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**Republic of the Philippines
Supreme Court
Manila**

EN BANC

**LIBERAL PARTY, REPRESENTED
BY ITS PRESIDENT, FRANCIS N.
PANGILINAN, AND/OR ITS
SECRETARY GENERAL, JOSE
CHRISTOPHER Y. BELMONTE,**

Petitioner,

-versus-

**COMMISSION ON ELECTIONS AND
NACIONALISTA PARTY,
REPRESENTED BY ITS PRESIDENT,
MANUEL B. VILLAR, AND/OR ITS
SECRETARY GENERAL, ALAN
PETER CAYETANO,**

Respondents.

G.R. No. 247645

Present:

GESMUNDO, *CJ*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,* and
SINGH, *JJ*.

Promulgated:

July 26, 2022

X-----
Antonio X

DECISION

LEONEN, J.:

The Commission on Elections' constitutional power to enforce and administer all laws and regulations relative to the conduct of an election

* No part.

includes the power to issue rules and regulations on the accreditation of political parties. This Court will not encroach upon such rule-making power unless it is shown that the rules and regulations issued contravene the Constitution and existing laws.

This Court resolves a Petition for *Certiorari*¹ under Rule 64 in relation to Rule 65 of the Rules of Court, assailing the Resolution² of the Commission on Elections denying the Liberal Party's Petition for Accreditation³ as the dominant minority party for the May 13, 2019 national and local elections.

On March 25, 2019, the Commission on Elections issued Resolution No. 10514 titled "Rules and Regulations Governing the Filing of Accreditation for the Purpose of Determining the Dominant Majority Party, Dominant Minority Party, Ten (10) Major National Parties and Two (2) Major Local Parties in Connection with the May 13, 2019 National and Local Elections."⁴ Resolution No. 10514 was issued in accordance with Section 26 of Republic Act No. 7166,⁵ as amended,⁶ which states:

SECTION 26. Official Watchers. — Every registered political party or coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center: Provided, That, candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan belonging to the same slate or ticket shall collectively be entitled to only one watcher.

The dominant majority party and dominant minority party, which the Commission shall determine in accordance with law, shall each be entitled to one official watcher who shall be paid a fixed *per diem* of Four hundred pesos (P400.00).

There shall also be recognized six principal watchers, representing the six accredited major political parties excluding the dominant majority and minority parties, who shall be designated by the Commission upon nomination of the said parties. These political parties shall be determined by the Commission upon notice and hearing on the basis of the following circumstances:

(a) The established record of the said parties, coalition of groups that now composed them, taking into account, among other things, their showing in past elections;

(b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;

¹ *Rollo*, pp. 3–38.

² *Id.* at 40–50. The May 8, 2019 Resolution No. 10538 was signed by Commissioners Sheriff M. Abas (Chairperson), Al A. Parreño, Luie Tito F. Guia, Ma. Rowena Amelia V. Guanzon, Socorro B. Inting, Marlon S. Casquejo, and Antonio T. Khe, Jr. (now a Member of this Court). Commissioner Guia filed a Memorandum attached to the Resolution, to which Commissioner Guanzon concurred.

³ *Id.* at 57–79.

⁴ *Id.* at 53–55.

⁵ Synchronized Elections Law of 1991.

⁶ Republic Act No. 9369 (2007).

- (c) Their identifiable political organizations and strengths as evidenced by their organized/chapters;
- (d) The ability to fill a complete slate of candidates from the municipal level to the position of President; and
- (e) Other analogous circumstances that may determine their relative organizations and strengths.

Section 3 of Resolution No. 10514 states the criteria for determining the dominant majority, dominant minority, 10 major national and 2 major local parties for the May 13, 2019 national and local elections:

- (a) The established record of the said parties, coalition of groups that now composed them, taking into account among other things, their showing in past elections;
- (b) The number of incumbent elective officials belonging to them on the last day of the filing of the COC;
- (c) Their identifiable political organizations and strengths as evidenced by their organized chapters;
- (d) The ability to fill a complete slate of candidates from the municipal level to the position of senator;
- (e) The number of women candidates fielded by political parties from the municipal level to the position of Senator; [and]
- (f) Other analogous circumstances that may determine their relative organizations and strengths.

The petitioner shall include in its petition, pertinent data and statistics to support its arguments in accordance with the above criteria.⁷

On April 10, 2019, the Liberal Party filed with the Commission on Elections its Petition for Accreditation as the Dominant Minority Party, docketed as SPP (DM) No. 19-018.⁸

On May 8, 2019, the Commission on Elections *En Banc* issued Resolution No. 10538⁹ declaring Partido Demokratiko Pilipino - Lakas ng Bayan as the Dominant Majority Party, the Nacionalista Party as the Dominant Minority Party, and the Liberal Party as among the eight Major Political Parties for the 2019 national and local elections.¹⁰

⁷ *Rollo*, p. 54.

⁸ *Id.* at 15, 57-79.

⁹ *Id.* at 40-50.

¹⁰ *Id.* at 49.

In its Resolution, to evaluate each party vying for accreditation, the Commission on Elections assigned points for each of the five categories previously laid down in Resolution No. 10514. Based on this, the Commission determined that the Nacionalista Party obtained more points than the Liberal Party in the following criteria: (1) number of incumbent elective officials belonging to them on the last day of the filing of the certificates of candidacy; (2) identifiable political organizations and strengths as evidenced by their organized chapters; (3) ability to fill a complete slate of candidates from the municipal level to the position of senator; and (4) number of women candidates fielded by political parties from the municipal level to the position of Senator.¹¹

In a May 7, 2019 Memorandum¹² attached to the Resolution, Commissioner Luie Tito F. Guia (Commissioner Guia) expressed his serious reservation with the determination of the dominant minority party. He argued that the position that the dominant minority party should come from the minority, “a party that belongs to those that stand in opposite to the majority” in accordance with Section 274 of the Omnibus Election Code.¹³ Commissioner Ma. Rowena Amelia V. Guanzon concurred with Commissioner Guia’s position.¹⁴

On July 1, 2019, the Liberal Party filed before this Court a Petition for Certiorari under Rule 64 in relation to Rule 65 of the Rules of Court, assailing Resolution No. 10538.¹⁵

Petitioner claims that respondent Commission on Elections committed grave abuse of discretion in allegedly ignoring the definition of “dominant opposition party” in the Omnibus Election Code¹⁶ when it determined who

¹¹ Id. at 48–49.

¹² Id. at 51–52.

¹³ Id. at 51.

¹⁴ Id. at 50.

¹⁵ Id. at 3–38.

¹⁶ Section 274 of the Omnibus Election Code states:

SECTION 274. *Accreditation of dominant opposition party.* — For purposes of the next local elections in 1986 and the next presidential elections in 1987 or earlier, the dominant opposition party shall be that political party, group or organization or coalition of major national or regional political parties opposed to the majority party which has the capability to wage a bona fide nationwide campaign as shown by the extent of its organization and the number of Members of Parliament affiliated with it: *Provided, however,* That with specific reference to the next local elections in constituencies which are represented in the Batasang Pambansa by Members who do not belong either to the majority party or to the political party or coalition of political parties described above, the representatives of the opposition in the board of election inspectors, board of canvassers or other similar bodies shall be proposed exclusively by the party to which said Member of the Batasang Pambansa belong: *Provided, however,* That it is registered before the next local elections.

Any political party, group or organization or coalition of political parties seeking accreditation under this section shall file a verified petition with the Commission on Elections stating therein such information as may be necessary to enable the Commission to determine the qualifications for accreditation in accordance with the standard herein provided.

The Commission on Elections shall accredit the dominant opposition party not later than thirty days before the campaign period in every election.

In case a presidential election is held before the next local elections or before the presidential election in 1987, the provisions of the Constitution shall be enforced in determining which shall be the dominant opposition party for purposes of the next local elections.

the dominant minority party was for the 2019 national and local elections. To support its position, it cites Commissioner Guia's memorandum.¹⁷ To petitioner, respondent Commission on Elections' interpretation was erroneous because accredited respondent Nacionalista Party was a member of the ruling coalition party and not an opposition party.¹⁸

Further, petitioner argues that even though its petition might have been rendered moot as the elections had already been concluded, the issues it presented require this Court's attention.¹⁹ It points out that it will continue to attempt to get accreditation as the dominant minority party in future elections, thus, there should be an interpretation of the phrase that should be in accordance with the Omnibus Election Code.²⁰

The Petition for *Certiorari* prays for the following:

WHEREFORE, it is most respectfully prayed of the Honorable Court to render Judgment, as follows:

- (1) ANNUL and SET ASIDE the assailed Resolution No. 10538 dated 08 May 2019 promulgated by the Commission on Elections *En Banc*; [and]
- (2) ESTABLISH clear guidelines in accordance with the applicable law and jurisprudence for the guidance of the bench and the bar as well as the Filipino electorate for the recognition and accreditation as the dominant minority party in the conduct of the succeeding elections.

Petitioner respectfully prays for such other and further reliefs as may be deemed just and equitable in the premises.²¹

Following this Court's July 9, 2019 Resolution,²² respondent Commission on Elections, through the Office of the Solicitor General, filed its Comment on October 11, 2019,²³ while respondent Nacionalista Party filed its Comment on October 16, 2019.²⁴

In respondent Commission on Elections' Comment, it argues that the Petition for *Certiorari* should be dismissed as the May 2019 national and local elections have rendered it moot. It points out that the purpose of accrediting the dominant majority and minority political parties is for entitlement to privileges related to the conduct of particular national and local elections. These elections having concluded, then these privileges can no longer be

¹⁷ *Rollo*, p. 24.

¹⁸ *Id.* at 29.

¹⁹ *Id.* at 25.

²⁰ *Id.* at 27.

²¹ *Id.* at 29–30.

²² *Id.* at 89.

²³ *Id.* at 119–158.

²⁴ *Id.* at 193–210.

availed.²⁵ Further, respondent Commission on Elections claims that it did not commit grave abuse of discretion in issuing Resolution No. 10538. It argues that the criteria laid down in Resolution No. 10514 are consistent with the standards in Section 26 of Republic Act No. 7166, as amended by Republic Act No. 9369 and Section 11(e) of Republic Act No. 9710.²⁶

Meanwhile, respondent Nacionalista Party also argues that the Petition for *Certiorari* had been rendered moot by the May 2019 national and local elections.²⁷ It also claims that the Commission on Elections did not commit grave abuse of discretion when it found that respondent Nacionalista Party was the dominant minority party, and that petitioner was only a major political party for the May 2019 national and local elections. It points out that since 1992, respondent Commission on Elections had used accreditation criteria which did not require that the dominant minority be an opposing party to the majority party. Yet, petitioner only contested the criteria when it was designated a major political party, but not the dominant minority party.²⁸

In lieu of a consolidated reply to the Comments, petitioner filed a Manifestation on January 24, 2020 submitting that it had already addressed the contents of the Comments in its Petition for *Certiorari*.²⁹

The issues to be resolved in this case are:

First, whether or not the Petition for *Certiorari* has been rendered moot by the conclusion of the 2019 national and local elections; and

Second, whether or not petitioner Liberal Party's prayer amounts to a request for an advisory opinion.

The Petition for *Certiorari* contains two prayers for relief: first, the annulment of Resolution No. 10538, and second, the establishment by this Court of guidelines for the recognition and accreditation of the dominant minority party in the conduct of succeeding elections.

Both prayers are denied.

In election law, accreditation "relates to the privileged participation that our election laws grant to qualified registered parties."³⁰ For the 2019 national and local elections, Resolution No. 10538 declares the political parties

²⁵ Id. at 123–125.

²⁶ Id. at 125–146.

²⁷ Id. at 196–199.

²⁸ Id. at 199–208.

²⁹ Id. at 480–481.

³⁰ *Liberal Party v. Commission on Elections*, 634 Phil. 468, 494 (2010) [Per J. Brion, *En Banc*].

accredited as the dominant majority party, dominant minority party, and the 10 national political parties. The parties thus designated are entitled to certain privileges relevant to the conduct of the elections. In *Laban ng Demokratikong Pilipino v. Commission on Elections*.³¹

The law accords special treatment to political parties. The dominant majority party, the dominant minority party as determined by the COMELEC, for instance, is entitled to a copy of the election returns. The six (6) accredited major political parties may nominate the principal watchers to be designated by the Commission. The two principal watchers representing the ruling coalition and the dominant opposition coalition in a precinct shall, if available, affix their signatures and thumbmarks on the election returns for that precinct. Three (3) of the six accredited major political parties are entitled to receive copies of the certificate of canvass. Registered political parties whose candidates obtained at least ten percent (10%) of the total votes cast in the next preceding senatorial election shall each have a watcher and/or representative in the procurement and watermarking of papers to be used in the printing of election returns and official ballots and in the printing, numbering, storage, and distribution thereof. Finally, a candidate and his political party are authorized to spend more per voter than a candidate without a political party.³² (Citations omitted)

The process of accreditation of the dominant majority and minority parties, and national political parties is a process that begins anew with every electoral cycle.³³ This cycle was succinctly described by petitioner in its Petition for *Certiorari*:

In every election since the year 1992, Public Respondent accredited several political parties as the dominant majority party and dominant minority party.

In fact, as part of its established record and performance in the past elections, Public Respondent has previously accredited and recognized Petitioner thrice as a Dominant Majority Party, twice as a Dominant Minority Party, and four times as a Major National Political Party, to wit:

.....

In the forthcoming 2022 National and Local Elections and elections thereafter, as mandated by law, Public Respondent will accredit and recognize political parties as the dominant majority party and dominant minority party.³⁴

The purpose for which the parties were accredited in Resolution No. 10538 had already been fulfilled long before the Petition for *Certiorari* was even filed. Any action this Court may take regarding Resolution No. 10538

³¹ 468 Phil. 70-100 [Per J. Tinga, *En Banc*].

³² Id. at 83.

³³ See *Liberal Party v. Commission on Elections*, 634 Phil. 468 (2010) [Per J. Brion, *En Banc*].

³⁴ *Rollo*, p. 27.

will not produce any legal effect. Even if this Court find for petitioner and revoke respondent Nacionalista Party's accreditation in its favor, this Court cannot take back the election returns already distributed and permit it the electoral watchers to which it is entitled. Even petitioner implicitly admits that the conclusion of the 2019 national and local elections essentially rendered its prayer for annulment of Resolution No. 10538 moot.³⁵

A primordial requirement for courts to exercise adjudicatory functions is the existence of an actual case or controversy over legal relations of parties having adverse legal interests. In *Information Technology Foundation of the Philippines v. Commission on Elections*:³⁶

It is well-established in this jurisdiction that "x x x for a court to exercise its power of adjudication, there must be an actual case or controversy — one which involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution; the case must not be moot or academic or based on extra-legal or other similar considerations not cognizable by a court of justice. x x x [C]ourts do not sit to adjudicate mere academic questions to satisfy scholarly interest, however intellectually challenging." The controversy must be justiciable — definite and concrete, touching on the legal relations of parties having adverse legal interests. In other words, the pleadings must show an active antagonistic assertion of a legal right, on the one hand, and a denial thereof on the other; that is, it must concern a real and not a merely theoretical question or issue. There ought to be an actual and substantial controversy admitting of specific relief through a decree conclusive in nature, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts.³⁷ (Citations omitted)

The petition stands in contrast with *Liberal Party v. Commission on Elections*,³⁸ which involved the application for registration of a coalition to become a political party for the purpose of accreditation. There, petitioner Liberal Party filed its petition for *certiorari* and prohibition assailing certain issuances and acts of respondent Commission on Elections prior to the conduct of the May 10, 2010 elections. Thus, this Court was able to timely resolve the matters raised therein in accordance with the prevailing facts of the case, in an actual case or controversy.

Here, the May 13, 2019 elections for which the contested accreditation was made had already been over for more than a month before petitioner filed its Petition for *Certiorari*. There is no longer any adverse legal interests to speak of, or any specific relief that petitioner may obtain contingent to privileges pursuant to Resolution No. 10538.

Further, a review of petitioner's arguments shows that it does not

³⁵ Id. at 24–25.

³⁶ 499 Phil. 281 (2005) [Per J. Panganiban, *En Banc*].

³⁷ Id. at 304–305.

³⁸ 634 Phil. 468 (2010) [Per J. Brion, *En Banc*].

actually contest Resolution No. 10538. While it alleges that respondent Nacionalista Party should not have been declared the dominant minority party for the 2019 national and local elections, it does not do so based on the point allocations or computations made in Resolution No. 10538. Instead, what petitioner assails is the inclusion of certain criteria and alleged exclusion of others to determine which political party is the dominant minority party.

What petitioner truly assails is Resolution No. 10514, which lays down respondent Commission on Elections' criteria for determining who the dominant minority party is, among others. Petitioner essentially claims that respondent Commission on Elections should have used the definition of "dominant opposition party" in the Omnibus Election Code, namely, "that political party, group or organization or coalition of major national or regional political parties opposed to the majority party which has the capability to wage a bona fide nationwide campaign as shown by the extent of its organization and the number of Members of Parliament affiliated with it" instead of the six categories laid down in Section 3 of Resolution No. 10514.³⁹

However, it is not shown anywhere in the petition that petitioner assailed Resolution No. 10514 or questioned Section 3 before respondent Commission on Elections or in any other venue. Resolution No. 10514 was issued on March 25, 2019, which would have given petitioner enough time to seek a clarification or correction of the definitions therein prior to filing its petition for accreditation. Thus, for petitioner to claim now that it had very little time to contest the accreditation of respondent Nacionalista Party on the basis of Resolution No. 10514's criteria is disingenuous.

Notably, as pointed out by respondent Commission on Elections, the criteria system, including the method by which the dominant majority and minority parties are determined, in Resolution No. 10514 is not new.

For the 2016 national, local, and Administrative Region of Muslim Mindanao Elections, respondent Commission on Elections promulgated the following criteria for accreditation in Resolution No. 9984:⁴⁰

Section 3. Criteria for Determining the Dominant Majority Party, Dominant Minority Party, Ten Major National Parties and Two Major Local Parties. – The dominant majority party, the dominant minority party, the ten major national parties and the two major local parties shall be determined on the basis of the following criteria.

a. The established record of the said parties, coalition of groups that now composed them, taking into account among other things, their showing in past elections;

³⁹ *Rollo*, pp. 21–24.

⁴⁰ Rule III, sec. 3.

b. The number of incumbent elective officials belonging to them on the last day of the filing of the COC;

c. Their identifiable political organizations and strengths as evidenced by their organized chapters;

d. The ability [to] fill a complete slate of candidates from the municipal level to the position of the President; and

e. Other analogous circumstances that may determine their relative organizations and strengths.

The petitioner shall include in its petition, pertinent data and statistics to support its arguments in accordance with the above criteria.

For the 2013 automated national and local elections, respondent Commission on Elections issued Resolution No. 9611, Section 3 of which states:

Section 3. Criteria for determining the dominant majority party, dominant minority party, ten (10) major national parties and two (2) major local parties. – The dominant majority party, the dominant minority party, the ten (10) major national parties and the two (2) major local parties shall be determined on the basis of the following criteria:

(a) The established record of the said parties, coalition, of groups that now composed them, taking into account, among other things, their showing in past elections;

(b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;

(c) Their identifiable political organizations and strengths as evidenced by their organized chapters;

(d) The ability to fill a complete slate of candidates from the municipal level to the position of the President (Senators); and

(e) Other analogous circumstances that may determine their relative organizations and strengths.

For purposes of the foregoing, petitioner shall include in its petition, pertinent data and statistics to support its arguments in accordance with the above criteria.

Respondent Commission on Elections issued Resolution No. 8752 for the 2010 synchronized national and local elections with the following criteria for accreditation:

Section 3. Criteria for determining the dominant majority party, dominant minority party, ten (10) major national parties and two (2) major

local parties. – The dominant majority party, the dominant minority party, the ten (10) major national parties and the two (2) major local parties shall be determined on the basis of the following criteria:

(a) The established record of the said parties, coalition of groups that now composed them, taking into account among other things, their showing in past elections;

(b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;

(c) Their identifiable political organizations and strengths as evidenced by their organized chapters;

(d) The ability to fill a complete slate of candidates from the municipal level to the position of the President; and

(e) Other analogous circumstances that may determine their relative organizations and strengths.

For purposes of the foregoing, petitioner shall include in its petition, pertinent data and statistics to support its arguments in accordance with the above criteria.

The above-cited criteria, as well as the criteria in Resolution No. 10514, are consistent with those enumerated in Section 26 of Republic Act No. 7166, as amended by Section 34 of Republic Act No. 9369. The notable addition to the criteria in Resolution No. 10514 is: “the number of women candidates fielded by political parties from the municipal level to the position of Senator,” in line with Section 11(e) of Republic Act No. 9710.⁴¹

Indeed, a review of resolutions from these three national and local elections prior to 2019 shows that the determination of the dominant majority and minority parties have been based on weighted average points assigned according to the above-cited criteria.

In Resolution No. 10094 for the 2016 national, local, and Administrative Region of Muslim Mindanao Elections:

Section 1. Criteria for accreditation. –

The first and second of the accredited national parties shall be the dominant majority party, dominant minority party, respectively. The remaining eight (8) national parties which failed to obtain the highest two (2) ranks shall fill-up eight (8) out of the ten (10) slots allotted for major political parties.

⁴¹ Republic Act No. 9710 (2009), sec. 11(e) states:

Section 11. *Participation and Representation.* –

(e) Integration of Women in Political Parties. – The State shall provide incentives to political parties with women’s agenda. It shall likewise encourage the integration of women in their leadership hierarchy, internal policy-making structures, appointive, and electoral nominating processes[.]

In Resolution No. 9661, for the 2013 automated national and local elections:

Section 1. Criteria for accreditation. –

The first and second of the accredited political parties shall be the dominant majority party and the dominant minority party, respectively. The remaining four (4) national parties which failed to obtain the highest two (2) ranks shall fill-up four (4) of the ten (10) slots allotted for major political parties.

In Resolution No. 8886, for the 2010 synchronized national and local elections:

Section 1. Criteria for accreditation. –

The first and second of the accredited political parties shall be the Dominant Majority Party, and the Dominant Minority Party, respectively.

As pointed out by respondent Commission on Elections, petitioner has been an active participant in the accreditation process, and is cognizant of how the dominant majority and minority parties are determined. However, it did not object to non-inclusion of the requirement that the dominant minority party be “opposing” to the dominant majority party until it was designated as neither.⁴² Thus, it is difficult to find the arbitrariness and taint of grave abuse of discretion alleged by petitioner in respondent Commission on Elections’ act of issuing Resolution No. 10514 and Resolution No. 10538 for the 2019 national and local elections. At the very least, it raises the question of why petitioner had, in elections prior to 2019, willingly participated in and benefited from an accreditation process it now claims is rife with “gross contravention”⁴³ of law and jurisprudence.

As for the prayer that this Court establish guidelines on the recognition and accreditation of the dominant minority party in succeeding elections, this is essentially a request for this Court to issue an advisory opinion, which it does not do.⁴⁴

Concededly, this Court has assumed jurisdiction over an otherwise moot case should it be presented with an opportunity to guide the bench, bar, and the public:

A case becomes moot and academic when, by virtue of supervening

⁴² *Rollo*, pp. 151–152.

⁴³ *Id.* at 24.

⁴⁴ *In Re: Save the Supreme Court Judicial Independence and Fiscal Autonomy Movement*, 751 Phil. 30, 38 (2015) [Per J. Leonen, *En Banc*].

events, the conflicting issue that may be resolved by the court ceases to exist. While it is true that this court may assume jurisdiction over a case that has been rendered moot and academic by supervening events, the following instances must be present:

- (1) Grave constitutional violations;
- (2) Exceptional character of the case;
- (3) Paramount public interest;
- (4) The case presents an opportunity to guide the bench, the bar, and the public; or
- (5) The case is capable of repetition yet evading review.⁴⁵
(Citations omitted)

Petitioner claims that this case raises issues “of paramount public interest and that the gravity, novelty or weight in resolving the same will serve as precedent in the succeeding elections.”⁴⁶ Thus, it prays for this Court to formulate the necessary guidelines to be implemented in succeeding elections.

Petitioner is correct that the proper conduct of elections includes the recognition and accreditation of political parties.⁴⁷ However, this Court is not persuaded that the public interest is so paramount and exceptional in this instance as to warrant Our intervention in a matter that no longer has any actual case or controversy. Under the circumstances, petitioner’s own lack of urgency in contesting the assailed Resolutions undermines its claims that the issues it raised must be resolved now, when any relief it will obtain from this Court will not materially affect the national and local elections, which had already concluded.

More importantly, for this Court to formulate the guidelines petitioner prays for also amounts to an interference with respondent Commission on Elections’ constitutional powers over the conduct of elections, including its power to enforce and administer all laws and regulations relative to the conduct of an election.⁴⁸

⁴⁵ *Lim Bio Hian v. Lim Eng Tian*, 823 Phil. 12, 17 (2018) [Per J. Martires, Third Division].

⁴⁶ *Rollo*, p. 25.

⁴⁷ *Id.* at 27.

⁴⁸ Article IX-C, Section 2 of the Constitution states:

SECTION 2. The Commission on Elections shall exercise the following powers and functions:

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

(2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

(3) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.

Included in respondent Commission on Elections' power and function to enforce and administer electoral laws is the power to promulgate rules and regulations on matters within these laws. In *Philippine Association of Detective and Protective Agency Operators v. Commission on Elections*:⁴⁹

The power of the COMELEC to promulgate rules and regulations to enforce and implement elections laws is enshrined in the Constitution, which provides:

Section 6, Article IX-A:

Section 6. Each Commission en banc may promulgate its own rules concerning pleadings and practice before it or before any of its offices. Such rules, however, shall not diminish, increase, or modify substantive rights.

Section 2, Article IX-C:

Section 2. The Commission on Elections shall exercise the following powers and functions:

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

The COMELEC's power to issue rules and regulations was reiterated in BP 881:

Article VII. THE COMMISSION ON ELECTIONS

Sec. 52. Powers and functions of the Commission on Elections. — In addition to the powers and functions

(4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.

(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

(6) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.

(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 candidacies.

(8) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision.

(9) Submit to the President and the Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

⁴⁹ 819 Phil. 204 (2017) [Per J. Caguioa, *En Banc*].

conferred upon it by the Constitution, the Commission shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections, and shall:

xxx xxx xxx

(c) Promulgate rules and regulations implementing the provisions of this Code or other laws which the Commission is required to enforce and administer[.]

In *Aquino v. COMELEC*, the Court recognized the wide latitude given to the COMELEC by the Constitution and by law to enforce and implement election laws to fulfill[] its mandate of ensuring free, orderly, peaceful, and honest elections. The Court held:

A common and clear conclusion that we can gather from these provisions is the obvious and unequivocal intent of the framers of the Constitution and of the law to grant the COMELEC with powers, necessary and incidental to achieve the objective of ensuring free, orderly, honest, peaceful and credible elections.

Thus, expressly, the Constitution and the laws grant the COMELEC with the power, first and foremost, to “[e]nforce and administer all laws and regulations relative to the conduct of an election,” and second, to “promulgate rules and regulations.” Together, these powers ensure that the COMELEC is well armed to properly enforce and implement the election laws and enable it to fill in the situational gaps which the law does not provide for or which the legislature had not foreseen.

In *Lokin, Jr. v. COMELEC*, the Court also ruled:

The COMELEC is constitutionally mandated to enforce and administer all laws and regulations relative to the conduct of an election, a plebiscite, an initiative, a referendum, and a recall. In addition to the powers and functions conferred upon it by the Constitution, the COMELEC is also charged to promulgate IRRs implementing the provisions of the Omnibus Election Code or other laws that the COMELEC enforces and administers.⁵⁰ (Citations omitted)

Yet respondent Commission on Elections’ rule-making power is not absolute. It is limited by the Constitution and existing laws:

Like all grant of powers, however, the grant to the COMELEC of its express — enforcement and administration, and rule-making — and implied — interpretative — powers are not without limitations. The exercise of these powers should always be read in conjunction with, not in isolation

⁵⁰ Id. at 219–221.

from, the Constitution and the laws from where it draws the power.⁵¹

Republic Act No. 7166, Section 26, as amended, is clear that the accreditation of the dominant majority party, dominant minority party, and the major political parties is the function of respondent Commission on Elections. As such, it has the power to promulgate rules and regulations on the accreditation of political parties for a particular election. Respondent Commission on Elections exercises its power accordingly when it issues resolutions on the rules and regulations governing the accreditation of political parties whenever national and local elections are held.

As discussed above, the criteria in Resolution No. 10514 and Resolution No. 10538 are consistent with the enumerated circumstances in Republic Act No. 7166, Section 26, as amended. Respondent Commission on Elections did not exceed its rule-making powers when it used a weighted average system and assignment of points to determine the dominant majority and dominant minority parties to implement that statutory criteria. It must be noted that even Commissioner Guia's Memorandum articulating his position on the determination of the dominant majority and minority parties did not object to the criteria and formula used,⁵² but only submits that there should be an additional process in such determination, which should be properly treated as a recommendation for respondent Commission on Elections itself in any succeeding formulation of rules and regulations on accreditation. For this Court at this stage to impose additional criteria for the accreditation of political parties in future elections is an unbecoming and presumptive encroachment on the rule-making powers of respondent Commission on Elections, barring any findings that it has exceeded the authority granted it by law.

ACCORDINGLY, the Petition for *Certiorari* is **DISMISSED**. The May 8, 2019 Resolution No. 10538 of the Commission on Elections is **AFFIRMED**.

SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

⁵¹ *Aquino v. Commission on Elections*, 756 Phil. 80, 102 (2015) [Per J. Brion, *En Banc*].

⁵² See *Rollo*, p. 51, which states, in part, "I have no objection on the criteria and formula used in determining the ranking of parties as to their 'dominance' Thus, I submit that the process should first involve determining which parties belong to the majority and to the minority. Thereafter, the most dominant party in each of the two categories will be selected."

WE CONCUR:

*See Separate
Opinion*

[Signature]
ALEXANDER G. GESMUNDO
Chief Justice

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ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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RAMON PAUL L. HERNANDO
Associate Justice

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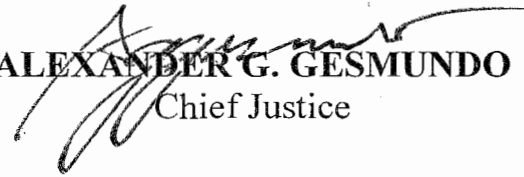
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JOSE MIDAS P. MARQUEZ
Associate Justice

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ANTONIO T. KHO JR.
Associate Justice


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MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 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
JCC-En Banc, Supreme Court