

their verdict in electing JOSEPHINE S. SEÑERES as their representative director to the SUKELCO Board of Directors, the decision of the District Election Committee dated October 9, 1999 is hereby REVERSED.

Consequently:

- a. The proclamation of JOSEPHINE S. SEÑERES as a duly elected director of SUKELCO dated March 13, 1999 is hereby declared VALID AND BINDING and its recall by the DECOM per its order dated March 19, 1999 declared **NULL AND VOID**;
- b. The Board of Directors of SUKELCO is hereby ordered to **RECOGNIZE** said JOSEPHINE S. SEÑERES as duly- elected director for SUKELCO, Tacurong District;
- c. Protestant is hereby ordered to **REIMBURSE** any and all per diems and allowances he had received from SUKELCO prior to this decision;
- d. SUKELCO is hereby ordered to **PAY** protestee such per diems and allowances denied her prior to this decision.

The Regional Director of Region XII Engr. Lauro G. Baltazar is hereby directed to **immediately implement** this decision.

No pronouncement as to costs.

SO ORDERED.<sup>[12]</sup>

On 6 March 2000, Valdez filed with the Court of Appeals a special civil action for certiorari and prohibition with prayer for writ of preliminary injunction and temporary restraining order.<sup>[13]</sup>

On 10 March 2000, the Court of Appeals issued a temporary restraining order enjoining the implementation of the NEA Resolution.<sup>[14]</sup> On 30 March 2000, the Court of Appeals issued a writ of preliminary injunction.<sup>[15]</sup>

### **The Ruling of the Court of Appeals**

On 12 May 2000, the Court of Appeals rendered a Decision<sup>[16]</sup> the dispositive portion of which reads:

WHEREFORE, the assailed decision of the National Electrification Administration is hereby REVERSED and SET ASIDE and the decision of the District Election Committee is hereby REINSTATED. Costs against respondent.

SO ORDERED.<sup>[17]</sup>

The Court of Appeals ruled that Señeres committed a fatal error when she appealed to the NEA and not to the RE Center, which exercises appellate jurisdiction over decisions of the DECOM. Therefore, the DECOM Decision became final and could no