Republic of the Philippines
Supreme Court
Manila

EN BANC

ANGELO CASTRO DE ALBAN, Petitioner,	**G.R. No. 243968**
	Present:
– versus –	GESMUNDO, *CJ.*, PERLAS-BERNABE, ** LEONEN, CAGUIOA, HERNANDO, LAZARO-JAVIER, INTING, ZALAMEDA, LOPEZ, M., GAERLAN, ROSARIO, LOPEZ, J., DIMAAMPAO, *** MARQUEZ, and KHO, * *JJ.*
COMMISSION ON ELECTIONS (COMELEC), COMELEC LAW DEPARTMENT AND COMELEC EDUCATION AND INFORMATION DEPARTMENT, Respondents.	
	Promulgated: March 22, 2022

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D E C I S I O N

M. LOPEZ, *J.*:

The focus of this Petition for *Certiorari* is the constitutionality of the Commission on Elections' (Comelec) authority to *motu proprio* refuse to give due course to or cancel the Certificate of Candidacy (CoC) of a nuisance

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* No part due to prior participation as then COMELEC Commissioner.
** On official leave.
*** On official business.

candidate under Section 69 of the Omnibus Election Code (OEC), and the proper interpretation of its provision pertaining to the candidate's *bona fide* intention to run for public office.

ANTECEDENTS

Angelo Castro De Alban (De Alban) filed his CoC for senator in the May 13, 2019 elections as an independent candidate, indicating that he is a lawyer and a teacher.[1] On October 22, 2018, the Comelec Law Department *motu proprio* filed a petition to declare De Alban a nuisance candidate alleging that he had no *bona fide* intent to run for public office and that his candidacy will prevent a faithful determination of the true will of the electorate.[2] Moreover, De Alban will not be able to sustain the financial rigors of waging a nationwide campaign without clear proof of financial capacity.[3] On the other hand, De Alban countered that he has a *bona fide* intention to run for public office given his government platforms covering education, agriculture, health, and housing programs. Also, De Alban claimed that he could wage a nationwide campaign because he sustained a paid website dedicated to his senatorial bid, commissioned social media platforms like *Facebook* to advertise him, and secured support statements from various groups. Lastly, De Alban averred that his frequent domestic and international travels are sufficient proof of his financial capacity.[4]

On December 6, 2018, the Comelec First Division declared De Alban a nuisance candidate.[5] The Comelec cited the authorized expenses for an aspiring senator under the law[6] and ruled that De Alban failed to establish the financial capacity to wage a nationwide campaign especially since he was running as an independent candidate.[7] Aggrieved, De Alban moved for a reconsideration and argued that financial capacity is not among the qualifications to run for senator. The law did not set the minimum expenses for a candidate but only a cap or expenditure limit.[8] On January 28, 2019, the Comelec *En Banc* denied De Alban's motion and explained that an election campaign for a national position involves huge expenditures. Yet,

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1 *Rollo*, pp. 251-252.
2 Id. at 252.
3 Id. at 254.
4 Id. at 253.
5 Id. at 251-255, signed by Presiding Commissioner Al A. Parreño and Commissioner Ma. Rowena Amelia V. Guanzon.
6 Entitled "AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFORE, AND FOR OTHER PURPOSES," Republic Act No. 7166 (1991).
7 *Rollo*, pp. 254.
8 Docketed as SPA No. 18-045 (DC)(MP).

De Alban had no strong and consolidated political machinery to cover these expenses,[9] thus:

> The power of this Commission to declare a candidate as nuisance candidate is clearly delineated under Section 69 of the Omnibus Elections Code. **The Commission is not duty[-]bound to adduce evidence for any party or for the Respondent in this case.** Let it be understood that the resolution of a case, particularly the instant case, is based on the law and the evidence on record and not based on a conclusion of fact. It is the Respondent's burden to convince this Commission that he has the *bona fide* intention to run for a Senatorial position which entails significant expenditures.
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> x x x x
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> **Respondent's travels in some parts of the country and abroad is one showing of his financial capacity but is not a conclusive proof of a strong and consolidated political machinery to sustain the expenses for a nationwide campaign.** He was given the opportunity to rebut Petitioner's allegations. However, no other evidence was submitted to prove a solid financial capacity.
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> While it is true that the law do [*sic*] not require a minimum expenditure for candidates, it is always true that election campaign, particularly for a national position, entails a huge amount of expenditures [that] cannot be adequately covered by earnings of ordinary men.
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> we do not undermine the legal profession or any other profession on this matter, for the right to be elected is not dependent upon the wealth of an individual. **This Commission only needs proof adequate enough to show that a candidate for a Senatorial position can mount a nationwide campaign. However, in this case[,] Respondent failed to convince *Us* that he has sufficient resources to launch his candidacy in the electoral race.**[10] (Emphases and italics supplied.)

Unsuccessful at a reconsideration, De Alban filed this Petition for *Certiorari*[11] ascribing grave abuse of discretion on the Comelec in declaring him a nuisance candidate. First, De Alban claims that Section 69 of the OEC[12] which authorized the Comelec to *motu proprio* refuses to give due course to or cancel the CoC of nuisance candidates does not apply to aspiring

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9 *Rollo*, pp. 264-268, signed by Chairman Sheriff M. Abas and Commissioners Al A. Parreño, Luie Tito F. Guia, Ma. Rowena Amelia V. Guanzon, Socorro B. Inting, Marlon S. Casquejo, and Antonio T. Kho, Jr. The case is docketed SPA No. 18-045 (DC)(MP).

10 Id. at 266-267.

11 Id. at 3-40.

12 Batas Pambansa Bilang 881 (1985).

senators. This is because the OEC became effective in 1985 or before the creation of the Senate under the 1987 Constitution. Second, Republic Act (RA) No. 6646[13] or The Electoral Reforms Law of 1987 impliedly repealed Section 69 of the OEC and barred the Comelec from refusing due course or cancelling *motu proprio* of the CoC of a nuisance candidate. Under RA No. 6646, only registered candidates running for the same position as the nuisance candidates can file a petition under Section 69 of the OEC. Third, the last phrase in Section 69 of the OEC which reads *"by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate"* is unconstitutional. The provision allegedly violates the due process clause for lack of comprehensible standards. Also, the phrase infringes the right of suffrage and the equal protection clause for being subjective and arbitrary. Lastly, De Alban maintains that Comelec has no legal and factual grounds to declare him a nuisance candidate solely on the basis of his CoC which did not require him to state his financial capability. Corollary, De Alban prays to include his name in the senatorial list of candidates for the 2019 elections.[14]

In contrast, the Office of the Solicitor General (OSG) contends that the OEC governs the elections of all public officers and that it is not incompatible with RA No. 6646. Further, the OSG invokes the constitutionality of Section 69 of the OEC considering that the guarantee to run for public office is merely a privilege subject to limitations such as the prohibition on nuisance candidates. Finally, the OSG points out that the Comelec declared De Alban a nuisance candidate because of his lack of financial capacity and the absence of political machinery in terms of organizational support to wage a nationwide campaign.[15]

RULING

At the outset, it bears emphasis that the conclusion of the 2019 elections rendered the petition moot and academic. A case becomes "moot" when it ceases to present a justiciable controversy by virtue of supervening events so that a declaration thereon would be of no practical use or value.[16] In such circumstance, the courts generally decline jurisdiction and no longer consider questions in which no actual interests are involved.[17] Here, De

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13 Entitled "AN ACT INTRODUCING ADDITIONAL REFORMS IN THE ELECTORAL SYSTEM AND FOR OTHER PURPOSES," (1988).

14 *Rollo*, p. 63.

15 Id. at 292.

16 *So v. Tacla, Jr.*, 648 Phil. 149, 163 (2010); citing *Prof. David v. Pres. Macapagal-Arroyo*, 522 Phil. 705, 753 (2006).

17 *Soriana Vda. de Dabao v. Court of Appeals*, 469 Phil. 928, 937 (2004).

Alban's prayer to include his name in the ballots can no longer be enforced.[18] Indeed, such relief will serve no useful purpose because the Comelec already proclaimed the winning senatorial candidates in the 2019 elections. Also, it is impractical to require the Comelec to include De Alban's name on the ballots for future elections. Otherwise, the Court will preempt the authority of the Comelec to determine who would be considered nuisance candidates in subsequent elections.

Nonetheless, courts will decide cases, otherwise moot and academic if: *first*, there is a grave violation of the Constitution; *second*, the exceptional character of the situation and the paramount public interest is involved; *third*, when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and *fourth*, the case is capable of repetition yet evading review.[19] The present case falls within the fourth exception. Notably, elections are held at regular intervals and the issues of nuisance candidates will inescapably reach the Court. The declared nuisance candidates will inevitably echo similar sentiments against the authority of the Comelec and that its findings anchored on the general allegation of lack of capacity to wage a nationwide campaign, without any evidence or explanation, are insufficient to demonstrate the absence of *bona fide* intention to run for public office. Thus, compelling reasons exist for the Court to finally settle the questions raised in this petition.

The authority of the Comelec to refuse to give due course to or cancel the CoC of nuisance candidates under Section 69 of the OEC applies to elections of all public officers.

Section 69 of the OEC provides the remedy and the instances when a candidate may be considered a nuisance, thus:

> SECTION 69. *Nuisance candidates.* — The Commission may, *motu proprio* or upon a verified petition of an interested party, refuse to give due course to or cancel a certificate of candidacy if it is shown that said certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no *bona fide* intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

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18 See *Timbol v. Commission on Elections*, 754 Phil. 578, 582-583 (2015).

19 *Marquez v. Commission on Elections*, G.R No. 244274, September 3, 2019, 917 SCRA 502, 514.

Admittedly, the OEC took effect under the aegis of the 1973 Constitution which presented a unicameral legislative branch composed of members of the Batasan Pambansa. However, this factual milieu does not automatically render the OEC inoperative after the 1987 Constitution shifted to a bicameral legislature consisting of the members of the House of Representatives and the Senate. A different approach will only result in the absurd and illogical distinction between members of the legislative department. To stress, Section 2 of the OEC categorically states that it *"shall govern all elections of public officers and, to the extent appropriate, all referenda and plebiscites."* In *Agujetas v. Court of Appeals*,[20] the Court noted that the OEC *"has undergone some amendments, basically by the 1987 Constitution, Republic Act No. 6646, otherwise known as 'The Electoral Reform Law of 1987,' and RA No. 7166, providing for synchronized national and local elections on May 11, 1992."*[21] The Court then clarified that *"[w]hile legislations have been enacted every time an election for elective officials is scheduled, the Omnibus Election Code remains the fundamental law on the subject and such pieces of legislations are designed to improve the law and to achieve the holding of free, orderly, honest, peaceful and credible elections."*[22]

To be sure, Section 2 of RA No. 6646 is explicit that the OEC shall govern the elections under the 1987 Constitution, to wit: *"Section 2. Law Governing Elections. — The first local elections under the New Constitution and all subsequent elections and plebiscites shall be governed by this Act and by the provisions of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, and other election laws not inconsistent with this Act."* Also, Section 36 of RA No. 7166 reiterated OEC's applicability in the synchronized May 1992 elections, thus: *"Section 36. Governing Laws. — The elections provided herein and all subsequent elections and plebiscite shall be governed by this Act, by the provisions of the Omnibus Election Code, Republic Act No. 6646, and other election laws not inconsistent herewith."* Section 36 of RA No. 8436, as amended by RA No. 9369, likewise applied the provisions of the OEC that are not inconsistent with the law on automated elections, *viz.*: *"Section 36. Applicability. - The provisions of Batas Pambansa Blg. 881, as amended, otherwise known as the 'Omnibus Election Code of the Philippines', and other election laws not inconsistent with this Act shall apply."* Taken together, the OEC remains the fundamental law on elections despite the passage of the 1987 Constitution and the enactment of subsequent statutes.[23] Hence, contrary to De Alban's theory,

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[20] 329 Phil. 721, (1996).

[21] Id. at 746-747.

[22] Id. at 747.

[23] See also "Providing for Absentee Voting by Officers and Employees of Government Who are away from the Places of their Registration by Reason of Official Functions on Election Day," Executive Order No. 157, March 30 1987; "Supplemental Law on the May 11, 1987 Elections for Members of Congress," Executive Order No. 144, March 2, 1987; "Enabling Act for the Elections for Members of Congress on May 11, 1987, and For Other Purposes," Executive Order No. 134, February 27, 1987. These executive

the OEC applies to elections of all public officers including senatorial candidates.

There is no irreconcilable conflict between Section 69 of the OEC and RA No. 6646 that will bar the Comelec's power to motu proprio declare candidates as nuisance.

Section 69 of the OEC empowers the Comelec to *"motu proprio or upon a verified petition of an interested party, refuse to give due course to or cancel a certificate of candidacy x x x."* On the other hand, Section 5 of RA No. 6646 provides that: *"Section 5. Procedure in Cases of Nuisance Candidates. — (a) A Verified petition to declare a duly registered candidate as a nuisance candidate under Section 69 of Batas Pambansa Blg. 881 shall be filed personally or through a duly authorized representative with the Commission by any registered candidate for the same office within five (5) days from the last day for the filing of certificates of candidacy. Filing by mail shall not be allowed."* Obviously, the words *"motu proprio"* in Section 69 of the OEC do not appear in Section 5 of RA No. 6646. Nevertheless, this omission can hardly be construed that the CoC is already prevented from refusing due course or cancelling *motu proprio* the CoC of a nuisance candidate. On this point, the Court reminds that implied repeal is frowned upon in this jurisdiction absent any irreconcilable conflict between the two laws.[24] Moreover, the legislative deliberations reveal that RA No. 6646 was never intended to revoke the Comelec's *motu proprio* authority under Section 69 of the OEC. As the proponent explained, the amendment merely outlined the procedure in declaring a nuisance candidate if filed by an interested party, to wit:

> MR. ALFELOR. This Representation is satisfied, Mr. Speaker. I think Section 5 which covers procedures in case of nuisance candidates is a preproduction of Section 69 of the Omnibus Election Code. However, there was a phrase deleted where the latter provides that:
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> The COMELEC may, *motu proprio* or upon a verified petition of an interested party, refuse to give due course or cancel a certificate of candidacy.
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> This Representation would like to know the reason why the sponsor deleted "*motu proprio*". Will it not be more advantageous if there are two bodies who would look on the propriety of the certificate of

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orders provide for the applicability of the Omnibus Election Code in so far as it is not inconsistent with said orders.

[24] See *The United Harbor's Pilot Association of the Philippines, Inc. v. Association of International Shipping Lines, Inc.*, 440 Phil. 188, 199 (2002).

candidacy submitted by the aspirants? Section 5 in effect removed the responsibility from the Commission on Elections and instead gave the responsibility solely an ordinary aspirant to question whether the candidacy of his rivals is legitimate or not.

MR. PALACOL. Is the Gentleman referring to Section 5?

MR. ALFELOR. Section 69 of the Omnibus Election Code. The Gentleman reproduced the provision in Section 69 of the Omnibus Election Code as far as nuisance candidates are concerned.

MR. PALACOL. Yes.

MR. ALFELOR. Why did the Gentleman delete *"motu proprio"?*

MR. ALFELOR. That's correct.

MR. PALACOL. If the Gentleman goes over the provision of Section 5 of this proposed measure which stresses due process of law, we feel that matter regarding the determination of **whether a particular candidate is a nuisance candidate or not should be a matter determined minutely and wisely**. Hence, when all the papers and corresponding documents have been submitted by the contending parties these should be referred to a senior law member of the Law Division and a committee should be created to determine the validity of the petition. **It would be better to give both parties a chance to ventilate their argument, on whether a particular candidate should be considered as a nuisance candidate or not. The committee had to delete *"motu proprio"* because it seemed to be summary in nature.**

MR. ALFELOR. Is the Gentleman through, Mr. Speaker? I think the sponsor would agree that it is the responsibility of the Commission on Elections to conduct clean, honest and orderly elections and to determine whether a candidate is a nuisance candidate or not than leave it to another body or an aspirant. **Does the Gentleman not think that the Commission on Elections, with election registrars in different municipalities, has the capability to determine the legitimacy of a candidate?**

MR. PALACOL. **The Gentleman will observe that his question is embraced under the heading *Procedure In Cases of Nuisance Candidates.***

MR. ALFELOR. That's correct, Mr. Speaker.

MR. PALACOL. **Mr. Speaker, there is no need, because it was not repealed. Section 69 is still valid and binding and a part of the electoral reform.**

MR. ALFELOR. Then Section 5 is just an amendment of Section 69 of the Omnibus Election Code?

MR. PALACOL. Yes Mr. Speaker.

> MR. ALFELOR. Does the Gentleman mean that he augmented the procedural approach?
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> MR. PALACOL. **At any rate, Mr. Speaker, if the Gentleman goes over Section 5 of House Bill No. 4046, it is simply procedural in nature.**
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> MR. ALFELOR. Section 69 is also procedural, Mr. Speaker. However, Section 5 reproduces only one section of Section 69 of the Omnibus Election Code? Why not copy it *in toto*?[25] (Emphases supplied.)

Remarkably, even before the enactment of Section 69 of the OEC, the Court already acknowledged the Comelec's authority to refuse due course to CoCs filed in bad faith pursuant to its mandate to ensure free, orderly, and honest elections.[26] In subsequent cases, the Court held that limiting the names of candidates appearing on the ballots for those with *"bona fide"* intention to run for office is permissible. The Court observed that the greater the number of candidates, the greater opportunities for logistical confusion, not to mention the increased allocation of time and resources in preparation for election. As such, remedial actions should be available to alleviate the logistical hardships in the preparation and conduct of elections, whenever necessary and proper.[27] Moreover, the Court stressed that the importance of barring nuisance candidates from participating in the electoral exercise is the avoidance of confusion and frustration in the democratic process by preventing a faithful determination of the true will of the electorate. It seeks to address the "dirty trick" employed by political rival operators to reduce the votes of the legitimate candidates due to the similarity of names and particularly benefitting from Comelec's "slow-moving decision-making."[28] Clearly, De Alban's restrictive interpretation of Section 5 of RA No. 6646 will render the Comelec powerless to ensure rational, objective, and orderly elections.

The last phrase in Section 69 of the OEC does not violate the due process clause.

De Alban claims that the last phrase in Section 69 of the OEC which reads *"by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the Certificate of Candidacy has been filed and thus prevent a faithful determination of the true will of the electorate"* is constitutionally infirm for

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25 RECORD, HOUSE 8TH CONGRESS 1ST SESSION 100 (December 7, 1987).
26 *Abcede v. Hon. Imperial*, 103 Phil. 136, 144 (1958).
27 *Rev. Pamatong v. Comelec*, 470 Phil. 711, 720 (2004).
28 *Martinez III v. House of Representatives Electoral Tribunal*, 624 Phil. 50, 71 (2010).

lack of comprehensible standards that men of common intelligence must necessarily guess at its meaning and differ as to its application.[29] Yet, jurisprudence instructed that a law couched in the imprecise language is valid if it can be clarified through proper judicial construction, thus:

> A statute or act may be said to be vague when it lacks comprehensible standards that men of common intelligence must necessarily guess at its meaning and differ in its application. In such instance, the statute is repugnant to the Constitution in two (2) respects — it violates due process for failure to accord persons, especially the parties targeted by it, fair notice of what conduct to avoid; and, it leaves law enforcers unbridled discretion in carrying out its provisions and becomes an arbitrary flexing of the Government muscle. **But the doctrine does not apply as against legislations that are merely couched in imprecise language but which nonetheless specify a standard though defectively phrased; or to those that are apparently ambiguous yet fairly applicable to certain types of activities. The first may be 'saved' by proper construction, while no challenge may be mounted as against the second whenever directed against such activities.** With more reason, the doctrine cannot be invoked where the assailed statute is clear and free from ambiguity, as in this case.[30] (Emphasis supplied.)

Evidently, Section 69 of the OEC enumerated the instances when a candidate is considered a nuisance such as when the CoC is filed: (1) to put the election process in mockery or disrepute; (2) to cause confusion among the voters by the similarity of the names of the registered candidates; and (3) under circumstances or acts which clearly demonstrate that the candidate has no *bona fide* intention to run for the office for which the certificate of candidacy has been filed. More importantly, Section 69 of the OEC qualified that the objective in filing such CoC is to prevent *"a faithful determination of the true will of the electorate."* The third instance refers to the candidate's "circumstances" or "acts" that would demonstrate that the purpose of the filing of the CoC is inconsistent with the definition of a candidate as someone "aspiring for or seeking elective public office."[31] The common thread of the three instances is that the nuisance candidates filed their CoCs not to aspire or seek public office but to prevent a faithful determination of the people's true will.[32] Relevantly, the assailed last phrase in Section 69 of the OEC should cover all acts or circumstances clearly demonstrating that the CoC was filed in bad faith. The legislative deliberations on the OEC even gave particular examples of the third instance, thus:

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29 *People v. Nazario*, 247-A Phil. 276, 286 (1988).

30 *Romualdez v. Sandiganbayan*, 479 Phil. 265, 285-286 (2004).

31 Section 79 of the Omnibus Election Code defines a candidate as "any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy by himself or through an accredited political party, aggroupment, or coalition of parties."

32 *Abcede v. Imperial*, supra note 22.

MR. VILLAFUERTE. After the word "CIRCUMSTANCES' and before "WHICH", I propose to insert the following: OR ACTS — so that it will read: BY OTHER CIRCUMSTANCES OR ACTS WHICH DEMONSTRATE THAT THE CANDIDATE has no bona fide intention to run"

THE PRESIDING OFFICER (Mr. Baterina). What does the Sponsor say?

MR. REAL. Ah, anterior amendment, Mr. Speaker.

MR. PEREZ (L.) Accepted, Mr. Speaker.

MR. REAL. Ah, Mr. Speaker.

THE PRESIDING OFFICER (Mr. Baterina) The amendment is accepted. Any objections?

MR. REAL. Mr. Speaker.

MR. GONZALES. In connection with this, just to clarify it in order that we may know the legislative intention. **If a candidate openly states in his campaign that he is not x x x he will not assume office, but he is running in order to preserve his political leadership, let us say, in the province or in the municipality to enable the x x x to enable his running mate to assume office or to get elected but he will not assume office, will he be a guest candidate since that is a circumstance or act which shows that he has no bona fide intention x x x intention to run for office[?]**

MR. PEREZ (L.). **He will be considered a nuisance candidate if he does not have a bona fide intention to assume the position if elected.**

MR. GONZALES. I recall that had happ[e]ned a number of times before where, in spite of that, they still get elected. Shall we overturn the will of the people[?] [T]here is a disclosure to the people and yet the people still elects [*sic*] him.

MR. PEREZ (L.) If he [is] disqualified before the election because that x x x those are facts that he has no bona fide intention to assume the office if elected, he becomes a nuisance candidate.

MR. VILLAFUERTE. Mr. Speaker.

MR. JALOSJOS. Mr. Speaker.

THE PRESIDING OFFICER (Mr. Baterina). The Gentleman from Camarines Sur. The Floor Leader.

MR. VILLAFUERTE. Mr. Speaker. Just one comment, Mr. Speaker. The bona fide requirement so as not to become a nuisance candidate does not pertain to the assumption but to running for public office.

MR. PEREZ (L.) **But, Mr. Speaker, the very l[i]s mota or the very sole/purpose of running is to be in office, but if you are just running in order to create a vacancy for your running mate, you should not be considered a bona fide candidate.**

MR. VILLAFUERETE. Well, then if that is your interpretation, Your Honor, that will not be consistent with the language of Section 64. Let me read it:

The Commission may motu proprio or upon a verified petition of an interested party, refuse to give due course to or cancel a certificate of candidacy if it is shown that the certificate has been filed to put the election process in mockery or in disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates by other circumstances or acts which demonstrate that the candidate has no bona fide intention to run for the [o]ffice for which the certificate of candidacy has been filed and thus a prevent a faithful determination of the true will of the people.

I should think, Mr. Speaker, that once the people has decided because the attack on a nuisance candidate pertains to his disqualification through the filing, the certificate of candidacy filed but once the election has been held and the will of the people has been decided, I don't think that he can be considered a nuisance candidate simply because he did not assume his office.

MR. PEREZ (L.) Mr. Speaker, my understanding is that the declaration of a nuisance candidacy is made before the election.

MR. VILLAFUERTE. Yes.

MR. PEREZ (L.) And if there is no determination of his nuisance candidacy and he is allowed to run and he wins, then the candidacy is over. There is no more occasion to declare him [as] a nuisance candidate.

MR. VILLAFUERTE. Yes, I agree with your statement, Your Honor, because that means, therefore, that unless prevented through the cancellation of the certificate of candidacy x x x

MR. PEREZ (L.) Before the election.

MR. VILLAFUERTE. And he gets elected, the mere fact that he did not assume office would not make him retroactively a nuisance candidate.

MR. PEREZ (L.) No, no, Mr. Speaker. The declaration of his nuisance candidacy must be before election.

MR. VILLAFUERTE. Yes; thank you.

MR. [PE]REZ (L.). If they don't declare him a nuisance candidate, then he is voted upon and wins. I think [that] you cannot be

> declaring him a nuisance candidate anymore because his candidacy is over. He has been elected and may be proclaimed.
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> MR. VILLAFUERTE. That would be a very good interpretation, your Honor.[33]

To ensure that the third instance in Section 69 of the OEC will not unnecessarily curtail the privilege to run for public office, the legislature inserted the word "clearly" before the word "demonstrate" to confine the denial of due course on the CoC only when the absence of *bona fide* intention to run for public office is evident:

> THE PRESIDING OFFICER (Mr. Baterina). So, how does the sponsor treat the x x x treat the amendment as proposed by the Gentleman from the Camarines Sur? Accepted?
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> MR. PEREZ (L.). "Or acts," yes, "Or acts".
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> MR. REAL. Parliamentary inquiry, Mr. Speaker.
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> THE PRESIDING OFFICER (Mr. Baterina). What is the parliamentary inquiry of the Gentleman from Zamboanga del Sur?
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> MR. REAL. As amended, how would Section 64 now read?
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> THE PRESIDING OFFICER (Mr. Baterina). Only the line would x x x They just intercalated the phrase "or acts" in between "circumstances" and "which", so that the whole line would read: "Candidates or by other circumstances or acts which demonstrate that the candidate has x x x" so on and so forth.
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> MR. REAL. May I request for the reconsideration of the acceptance, because I propose to insert one word. by way of x x x
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> THE PRESIDING OFFICER (Mr. Baterina). You are objecting, therefore to x x x
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> MR. REAL. Yes.
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> THE PRESIDING OFFICER (Mr. Baterina). Before the acceptance?
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> MR. REAL. Yes, Mr. Speaker, if [that's] possible, Mr. Speaker, just one word.
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> x x x x
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> MR. VILLAFUERTE. May I hear the amendment to my amendment?

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[33] IV RECORD, HOUSE 99TH CONGRESS 2ND SESSION, 1868-1872 (February 20, 1985).

MR. REAL. Thank you, Mr. Speaker. To be very clear. about this, I would just very briefly explain. **Now in a democracy it is the privilege of anybody any citizen who is qualified to run for an office. So the term "nuisance candidate" should be strictly construed, so I propose** that on line 1, the word "shown" should be changed by the word OBVIOUS, and as a parallel amendment, **on line 4, there should be inserted the word CLEARLY between the words "which" and "demonstrate".**

MR. PEREZ (L.) What was the x x x word that you will use instead of "shown?"

MR. REAL. "Shown?" OBVIOUS, and on line 4, there should be the word CLEARLY inserted between the words "which" and "demonstrate."

THE PRESIDING OFFICER (Mr. Baterina). But that is not an amendment to the amendment of the Gentleman from Camarines Sur.

MR. REAL. Yes, but that is, so parallel amendment.

x x x x

MR. PEREZ (L.) **Mr. Speaker, the word "shown" here means that evidence has to be adduced.**

MR. REAL. So, OBVIOUSLY shown as adopted OBVIOUSLY shown.

MR. PEREZ (L.) If it is "obvious x x x"

MR. REAL. **Or CLEARLY shown, Mr. Speaker.**

x x x x

MR. REAL. Allow me to alter my proposed amendment to the amendment. Instead of two amendments, **I now propose that on line 4 there should be inserted the word CLEARLY between th[e] words "which" and demonstrate".**

x x x x

MR. PEREZ (L.). CLEARLY demonstrate which x x x

MR. REAL. Yes, yes.

MR. PEREZ (L.). Accepted, Mr. Speaker x x x

THE PRESIDING OFFICER (Mr. Baterina). x x x Amendment is accepted. Any objections? (Silence) The Chair hears none; the amendment is approved.[34]

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[34] IV RECORD, HOUSE 99TH CONGRESS 2ND SESSION, 1873-1878 (February 20, 1985).

Likewise, the constitutional provision on the powers of the Comelec indicated that nuisance candidacy is an evil that must be remedied, thus: *"(7) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidates."*[35] In the deliberations of the 1987 Constitutional Commission, a "nuisance candidacy" is considered within the league of election frauds or offenses. The delegates also had in mind Section 69 of the OEC when the matter of nuisance candidate was discussed, to wit:

> MR. FOZ: To avoid the difficulty in connection with the amendment presented by Commissioner Rosario Braid, we can already remove the last phrase "all other similar acts" and we put "AND" after malpractices so that the phrase or the clause would now read: "TO PREVENT AND PENALIZE ALL FORMS OF ELECTION FRAUDS, OFFENSES, MALPRACTICES, AND NUISANCE CANDIDACIES." **I think that is broad enough to cover all concealable election frauds or offenses.**
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> MR. RODRIGO: So this would read: "Recommend to the Congress effective measures to minimize election spending, including limitations of places where propaganda materials shall be posted, and to PREVENT AND PENALIZE ALL FORMS OF ELECTION FRAUDS, OFFENSES, MALPRACTICES, AND NUISANCE CANDIDACIES."
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> MR. RODRIGO: I move for the approval of Section 7.
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> THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 7 is approved.[36]
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> MR. ROMULO: Madam President, I ask that Commissioner Bennagen be recognized.
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> THE PRESIDENT: Commissioner Bennagen is recognized.
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> MR. BENNAGEN: Madam President, I would like to ask the sponsors a clarificatory question. **On page 3, line 4, something is mentioned about nuisance candidacy. In the deliberations of the Committee may we know if this has been defined? What is a nuisance candidate?**
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> MR. FOZ: **I think this is well taken care of in the Omnibus Election Code.**

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35 CONSTITUTION, Art. IX-C, Sec. 2 (7).
36 RECORD, CONSTITUTIONAL COMMISSION 104 (October 10, 1986).

MR. MONSOD: That is specifically defined and dealt with in the Omnibus Election Code. That has a meaning in jurisprudence based on the cases and the law. But we can look for it and maybe later on, we can show it to the Commissioner.

MR. BENNAGEN: **I ask that because in previous presidential elections, there have been accusations of a ruling party creating its own opposition candidate. Would that be considered a nuisance candidate?**

MR. FOZ: **I suppose so. But then it would be really difficult to prove that an opposition candidate is really financed by the administration just to divide the opposition votes.**

MR. MONSOD: May I read to the Commissioner the particular provision: The Commission may *motu proprio* or upon a verified petition of an interested party refuse to give due course to or cancel a certificate of candidacy if it is shown that such certificate has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of the names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which a certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate. **So it is actually broad enough to include the situation the Commissioner has in mind.**

MR. BENNAGEN: I suppose it would include examination of program of government, proven capability or some kind of political track record and even financial capability. Would those be included in the examination of the nature of the candidacy?

MR. MONSOD: **In the situation that I have been familiar with, I do not think the availability of money was really a criterion. It was really the intent to confuse the voters or to frustrate the will of the people in some other way. But mere financial incapacity and even the lack of a broad program of government, as far as I know, have not been part of the criteria for declaring a nuisance candidacy.**

MR. BENNAGEN: But what is the basis for saying that there is an intent to confuse the electorate?

MR. MONSOD: A very simple example would be somebody with a similar name.

MR. BENNAGEN: Thank you, Madam President.[37](Emphases and underscoring supplied.)

Given the discussions of the members of the Batasan Pambansa and the Constitutional Commission, Section 69 of the OEC is cleared from any

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[37] RECORD, CONSTITUTIONAL COMMISSION 031 (July 16, 1986).

supposed vagueness and ambiguity with the use of proper judicial construction. The assailed phrase can hardly be repugnant to the Constitution for it gives fair notice of what conduct to avoid and does not leave law enforcers unbridled discretion in carrying out its provisions.

The last phrase in Section 69 of the OEC does not infringe the equal protection clause and the right of suffrage.

The last phrase in Section 69 of the OEC is not in conflict with the equal protection clause which simply provides that all persons or things similarly situated should be treated in a similar manner, both as to rights conferred and responsibilities imposed. The principle recognizes reasonable classification which: (1) must rest on real and substantial distinctions; (2) must be germane to the purpose of the law; (3) must not be limited to existing conditions only; and (4) must apply equally to all members of the same class.[38] The confluence of these elements is present. There can be no dispute about the dissimilarities between CoCs filed in good faith and those falling within the three instances in Section 69 of the OEC that prevent a faithful determination of the true will of the electorate. The distinction is also aligned to the policy to ensure rational, objective, and orderly elections. The cancellation of the CoCs of nuisance candidates is necessary to maintain the purity and fairness of the elections. The classification is not limited to existing conditions only since it covers every election. Lastly, Section 69 of the OEC applies indiscriminately to all CoCs filed in bad faith.

Moreover, Section 69 of the OEC does not infringe the right of suffrage. Suffice it to say that the right to seek public office is not a constitutional right but merely a privilege that may be subject to the limitations imposed by law.[39] In one case, the Court rejected the claim that the right to run for public office is inextricably linked with the fundamental freedom of speech and expression which deserves constitutional protection.[40] More telling is the Philippines' commitment to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) which provides that *"[e]very citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: x x x x (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; x x x."*[41]

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38 See *Quinto v. Commission on Elections*, 627 Phil. 193, 231 (2010).
39 See *supra* note 23 at 715-716.
40 See *Quinto v. Commission on Election*, *supra* at 253-254.
41 Available at https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx last accessed on November 5, 2021.

As aptly worded, the ICCPR abhors "unreasonable restrictions" but did not contemplate that the right to vote and be elected should be absolute. Indeed, *"[a]ny conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria."*[42] The freedom of the voters to exercise the elective franchise at a general election implies the right to freely choose from all qualified candidates for public office. The imposition of unwarranted restrictions and hindrances precluding qualified candidates from running, is, therefore, violative of the constitutional guaranty of freedom in the exercise of elective franchise. It seriously interferes with the right of the electorate to choose freely from among those eligible to office whomever they may desire. As discussed earlier, Section 69 of the OEC serves as a reasonable restriction for persons to pursue their candidacies. The barring of candidates without *bona fide* intention serves to keep the purity of elections and addresses the malpractice of scrupulous candidates to the detriment of the voters.

The Comelec's motu proprio authority under Section 69 of the OEC is still subject to the requirements of procedural due process. Here, the Comelec gravely abused its discretion in declaring De Alban a nuisance candidate based on an erroneous interpretation of the law and for lack of supporting substantial evidence.

Section 76 of the OEC provides that the Comelec has the ministerial duty to receive and acknowledge a CoC submitted within the filing period using the prescribed form.[43] The candidate's name will be on the ballot unless the CoC is withdrawn or canceled. In *Cipriano v. Comelec* (*Cipriano*),[44] the Court explained the importance of the ministerial duty to receive and acknowledge a duly filed CoC. The Court further instructed that the Comelec will be exercising a quasi-judicial function in instances when the CoC should be cancelled requiring the observance of procedural due process, thus:

> The Court has ruled that the Commission has no discretion to give or not to give due course to petitioner's certificate of candidacy. **The duty of the COMELEC to give due course to**

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42 General Comment 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25)
Available at https://www.equalrightstrust.org/ertdocumentbank/general%20comment%2025.pdf last accessed on November 5, 2021.

43 Section 73. Certificate of candidacy. — No person shall be eligible for any elective public office unless he files a sworn certificate of candidacy within the period fixed herein. x x x

44 479 Phil. 677, (2004).

> **certificates of candidacy filed in due form is ministerial in character.** While the Commission may look into patent defects in the certificates, it may not go into matters not appearing on their face. The question of eligibility or ineligibility of a candidate is thus beyond the usual and proper cognizance of said body.
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> **Contrary to the submission of the COMELEC, the denial of due course or cancellation of one's certificate of candidacy is not within the administrative powers of the Commission, but rather calls for the exercise of its quasi-judicial functions.** Administrative power is concerned with the work of applying policies and enforcing orders as determined by proper governmental organs. We have earlier enumerated the scope of the Commission's administrative functions. On the other hand, where a power rests in judgment or discretion, so that it is of judicial nature or character, but does not involve the exercise of functions of a judge, or is conferred upon an officer other than a judicial officer, it is deemed quasi-judicial.
>
> The determination whether a material representation in the certificate of candidacy is false or not, or the determination whether a candidate is eligible for the position he is seeking involves a determination of fact where both parties must be allowed to adduce evidence in support of their contentions. Because the resolution of such fact may result to a [*sic*] deprivation of one's right to run for public office, or, as in this case, one's right to hold public office, it is only proper and fair that the candidate concerned be notified of the proceedings against him and that he be given the opportunity to refute the allegations against him. **It should be stressed that it is not sufficient, as the COMELEC claims, that the candidate be notified of the Commission's inquiry into the veracity of the contents of his certificate of candidacy, but he must also be allowed to present his own evidence to prove that he possesses the qualifications for the office he seeks.**[45] (Emphases supplied.)

Although *Cipriano* relates to the candidate's material misrepresentation, the case of *Timbol v. Comelec*[46] applied a similar principle that procedural due process must be observed before the Comelec may refuse to give due course to the CoC of a nuisance candidate. As intimated in the legislative deliberations, the question of who may be considered a nuisance candidate is a factual issue that should be decided minutely and wisely. Differently stated, the Comelec's *motu proprio* authority under Section 69 of the OEC must not result in the denial of the candidates' opportunity to be heard, which must be construed as a chance to explain one's side or an occasion to seek a reconsideration of the complained action or ruling. In

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45 Id. at 689-691.
46 754 Phil. 578 (2015).

election cases, the requirement of due process is satisfied if the parties are given a fair and reasonable opportunity to clarify their respective positions.

In this case, the Comelec Law Department alleged that De Alban falls within the third instance of Section 69 of the OEC or under circumstances or acts which clearly demonstrate that the candidate has no *bona fide* intention to run for the office for which the CoC has been filed. Corollary, it is incumbent upon the Comelec Law Department to identify the "acts" or "circumstances" that would clearly show De Alban's lack of *bona fide* intention to run for senator, with the objective to prevent a faithful determination of the true will of the electorate. However, the Comelec Law Department did not adduce supporting substantial evidence and heavily relied on the general allegation that: *"6.7. In entry no. 20 of the COC which pertains to profession or occupation, Respondent declared the same as a Lawyer Teacher. While such is a noble way to earn a living, it is most respectfully submitted that absent clear proof of Respondent's financial capability, Respondent will not be able to sustain the financial rigors of waging a nationwide campaign."*[47] The Comelec Law Department did not discuss how the inclusion of De Alban in the ballots would prevent the faithful determination of the will of the electorate. The Comelec Law Department just concluded that De Alban would not be able to sustain the financial rigors of waging a nationwide campaign. This stance is obviously problematic anchored on flawed inferences.

First, De Alban's profession as a "lawyer teacher" is not the "circumstance" contemplated in the third instance of Section 69 of the OEC. Notably, De Alban even exceeds the minimum qualification of being able to read and write required of a senator.[48] Second, De Alban's chosen profession is not a clear indication of his capability to wage a nationwide campaign. Third, assuming that the Comelec's inference on De Alban's profession is valid, the Comelec already has an idea as to the expenses of previous senatorial candidates based on their submitted Statement of Contributions and Expenditures.[49] Hence, the Comelec could have at least pegged an amount based on its data from the immediately preceding elections and approximate acceptable expenses for campaigning. Yet, the Comelec Law Department did not specify any reasonable amount but expects De Alban to submit proof of the available funds for his campaign. At any rate, it is already settled that financial capacity is not required to run for public office because it is equivalent to a property qualification which is inconsistent with the nature and essence of the Republican system and the principle of social justice. In

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47 *Rollo*, p. 46.

48 CONSTITUTION, Art. VI, Sec. 3 states that "[n]o person shall be a Senator unless he is x x x able to read and write x x x.

49 RA No. 7166 SEC. 14. Statement of Contributions and Expenditures: Effect of Failure to File Statement. — Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election, file in duplicate with the offices of the Commission the full, true and itemized statement of all contributions and expenditures in connection with the election[.]

Maquera v. Borra,[50] the Court struck down a law requiring candidates *"to post a surety bond equivalent to the one-year salary or emoluments of the position to which he is a candidate, which bond shall be forfeited in favor of the national, provincial, city or municipal government concerned if the candidate, except when the declared winner, fails to obtain at least 10% of the votes cast for the office to which he has filed his certificate of candidacy, there being not more than four (4) candidates for the same office."*[51]

Similarly, in *Marquez v. Comelec* (*Marquez*),[52] the Court held that *"financial capacity to sustain the financial rigors of waging a nationwide campaign"*[53] cannot be used, by itself, to declare a candidate nuisance. The Court clarifies that financial capacity cannot be conflated with the *bona fide* intention to run. Significantly, the Court in *Marquez* rejected the Comelec's invocation of Section 13 of RA 7166 because the law does not even set by rule any financial requirement for the candidates, to wit: *"Section 13 of RA 7166 merely sets the current allowable limit on expenses of candidates and political parties for election campaign. It does not (whether by intention or operation) require a financial requirement for those seeking to run for public office, such that failure to prove capacity to meet the allowable expense limits would constitute ground to declare one a nuisance candidate."*[54] Fourth, the required contents of De Alban's CoC do not include his financial capacity or the source of campaign funds. At most, the Comelec Law Department is merely guessing whose candidacy should be questioned and initiated the action against De Alban without factual bases. In *Marquez,* the Court observed that this posture might be considered a violation of the equal protection clause because the Comelec did not require all senatorial candidates to prove their financial capacity, *viz.*:

> **The COMELEC's invocation of Section 13, without making explicit, by rule, the minimum amount that meets the financial capacity requirement, is constitutionally anathema because it violates the equal protection rights of Marquez and all of the other candidates it disqualified on this ground. Since the COMELEC did not require all candidates for senator to declare the amount of money they had, and were committed, to fund their campaign (whether evidenced by bank certification, guarantee or standby-letter of credit, for instance),** one wonders how the COMELEC chose who to target for disqualification. By its public pronouncements, the COMELEC disqualified 70 senatorial candidates. Comparing the COMELEC Legal Department's *motu proprio* motion to cancel in this case with the one it employed in *De Alban v. COMELEC, et al.*, **it seems the Legal Department employed a cookie-cutter motion, generally alleging lack of financial capacity in a transparent attempt to shift the burden**

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50 122 Phil. 412 (1965).
51 Id. at 413.
52 G.R. No. 244274, September 3, 2019, 917 SCRA 502
53 Id. at 509.
54 Id. at 527.

> **of proof upon the candidate, without setting forth by rule the acceptable minimum financial capacity. This process puts an unfair and impermissible burden upon the candidate.** [55] (Emphases supplied.)

Fifth, the Comelec *En Banc* justified the cancellation of De Alban's CoC because he had no strong and consolidated political machinery to cover the expenses of the campaign especially since he is running as an independent candidate. In the same vein, the Court finds that non-membership in a political party or being unknown nationwide, or the low probability of success do not by themselves equate to the absence of *bona fide* intention to run for public office under Section 69 of the OEC. Membership in a political party is not a requirement to run for senator under the current electoral framework while non-membership does not prevent a faithful determination of the will of the electorate. Also, the candidate's degree of success is irrelevant to *bona fide* intention to run for public office. A candidate *"has no less a right to run when he faces prospects of defeat as when he expected to win."*[56] Neither the candidate's act of participating for the first time in elections be equated with the absence of good faith.[57] The Court had overruled the Comelec's postulation that a *bona fide* intention to run for public office is absent if there is no *"tiniest chance to obtain the favorable indorsement of a substantial portion of the electorate."*[58] Again, it appears that the Comelec Law Department initiated actions only against De Alban and other unknown candidates without a political party, or those with low chances of winning. The Comelec did not bother to substantiate its conclusion that De Alban's CoC was filed without *bona fide* intention to run for public office when it remarked that *"[t]he Commission is not duty-bound to adduce evidence for any party or for [De Alban] in this case. x x x"*[59] Worse, the burden of evidence improperly shifted to De Alban to convince the Comelec why his CoC should be given due course. To reiterate, the Comelec has the ministerial duty to receive and acknowledge a duly filed CoC. The candidate's name will be on the ballot unless the CoC is withdrawn or canceled.

Lastly, the Court perceived that the Comelec required De Alban to establish his "capacity to wage a nationwide campaign" immediately after his CoC was filed. This premature and dismissive approach on the part of the Comelec reinforces the lack of factual basis in cancelling the CoC which merely rests on the erroneous inference that De Alban's supposed weak campaign machinery would not change even at the start of the campaign period. It would have been different if the action of the Comelec Law Department against De Alban was initiated during the campaign period to

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55 Id.
56 *Separate Opinion of Chief Justice Cesar Bengzon in Maquera v. Borra*, 122 Phil. 412, 420 (1965).
57 See *Alvear v. Comelec*, 103 Phil. 643, 644 (1958).
58 *Abcede v. Hon. Imperial*, supra note 22 at 138-139.
59 *Rollo*, p. 266.

determine whether he would not promote his candidacy clearly demonstrating the lack of *bona fide* intention to run for public office. Quite the contrary, De Alban presented evidence showing his plan to actively campaign with the use of social media. The records show that De Alban submitted receipts of payment for his "De Alban for Senator Movement", engagement posts on "Facebook" showing an initial number of "impressions,"[60] and the receipt of payment for the maintenance of his website.[61] On this score, the Comelec must have been aware of the popularity of social media, the number of online users nationwide, and how these platforms potentially influence the preferences of registered voters.[62]

In sum, the Court upholds the constitutionality of Comelec's authority to *motu proprio* refuse to give due course to or cancel the CoC of a nuisance candidate under Section 69 of the OEC. However, the Court ascribes grave abuse of discretion on the part of the Comelec in cancelling De Alban's CoC pursuant to an erroneous interpretation of the law and for lack of supporting substantial evidence. The Court reminds the Comelec that the candidate's *bona fide* intention to run for public office is neither subject to any property qualifications nor dependent upon membership in a political party, popularity, or degree of success in the elections.

FOR THESE REASONS, the petition is partly **GRANTED**. The provisions of Section 69 of the Omnibus Election Code are declared **NOT UNCONSTITUTIONAL** on the grounds raised by the petitioner. The Commission on Elections *En Banc*'s Resolution dated January 28, 2019 in SPA No. 18-045 (DC)(MP) which declared Angelo Castro De Alban a nuisance candidate is **SET ASIDE**.

SO ORDERED."

MARIO V. LOPEZ
Associate Justice

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60 2 Worlds 2 Realities? They Rank High in Surveys, but not on Social Media available at https://old.pcij.org/stories/2-worlds-2-realities-they-rank-high-in-surveys-but-not-on-social-media/ last accessed August 5, 2020. Impression was defined as "the number of times a post was seen or served to the people reached."

61 *Rollo*, pp. 120-137.

62 First Quarter 2019 Social Weather Survey: 1 of 5 Adult Pinoys Use Facebook Daily as Source of News Available at http://www.sws.org.ph/downloads/media_release/pr20190629%20-%20SWR2019-I%20Social%20Media%20Habits%20and%20Political%20Use%20(special%20report).pdf last accessed on September 1, 2020.

WE CONCUR:

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Chief Justice

On official leave

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Associate Justice

MARVIC M.V.F. LEONEN
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Associate Justice

(NO PART)
ANTONIO T. KHO, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

ALEXANDER G. GESMUNDO
Chief Justice

CERTIFIED TRUE COPY

MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court