

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
MANILA

**IN THE MATTER OF THE
MEMORANDUM OF THE LAW
DEPARTMENT RELATIVE TO THE
CERTIFICATES OF CANDIDACY OF
PERSONS VYING FOR THE
POSITIONS OF SENATOR IN
CONNECTION WITH THE MAY 14,
2007 ELECTIONS.**

Promulgated :

26 March 2007

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RESOLUTION NO. 7842

For the consideration of the Commission En Banc are certificates of candidacy of persons vying for senatorial positions pursuant to Comelec Resolution No. 7832 with the above entitled matter, pertinent portion of which states:

“ 7. To order the following senatorial candidates to appear before the Commission on 06 March 2007 and to show cause whether their certificates of candidacy should be given due course:

Xxxx xxxx xxxx xxx

This resolution is without prejudice to any disqualification case for violation of the election laws and other related laws, resolutions, orders and rules and regulations of the Commission, particularly Resolution No. 7822.”

The above resolution was duly published in two (2) newspaper of general circulation namely: The Philippine Daily Inquirer and the Philippine Chronicle on March 4, 2007.

During the schedule hearing the following appeared:

1. Mr. Orlando C. Abitona
2. Mr. Theodore M. Aquino
3. Mr. Buenafe A. Briggs
4. Mr. Silverio G. Bulanon
5. Mr. Gerardo A. Del Mundo
6. Mr. Eduardo B. Flaminiano
7. Mr. Mujahib A. Hashim
8. Mr. Agapito W. Mendez
9. Ms. Wilhelmina S. Orozco
10. Mr. Manuel A. Po
11. Mr. Danton R. Remoto
12. Mr. Marcelo R. Tayco, Jr.
13. Mr. Elpidio G. Tuazon
14. Mr. Vicente Y. Villanueva

The following did not appear:

1. Mr. Juanito B. Ancheta, Jr.
2. Mr. Arturo A. Atienza
3. Mr. Bonifacio B. Ber Ado
4. Ms. Jocelyn R. Boquia
5. Mr. Rafael M. Cabrera
6. Ms. Elizabeth S. Capular
7. Mr. Macariola A. Castor
8. Mr. Felix D. Claudio
9. Mr. Amado C. Combate
10. Mr. Julieta O. Esmeralda, Sr.
11. Mr. Alfredo A. Fortes
12. Mr. Gherry A. Guillergan
13. Mr. Dante D. Josen
14. Mr. Merlito O. Lagata
15. Mr. Daniel R. Magtira
16. Mr. Severo L. Maluenda, Jr.
17. Mr. Genaro R. Pastoral
18. Mr. Rummel M. Piñera
19. Ms. Remedios B. Ponce-Dee
20. Mr. Vincent M. Ramiro
21. Mr. Jose C. Robles
22. Mr. Cesar C. Roca
23. Mr. Romeo T. Rodriguez
24. Mr. Benjamin G. Roque
25. Mr. Victor L. Santos

26. Mr. Loreto Y. Senining
27. Mr. Francisco M. Tajanan
28. Mr. Camilo V. Tiqui

The Commission En Banc issued order dated 06 March 2007, pertinent portion of which states:

“After hearing the above senatorial candidates, they were given a period of two (2) days from today to submit their respective memoranda why their certificates of candidacy for the position of Senator should be given due course by the Commission. After the lapse of the given period, the certificates of candidacy of the above senatorial candidates shall be deemed submitted for resolution.”

The failure of the above senatorial candidates, to appear on March 6, 2007 and comply with the above order of the Commission En Banc only show their lack of interest and a palpable indication that these candidates have no *bona fide* intention to run for the office for which the certificates of candidacy have been filed and thus prevent a faithful determination of the true will of the electorate and for this reason should not be given due course.

Of those who appeared only the following complied with the above order of the Commission:

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| 1. Briggs, Buenafe A. | SPA 07-001 (MP) |
| 2. Geraldo, A. Del Mundo | SPA 07-002 (MP) |
| 3. Agapito W. Mendez, Jr. | SPA 07-003 (MP) |
| 4. Silverio Gome Bulanon | SPA 07-005 (MP) |
| 5. Vicente “Vic” Villanueva | SPA 07-006 (MP) |
| 6. Camilo Villarta Tiqui | SPA 07-007 (MP) |
| 7. Marcelo Tayco, Jr. | SPA 07-008 (MP) |
| 8. Eduardo “Ed” Flaminiano | SPA 07-009 (MP) |
| 9. Orlando C. Abitona | SPA 07-010 (MP) |

Victor L. Santos did not appear during the hearing but submitted a Motion for Reconsideration which was docketed as SPA 07-004 (MP).

Mr. Mujahan A. Hashim submitted only a letter addressed to the Legal Division of the Commission dated March 5, 2007, stating that he is submitting his notarized

nomination as the “unnotarized” nomination was the one was inadvertently attached to his certificate of candidacy. However, he failed to explain the discrepancy between the name appearing in the nomination and that appearing on the certificate of candidacy. It bears stressing that subject nomination was filed after the deadline and therefore considered a substantial amendment which is not allowed.

The certificate of candidacy of Theodore M. Aquino was cancelled in SPA No. 07-019, entitled, IN RE: Petition to Deny Due Course and/or Cancel the Certificate of Candidacy of Theodore M. Aquino, Benigno Simeon C. Aquino II versus Theodore M. Aquino, whereby the Commission (Second Division) declared him disqualified to run for the position of Senator for the May 14, 2007 National and Local Elections promulgated 22 March 2007.

After a careful perusal of the respective Memorandum filed by the above parties, the Commission En Banc finds that their allegations of being *bona fide* candidates are mere bare claims devoid of any form of substantiation. These candidates have not overcome the preliminary findings of the Commission that they are not *bona fide* candidates and are incapable of even waging a decent nationwide campaign.

While candidates, Gerardo A. Del Mundo and Agapito Mendez asserts to be advocates of Overseas Filipino Workers (OFWs) and have in fact filed respectively petitions for accreditation of Ang Bagong Bayani (SPP 06-085) and Ang Lakas Ng Overseas Contract Workers (SPP No. 06-111) the same were denied by the Commission on the ground, *inter alia*, that their claims of existence nationwide is nil based on the verification reports of Comelec field personnel. These candidates rely on these sectoral/political parties to wage their campaign but the findings of the Commission belie their claims, thus giving rise to the conclusion that they cannot sustain a nationwide campaign.

Moreover, during the hearing Del Mundo was required to submit explanation and proof that the signatories to his certificate of nomination are duly authorized signatories

of the Nacionalista Party. However, what was submitted was a certificate of nomination from the Kilusang Bagong Lipunan (KBL). These inconsistencies of what was submitted are demonstrable *indicia* of a lack of serious intention to run for a national position. Also, submission of a certificate of nomination after the deadline of filing of certificates of candidacy is not allowed. Paragraph 3, Section 6 of Resolution 7799, Guidelines on the Filing of Certificate of Candidacy and Nomination of Official Candidates of Registered Political Parties in Connection with the may 14, 2007 Synchronized National and Local Elections, reads:

Xxx xxx xxx

“No certificate of nomination or any amendment thereto shall be filed after the last day for filing of certificate of candidacy, except in case of valid substitution under Section 14 hereof.”

It is apt for the Commission En Banc, to cite Supreme Court in the case of Rev. Elly Chavez Pamatong, Esquire versus Commission on Elections, G.R. No. 161872, April 13, 2004.

”The State has a compelling interest to ensure that its electoral exercises are rational, objective, and orderly. Towards this end, the State takes into account the practical considerations in conducting elections. Inevitably, the greater the number of candidates, the greater the opportunities for logical confusion, not to mention the increased allocation of time and resources in preparation for the election.

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The preparation of the ballots is but one aspect that would be affected by allowance of “nuisance candidates” to run in the elections. Our election laws provide various entitlements for candidates for public office, such as watchers in every polling place, watchers in the board of canvassers, or even the receipt of electoral contributions. Moreover, there are election rules and regulations the formulations of which are dependent on the number of candidates in a given election.

Given these considerations, the ignominious nature if a nuisance candidacy becomes even more galling. **The organization of an election with *bona fide* candidates standing is onerous enough. To add into the mix candidates with no serious intentions or capabilities to run a viable campaign would actually impair the electoral process.** This is not to mention the candidacies which are palpably ridiculous so as to constitute a one-note joke. The poll body would be bogged by irrelevant minutiae covering every step of the electoral process, most probably posed at the instance of these nuisance candidates. It would be a senseless sacrifice on the part of the State.

WHEREFORE, premises considered, the Commission En Banc hereby **RESOLVES to DENY** due course the certificates of candidacy of the above named senatorial candidates for their failure to demonstrate their *bona fide* intention to run for the office for which the respective certificate of candidacy has been files.

Let the Law Department implement this resolution.

SO ORDERED.

(Sgd.) BENJAMIN S. ABALOS, SR.
Chairman

(Sgd.) RESURRECCION Z. BORRA
Commissioner

(Sgd.) FLORENTINO A. TUAZON, JR.
Commissioner

(Sgd.) ROMEO A. BRAWNER
Commissioner

(Sgd.) RENE V. SARMIENTO
Commissioner

(Sgd.) NICODEMO T. FERRER
Commissioner