

EN BANC

[G.R. No. 135716, September 23, 1999]

FERDINAND TRINIDAD, PETITIONER, VS. COMMISSION ON ELECTIONS AND MANUEL C. SUNGA, RESPONDENTS.

D E C I S I O N

YNARES-SANTIAGO, J.:

The instant Petition for Certiorari questions the June 22, 1998 Resolution^[1] of the Commission on Elections (hereinafter referred to as COMELEC) in SPA No. 95-213, disqualifying petitioner as a candidate for Mayor of Iguig, Cagayan, in the May 8, 1995 elections. It also questions the October 13, 1998 COMELEC Resolution^[2] which not only denied petitioner's Motion for Reconsideration, but also annulled his proclamation as elected Mayor in the May 11, 1998 elections.

This case has been filed before this Court when the Petition for Disqualification of private respondent (SPA No. 95-213) was dismissed by the COMELEC. Acting on the Petition for Certiorari of private respondent, this court, in *Sunga v. Commission on Elections*,^[3] ordered the COMELEC to reinstate SPA No. 95-213 and act thereon.

The facts of the case, as found in *Sunga v. Commission on Elections, supra*, are as follows:

"Petitioner (herein private respondent) Manuel C. Sunga was one of the candidates for the position of Mayor in the Municipality of Iguig, Province of Cagayan, in the May 8, 1995 elections. Private respondent (herein petitioner) Ferdinand B. Trinidad, then incumbent mayor, was a candidate for re-election in the same municipality.

On 22 April 1995, Sunga filed with the COMELEC a letter-complaint for disqualification against Trinidad, accusing him of using three (3) local government vehicles in his campaign, in violation of Section 261, par. (o), Art. XXII, of BP Blg. 881 (Omnibus Election Code, as amended). On 7 May 1995, Sunga filed another letter-complaint with the COMELEC charging Trinidad this time with violation of Sec. 261, par. (e) (referring to threats, intimidation, terrorism or other forms of coercion) of the Omnibus Election Code, in addition to the earlier violation imputed to him in the first letter-complaint. This was followed by an Amended Petition for disqualification consolidating the charges in the two (2) letters-complaint, including vote buying, and providing more specific details of the violations committed by Trinidad. The case was docketed as SPA No. 95-213.

In a Minute Resolution dated 25 May 1995, the COMELEC 2nd Division referred the complaint to its Law Department for investigation. Hearings

were held wherein Sunga adduced evidence to prove his accusations. Trinidad, on the other hand, opted not to submit any evidence at all.

Meanwhile, the election results showed that Trinidad garnered the highest number of votes, while Sunga trailed second.

On 10 May 1995 Sunga moved for the suspension of the proclamation of Trinidad. However, notwithstanding the motion, Trinidad was proclaimed the elected mayor, prompting Sunga to file another motion to suspend the effects of the proclamation. Both motions were not acted upon by the COMELEC 2nd Division.

On 28 June 1995 the COMELEC Law Department submitted its Report to the COMELEC En Banc recommending that Trinidad be charged in court for violation of the following penal provisions of the Omnibus Election Code: (a) Sec. 261, par. (a), on vote buying; (b) Sec. 261, par. (e), on threats, intimidation, terrorism or other forms of coercion; and, (c) Sec. 261, par. (o), on use of any equipment, vehicle owned by the government or any of its political subdivisions. The Law Department likewise recommended to recall and revoke the proclamation of Ferdinand D. Trinidad as the duly elected Mayor of Iguig, Cagayan; proclaim Manuel C. Sunga as the duly elected Mayor, and, direct Sunga to take his oath and assume the duties and functions of the office.

The COMELEC En Banc approved the findings of the Law Department and directed the filing of the corresponding informations in the Regional Trial Court against Trinidad. Accordingly, four (4) informations for various election offenses were filed in the Regional Trial Court of Tuguegarao, Cagayan. The disqualification case, on the other hand, was referred to the COMELEC 2nd Division for hearing.

On 2 May 1996 Sunga filed a Second Urgent Motion to Suspend the Effects and Annul the Proclamation with Urgent Motion for Early Resolution of the Petition. But in its 17 May 1996 Resolution, the COMELEC 2nd Division dismissed the petition for disqualification, x x x.

His motion for reconsideration having been denied by the COMELEC En Banc, Sunga filed the instant petition contending that the COMELEC committed grave abuse of discretion in dismissing the petition for disqualification x x x."

As we have mentioned, above, private respondent's Petition with this Court was granted and COMELEC was ordered to reinstate SPA No. 95-213 and hear the same. [4]

Finally, on June 22, 1998, the COMELEC 1st Division (former 2nd Division) promulgated the first questioned Resolution disqualifying petitioner as a candidate in the May 8, 1995 elections. [5] Petitioner filed a Motion for Reconsideration, [6] claiming denial of due process. Private respondent filed his Opposition to the Motion, [7] at the same time moving for the cancellation of petitioner's proclamation as elected Mayor in the 1998 elections and praying that he be proclaimed Mayor instead.

On October 13, 1998, the COMELEC En Banc denied petitioner's Motion for Reconsideration and also annulled his proclamation as duly elected Mayor of Iguig, Cagayan in the May 11, 1998 elections.^[8] Private respondent's motion to be declared Mayor was, however, denied. Commissioner Teresita Dy-Liacco Flores rendered a dissenting opinion insofar as the Resolution annulled the proclamation of petitioner as Mayor in the May 11, 1998 elections, which she found to be "bereft of any legal basis."

Petitioner alleges that the questioned Resolutions were promulgated without any hearing conducted and without his evidence having been considered by the COMELEC, in violation of his right to due process. He also contends that the portion of the October 13, 1998 Resolution annulling his proclamation as Mayor in the May 11, 1998 elections was rendered without prior notice and hearing and that he was once more effectively denied due process. Petitioner also adopts the stand of Commissioner Dy-Liacco Flores that his disqualification, if any, under SPA No. 95-213 cannot extend beyond the three-year term to which he was elected on May 8, 1995, in relation to which the corresponding Petition for his disqualification was lodged.

In his Comment,^[9] private respondent assails the arguments raised in the Petition and prays that he be proclaimed as the elected Mayor in the 1998 elections. Petitioner filed a Reply^[10] to private respondent's Comment on February 24, 1999. Meanwhile, on February 25, 1999, the criminal cases filed against the petitioner with the Regional Trial Court of Tuguegarao, Cagayan were dismissed.^[11] On March 8, 1999, the Solicitor General filed a Comment for the COMELEC,^[12] reiterating the argument that the COMELEC is empowered to disqualify petitioner from continuing to hold public office and at the same time, barring private respondent's moves to be proclaimed elected in the 1998 elections. Respective Memoranda were filed by both parties.

The issues before us may be summarized as follows:

1. Was petitioner deprived of due process in the proceedings before the COMELEC insofar as his disqualification under the May 8, 1995 elections was concerned?
2. Was petitioner deprived of due process in the proceedings before the COMELEC insofar as his disqualification under the May 11, 1998 elections was concerned?
3. May petitioner's proclamation as Mayor under the May 11, 1998 elections be cancelled on account of the disqualification case filed against him during the May 8, 1995 elections?
4. May private respondent, as the candidate receiving the second highest number of votes, be proclaimed as Mayor in the event of petitioner's disqualification?

The Commission on Elections is the agency vested with exclusive jurisdiction over election contests involving regional, provincial and city officials, as well as appellate

jurisdiction over election contests involving elective municipal and barangay officials. Unless the Commission is shown to have committed a grave abuse of discretion, its decision and rulings will not be interfered with by this Court.^[13]

Guided by this doctrine, we find that no violation of due process has attached to the COMELEC's June 22, 1998 Resolution.

Petitioner complains that while the COMELEC reinstated SPA No. 95-213, it conducted no hearing and private respondent presented no evidence.^[14] Yet, this does not equate to a denial of due process. As explained in *Paat v. Court of Appeals*^[15]--

"x x x. Due process does not necessarily mean or require a hearing, but simply an opportunity or right to be heard (Pepsi Cola Distributors of the Phil. V. NLRC, G.R. No. 100686, August 15, 1995). One may be heard, not solely by verbal presentation but also, and perhaps many times more creditably and predictable than oral argument, through pleadings (Concerned Officials of MWSS v. Vasquez, G.R. No. 109113, January 25, 1995). In administrative proceedings moreover, technical rules of procedure and evidence are not strictly applied; administrative process cannot be fully equated with due process in its strict judicial sense (Ibid.) Indeed, deprivation of due process cannot be successfully invoked where a party was given a chance to be heard on his motion for reconsideration (Rodriguez v. Project 6 Market Service Cooperative, G.R. No. 79968, August 23, 1995), as in the instant case, when private respondents were undisputedly given the opportunity to present their side when they filed a letter of reconsideration dated June 28, 1989 which was, however, denied in an order of July 12, 1989 of Executive Director Baggayan. In Navarro III vs. Damasco (G.R. No. 101875, July 14, 1995), we ruled that:

'The essence of due process is simply an opportunity to be heard, or as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of. A formal or trial type hearing is not at all times and in all instances essential. The requirements are satisfied when the parties are afforded fair and reasonable opportunity to explain their side of the controversy at hand. What is frowned upon is the absolute lack of notice or hearing.'"

In the case at bar, petitioner was able to file an Answer with Counter Petition and Motion to Dismiss.^[16] He was also able to submit his counter-affidavit and sworn statements of forty-eight (48) witnesses. While he complains that these were not considered by the Hearing Officer, he, himself, admits that the COMELEC did not rely on the findings of the Hearing Officer but referred the case to its Second Division. Thus, by the time the Second Division reviewed his case, petitioner's evidence were already in place. Moreover, petitioner was also given a chance to explain his arguments further in the Motion for Reconsideration which he filed before the COMELEC. Clearly, in the light of the ruling in *Paat*, no deprivation of due process was committed. Considering that petitioner was afforded an opportunity to be heard, through his pleadings, there is really no denial of procedural due process.^[17]