

## EN BANC

[ G.R. No. 148075, February 04, 2002 ]

**PANGKAT LAGUNA, PETITIONER, VS. COMMISSION ON  
ELECTIONS AND TERESITA "NINGNING" LAZARO,  
RESPONDENTS.**

### D E C I S I O N

**BUENA, J.:**

In this specie of controversy which involves, to a large extent, the determination of the true will of the electorate and, which by its very nature, touches upon the ascertainment of the people's choice as gleaned from the hallowed medium of the ballot, this Court finds cogency to reiterate – at the outset – that the factual findings and determinations of the Commission on Elections (COMELEC) ought to be accorded great weight and finality, in the absence of any remarkable trace of grave abuse of discretion in the exercise of its constitutionally mandated tasks.

Sought to be reversed in this special civil action for certiorari is the Resolution<sup>[1]</sup> of the Commission on Elections (COMELEC) *en banc* in S.P.A. 01-218 promulgated on 24 May 2001, which set aside the Resolution<sup>[2]</sup> of the COMELEC Second Division dated 11 May 2001, ordering the disqualification of herein private respondent Teresita "Ningning" Lazaro as candidate for Governor of the Province of Laguna in the 14 May 2001 Elections.

The antecedents unfold.

On 30 January 2001, respondent Lazaro, who was then Vice Governor of Laguna, assumed *by succession* the office of the Governor, when then Laguna Governor Jose D. Lina, Jr. was appointed Secretary of Interior and Local Government by President Gloria Macapagal-Arroyo. On 28 February 2001, respondent Lazaro filed her certificate of candidacy<sup>[3]</sup> for the gubernatorial position of Laguna.

On 04 May 2001, herein petitioner *Pangkat Laguna*, a duly registered political party, filed with the COMELEC a petition<sup>[4]</sup> which sought to disqualify respondent Lazaro as candidate in the gubernatorial race. Docketed as SPA No. 01-218, the disqualification petition alleged in the main that respondent Lazaro committed acts violative of Section 80 (Election campaign or partisan political activity outside the campaign period) and Section 261(v) (Prohibition against release, disbursement or expenditure of public funds) of the Omnibus Election Code.

In its petition for disqualification, petitioner *Pangkat Laguna* specifically alleged that private respondent Lazaro, upon assuming – *by succession* – the Office of the Governor on 30 January 2001, "publicly declared her intention to run for governor" in the May 2001 elections. Thus, according to petitioner, respondent Lazaro on 07 February 2001, ordered the purchase of 14,513 items such as trophies, basketballs,

volleyballs, chessboard sets, and t-shirts, allegedly worth Four Million Five Hundred Fifty Six Thousand and Five Pesos (P4,556,005.00) "*serving no public purpose but to promote her popularity as a candidate.*"<sup>[5]</sup>

In addition, petitioner alleged that on 08 February 2001, respondent directed the purchase and distribution of "*1,760 medals and pins valued at One Hundred Ten Thousand Pesos (P110,000.00) to various schools in Laguna, serving no meaningful public purpose but to again promote her forthcoming candidacy.*"<sup>[6]</sup> According to petitioner, the abovementioned acts, in effect, constituted "premature campaigning" inasmuch as the same were done prior to the start of the campaign period on 30 March 2001. Petitioner adds that these acts constitute a ground for disqualification under Section 68, in relation to Section 80 of the Omnibus Election Code.

Moreover, petitioner argues that respondent Lazaro violated Section 261 (v) of the Omnibus Election Code, as implemented by COMELEC Resolution No. 3479, when the latter caused the bidding of seventy nine (79) public works projects on 28 March 2001.

On 08 May 2001, respondent Lazaro filed an answer denying the allegations in the petition for disqualification. In a Resolution dated 11 May 2001, the COMELEC Second Division granted the petition to disqualify respondent as candidate for the gubernatorial post of Laguna, prompting respondent Lazaro to file a motion for reconsideration before the COMELEC *en banc*.

On May 17, 2001, petitioner filed a *Motion to Suspend Proclamation Under Sec. 6, R.A. 6646.*<sup>[7]</sup>

On 19 May 2001, the Provincial Board of Canvassers proclaimed respondent Lazaro as the duly elected Governor of Laguna in the 14 May 2001 Elections. On 22 May 2001, petitioner *Pangkat Laguna* filed a *Motion to Annul Proclamation and/or to Suspend Effect of Proclamation under Sec. 6, R.A. 6646.*<sup>[8]</sup>

On 24 May 2001, the COMELEC *en banc* promulgated a resolution, the dispositive portion of which declares:

**"WHEREFORE,** premises considered, the Motion for Reconsideration filed by respondent Lazaro is hereby granted. The resolution issued by the Second Division dated 11 May 2001 is hereby correspondingly **REVERSED AND SET ASIDE.**

**"SO ORDERED."**

Through the expediency of Rule 65 of the Rules of Court, petitioner now assails the Resolution of the COMELEC *en banc* dated 24 May 2001, for having been "issued with grave abuse of discretion amounting to lack of jurisdiction."

The petition is devoid of merit.

Doctrinally entrenched is the rule that in a petition for certiorari, findings of fact of administrative bodies, such as respondent COMELEC in the instant case, are final unless grave abuse of discretion has marred such factual determinations.<sup>[9]</sup> Stated

differently, factual findings of the COMELEC based on its own assessments and duly supported by evidence, are conclusive upon the Court, more so, in the absence of a substantiated attack on the validity of the same. The COMELEC, as the government agency tasked with the enforcement and administration of election laws, is entitled to the presumption of regularity of official acts with respect to the elections.<sup>[10]</sup>

First, as to the issue of “premature campaigning”, this Court holds that respondent Lazaro was not guilty of violating the provisions of Section 80 of the Omnibus Election Code, to wit:

**“SEC. 80. Election campaign or partisan political activity outside campaign period.** – It shall be unlawful for any person, whether or not a voter or candidate, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period: Provided, that political parties may hold political conventions or meetings to nominate their official candidates within thirty days before the commencement of the campaign period and forty-five days for Presidential and Vice-Presidential election.”

On this score, it bears stressing that the act of respondent Lazaro – as Chief Executive of the Province of Laguna – in ordering the purchase of various items and the consequent distribution thereof to the constituents of Laguna, in line with the local government unit’s sports and education program, is – to our mind – not constitutive of the act of election campaigning or partisan political activity contemplated and explicitly proscribed under the pertinent provisions of Section 80 of the Omnibus Election Code.

To this end, we quote with affirmance respondent COMELEC’s observation on the matter:

**“Not every act of beneficence from a candidate may be considered ‘campaigning.’** The term ‘campaigning’ should not be made to apply to any and every act which may influence a person to vote for a candidate, for that would be stretching too far the meaning of the term. Examining the definition and enumeration of election campaign and partisan political activity found in COMELEC Resolution 3636, **the Commission is convinced that only those acts which are primarily designed to solicit votes will be covered by the definition and enumeration.**

**“In this present case, the respondent was not in any way directly (or) indirectly soliciting votes. Respondent Lazaro was merely performing the duties and tasks imposed upon her by law, which duties she has sworn to perform as the Governor of the Province of Laguna.**

**“Respondent has satisfactorily shown the regularity of the implementation of the questioned sports and education programs.** The number of items purchased and the amount involved were within the regular purchases of the provincial government. How the funds were sourced and how the program was implemented, as correctly pointed out by respondent, (are) not for us to resolve for such issue is