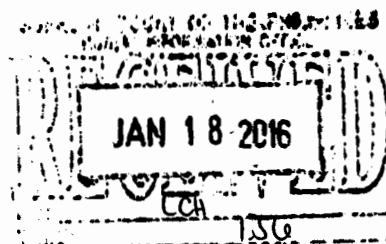




Republic of the Philippines  
 Supreme Court  
 Manila

EN BANC



LORD ALLAN JAY Q. VELASCO,  
 Petitioner,

G.R. No. 211140

Present:

- versus -

SERENO, *CJ.*,  
 CARPIO,  
 VELASCO, JR.,\*  
 LEONARDO-DE CASTRO,  
 BRION,  
 PERALTA,\*  
 BERSAMIN,  
 DEL CASTILLO,\*  
 VILLARAMA, JR.,  
 PEREZ,  
 MENDOZA,\*  
 REYES,  
 LEONEN,  
 PERLAS-BERNABE,\* and  
 JARDELEZA,\* *JJ.*:

HON. SPEAKER FELICIANO R.  
 BELMONTE, JR., SECRETARY  
 GENERAL MARILYN<sup>1</sup> B. BARUA-  
 YAP AND REGINA ONGSIAKO  
 REYES,

Respondents.

Promulgated:

January 12, 2016

X-----*[Signature]*-----X

DECISION

LEONARDO-DE CASTRO, *J.*:

In the same manner that this Court is cautioned to be circumspect because one party is the son of a sitting Justice of this Court, so too must we avoid abjuring what ought to be done as dictated by law and justice solely for that reason.

Before this Court is a Petition for *Mandamus* filed under Rule 65 of the Rules of Court, as amended, by Lord Allan Jay Q. Velasco (Velasco)

<sup>1</sup> Originally cited as "Emilia."  
 \* No part.

*mm*

against Hon. Feliciano R. Belmonte, Jr. (Speaker Belmonte, Jr.), *Speaker*, House of Representatives, Hon. Marilyn B. Barua-Yap (Sec. Gen. Barua-Yap), *Secretary General*, House of Representatives, and Hon. Regina Ongsiako Reyes (Reyes), *Representative*, Lone District of the Province of Marinduque.

Velasco principally alleges that he is the “*legal and rightful winner during the May 13, 2013 elections in accordance with final and executory resolutions of the Commission on Elections (COMELEC) and [this] Honorable Court,*”<sup>2</sup> thus, he seeks the following reliefs:

- a. that a WRIT OF MANDAMUS against the HON. SPEAKER FELICIANO BELMONTE, JR. be issued ordering said respondent to administer the proper OATH in favor of petitioner Lord Allan Jay Q. Velasco for the position of Representative for the Lone District of Marinduque; and allow petitioner to assume the position of representative for Marinduque and exercise the powers and prerogatives of said position of Marinduque representative;
- b. that a WRIT OF MANDAMUS against SECRETARY-GENERAL [MARILYN] BARUA-YAP be issued ordering said respondent to REMOVE the name of Regina O. Reyes in the Roll of Members of the House of Representatives and to REGISTER the name of petitioner Lord Allan Jay Q. Velasco, herein petitioner, in her stead; and
- c. that a TEMPORARY RESTRAINING ORDER be issued to RESTRAIN, PREVENT and PROHIBIT respondent REGINA ONGSIAKO REYES from usurping the position of Member of the House of Representatives for the Lone District of Marinduque and from further exercising the prerogatives of said position and performing the duties pertaining thereto, and DIRECTING her to IMMEDIATELY VACATE said position.<sup>3</sup>

The pertinent facts leading to the filing of the present petition are:

On October 10, 2012, one Joseph Socorro Tan (Tan), a registered voter and resident of the Municipality of Torrijos, Marinduque, filed with the Commission on Elections (COMELEC) a petition<sup>4</sup> to deny due course or cancel the Certificate of Candidacy (COC) of Reyes as candidate for the position of Representative of the Lone District of the Province of Marinduque. In his petition, **Tan alleged that Reyes made several material misrepresentations in her COC, i.e., “(i) that she is a resident of Brgy. Lupac, Boac, Marinduque; (ii) that she is a natural-born Filipino citizen; (iii) that she is not a permanent resident of, or an immigrant to, a foreign country; (iv) that her date of birth is July 3, 1964; (v) that her civil status is single; and finally (vi) that she is eligible for the office she seeks to be elected to.”**<sup>5</sup>

<sup>2</sup> Rollo (G.R. No. 201140), pp. 3-4.

<sup>3</sup> Id. at 25-26.

<sup>4</sup> Docketed as SPA No. 13-053 (DC).

<sup>5</sup> Rollo (G.R. No. 201140), pp. 31-32.

The case was docketed as **SPA No. 13-053 (DC)**, entitled “*Joseph Socorro B. Tan v. Atty. Regina Ongsiako Reyes.*”

On March 27, 2013, the COMELEC First Division resolved to grant the petition; hence, Reyes’s COC was accordingly cancelled. The dispositive part of said resolution reads:

**WHEREFORE**, in view of the foregoing, the instant Petition is **GRANTED**. Accordingly, the Certificate of Candidacy of respondent REGINA ONGSIAKO REYES is hereby **CANCELLED**.<sup>6</sup>

Aggrieved, Reyes filed a motion for reconsideration thereto.

But while said motion was pending resolution, the synchronized local and national elections were held on May 13, 2013.

The day after, or on May 14, 2013, the COMELEC *En Banc* affirmed the resolution of the COMELEC First Division, to wit:

**WHEREFORE**, premises considered, the Motion for Reconsideration is hereby **DENIED** for lack of merit. The March 27, 2013 Resolution of the Commission (First Division) is hereby **AFFIRMED**.<sup>7</sup>

A copy of the foregoing resolution was received by the Provincial Election Supervisor of Marinduque, through Executive Assistant Rossini M. Oscadin, on May 15, 2013.

Likewise, Reyes’s counsel, Atty. Nelia S. Aureus, received a copy of the same on May 16, 2013.

On May 18, 2013, despite its receipt of the May 14, 2013 COMELEC Resolution, the Marinduque Provincial Board of Canvassers (PBOC) proclaimed Reyes as the winner of the May 13, 2013 elections for the position of Representative of the Lone District of Marinduque.

On May 31, 2013, Velasco filed an *Election Protest Ad Cautelam* against Reyes in the House of Representatives Electoral Tribunal (HRET) docketed as **HRET Case No. 13-028**, entitled “*Lord Allan Jay Q. Velasco v. Regina Ongsiako Reyes.*”

Also on the same date, a *Petition for Quo Warranto Ad Cautelam* was also filed against Reyes in the HRET docketed as **HRET Case No. 13-027**, entitled “*Christopher P. Matienzo v. Regina Ongsiako Reyes.*”

On June 5, 2013, the COMELEC *En Banc* issued a *Certificate of Finality*<sup>8</sup> in **SPA No. 13-053 (DC)**, which provides:

<sup>6</sup> Id. at 42.

<sup>7</sup> Id. at 47.

<sup>8</sup> Id. at 65-67.

**NOW, THEREFORE**, considering that more than twenty-one (21) days have lapsed since the date of the promulgation with no Order issued by the Supreme Court restraining its execution, the Resolution of the Commission *en banc* promulgated on May 14, 2013 is hereby declared **FINAL** and **EXECUTORY**.<sup>9</sup>

On June 7, 2013, Speaker Belmonte, Jr. administered the oath of office to Reyes.

On June 10, 2013, Reyes filed before this Court a Petition for *Certiorari* docketed as **G.R. No. 207264**, entitled "*Regina Ongsiako Reyes v. Commission on Elections and Joseph Socorro Tan*," assailing (i) the May 14, 2013 Resolution of the COMELEC *En Banc*, which denied her motion for reconsideration of the March 27, 2013 Resolution of the COMELEC First Division cancelling her Certificate of Candidacy (for material misrepresentations made therein); and (ii) the June 5, 2013 Certificate of Finality.

In the meantime, it appears that Velasco filed a *Petition for Certiorari* before the COMELEC docketed as **SPC No. 13-010**, entitled "*Rep. Lord Allan Jay Q. Velasco vs. New Members/Old Members of the Provincial Board of Canvassers (PBOC) of the Lone District of Marinduque and Regina Ongsiako Reyes*," assailing the proceedings of the PBOC and the proclamation of Reyes as null and void.

On June 19, 2013, however, the COMELEC denied the aforementioned petition in SPC No. 13-010.

On June 25, 2013, in **G.R. No. 207264**, this Court promulgated a Resolution dismissing Reyes's petition, *viz.*:

**IN VIEW OF THE FOREGOING**, the instant petition is **DISMISSED**, finding no grave abuse of discretion on the part of the Commission on Elections. The 14 May 2013 Resolution of the COMELEC *En Banc* affirming the 27 March 2013 Resolution of the COMELEC First Division is upheld.<sup>10</sup>

Significantly, this Court held that Reyes cannot assert that it is the HRET which has jurisdiction over her since she is not yet considered a Member of the House of Representatives. This Court explained that to be considered a Member of the House of Representatives, there must be a

<sup>9</sup> Id. at 67. Section 13, Rule 18 of the 1993 COMELEC Rules of Procedure in relation to Paragraph 2, Section 8 of Resolution No. 9523, provides that a decision or resolution of the COMELEC *En Banc* in special actions and special cases shall become final and executory five (5) days after its promulgation unless a restraining order is issued by the Supreme Court. Section 3, Rule 37, Part VII also provides that decisions in petitions to deny due course to or cancel certificates of candidacy, to declare a candidate as nuisance candidate or to disqualify a candidate, shall become final and executory after the lapse of five (5) days from promulgation, unless restrained by the Supreme Court.

<sup>10</sup> Id. at 82.

concurrence of the following requisites: (i) a valid proclamation, (ii) a proper oath, and (iii) assumption of office.<sup>11</sup>

On June 28, 2013, Tan filed a *Motion for Execution* (of the March 27, 2013 Resolution of the COMELEC First Division and the May 14, 2013 Resolution of the COMELEC *En Banc*) in SPA No. 13-053 (DC), wherein he prayed that:

[A]n Order be issued granting the instant motion; and cause the immediate EXECUTION of this Honorable Commission's Resolutions dated March 27, 2013 and May 14, 2013; CAUSE the PROCLAMATION of LORD ALLAN JAY Q. VELASCO as the duly elected Member of the House of Representatives for the Lone District of Marinduque, during the May 2013 National and Local Elections.<sup>12</sup>

At noon of June 30, 2013, it would appear that Reyes assumed office and started discharging the functions of a Member of the House of Representatives.

On July 9, 2013, in SPC No. 13-010, acting on the motion for reconsideration of Velasco, the COMELEC *En Banc* reversed the June 19, 2013 denial of Velasco's petition and declared null and void and without legal effect the proclamation of Reyes. The dispositive part reads:

WHEREFORE, in view of the foregoing, the instant motion for reconsideration is hereby GRANTED. The assailed June 19, 2013 Resolution of the First Division is REVERSED and SET ASIDE.

Corollary thereto, the May 18, 2013 proclamation of respondent REGINA ONGSIAKO REYES is declared NULL and VOID and without any legal force and effect. **Petitioner LORD ALLAN JAY Q. VELASCO is hereby proclaimed the winning candidate** for the position of representative in the House of Representatives for the province of Marinduque.<sup>13</sup> (Emphasis supplied.)

Significantly, the aforementioned Resolution has not been challenged in this Court.

On July 10, 2013, in SPA No. 13-053 (DC), the COMELEC *En Banc*, issued an Order (i) granting Tan's motion for execution (of the May 14, 2013 Resolution); and (ii) directing the reconstitution of a new PBOC of Marinduque, as well as the proclamation by said new Board of Velasco as the duly elected Representative of the Lone District of Marinduque. The *fallo* of which states:

IN VIEW OF THE FOREGOING, the Commission hereby GRANTS the instant Motion. Accordingly, a new composition of the

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<sup>11</sup> Id. at 74.

<sup>12</sup> Id. at 106.

<sup>13</sup> Id. at 267.

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Provincial Board of Canvassers of Marinduque is hereby constituted to be composed of the following:

1. Atty. Ma. Josefina E. Dela Cruz - Chairman
2. Atty. Abigail Justine Cuaresma-Lilagan - Vice Chairman
3. Dir. Ester Villaflor-Roxas - Member
4. Three (3) Support Staffs

For this purpose, the Commission hereby directs, after due notice to the parties, the convening of the New Provincial Board of Canvassers of Marinduque on July 16, 2013 (Tuesday) at 2:00 p.m., at the COMELEC Session Hall, 8<sup>th</sup> Floor, PDG Intramuros, Manila and to PROCLAIM LORD ALLAN JAY Q. VELASCO as the duly elected Member of the House of Representatives for the Lone District of Marinduque in the May 13, 2013 National and Local Elections.

Further, Director Ester Villaflor-Roxas is directed to submit before the New Provincial Board of Canvassers (NPBOC) a certified true copy of the votes of congressional candidate Lord Allan Jay Q. Velasco in the 2013 National and Local Elections.

Finally, the NPBOC of the Province of Marinduque is likewise directed to furnish copy of the Certificate of Proclamation to the Department of Interior and Local Government (DILG) and the House of Representatives.<sup>14</sup>

On July 16, 2013, the newly constituted PBOC of Marinduque proclaimed herein petitioner Velasco as the duly elected Member of the House of Representatives for the Lone District of Marinduque with 48,396 votes obtained from 245 clustered precincts.<sup>15</sup>

On July 22, 2013, the 16<sup>th</sup> Congress of the Republic of the Philippines formally convened in a joint session. On the same day, Reyes, as the recognized elected Representative for the Lone District of Marinduque, along with the rest of the Members of the House of Representatives, took their oaths in open session before Speaker Belmonte, Jr.

On July 23, 2013, Reyes filed a *Manifestation and Notice of Withdrawal of Petition* "without waiver of her arguments, positions, defenses/causes of action as will be articulated in the HRET which is now the proper forum."<sup>16</sup>

On October 22, 2013, Reyes's motion for reconsideration<sup>17</sup> (of this Court's June 25, 2013 Resolution in **G.R. No. 207264**) filed on July 15, 2013, was denied by this Court, *viz.*:

<sup>14</sup> Id. at 107.

<sup>15</sup> Id. at 109. Certificate of Canvass of Votes and Proclamation of Winning Candidate for the Position of Member of House of Representatives for the Lone District of Marinduque.

<sup>16</sup> *Rollo* (G.R. No. 207264), pp. 409-412.

<sup>17</sup> Id. at 308-376.

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**WHEREFORE**, The Motion for Reconsideration is DENIED. The dismissal of the petition is affirmed. Entry of Judgment is ordered.<sup>18</sup>

On November 27, 2013, Reyes filed a *Motion for Leave of Court to File and Admit Motion for Reconsideration* in G.R. No. 207264.

On December 3, 2013, said motion was treated as a second motion for reconsideration and was denied by this Court.

On December 5, 2013 and January 20, 2014, respectively, Velasco sent two letters to Reyes essentially demanding that she vacate the office of Representative of the Lone District of Marinduque and to relinquish the same in his favor.

On December 10, 2013, Velasco wrote a letter to Speaker Belmonte, Jr. requesting, among others, that he be allowed to assume the position of Representative of the Lone District of Marinduque.

On December 11, 2013, in **SPC No. 13-010**, acting on the Motion for Issuance of a Writ of Execution filed by Velasco on November 29, 2013, praying that:

WHEREFORE, it is respectfully prayed that a writ of execution be ISSUED to implement and enforce the May 14, 2013 Resolution in SPA No. 13-053, the July 9, 2013 Resolution in SPC No. 13-010 and the July 16, 2013 Certificate of Proclamation of Petitioner Lord Allan Jay Q. Velasco as Representative of Marinduque. It is further prayed that a certified true copy of the writ of execution be personally served and delivered by the Commission's bailiff to Speaker Feliciano Belmonte for the latter's implementation and enforcement of the aforementioned May 14, 2013 Resolution and July 9, 2013 Resolution and the July 16, 2013 Certificate of Proclamation issued by the Special Board of Canvassers of the Honorable Commission.<sup>19</sup>

the COMELEC issued an Order<sup>20</sup> dated December 11, 2013 directing, *inter alia*, that all copies of its Resolutions in SPA No. 13-053 (DC) and SPC No. 13-010, the Certificate of Finality dated June 5, 2013, the Order dated July 10, 2013, and the Certificate of Proclamation dated July 16, 2013 be forwarded and furnished to Speaker Belmonte, Jr. for the latter's information and guidance.

On February 4, 2014, Velasco wrote another letter to Speaker Belmonte, Jr. reiterating the above-mentioned request but to no avail.

On February 6, 2014, Velasco also wrote a letter to Sec. Gen. Barua-Yap reiterating his earlier requests (July 12 and 18, 2013) to delete the name

<sup>18</sup> *Rollo* (G.R. No. 201140), p. 122.

<sup>19</sup> *Id.* at 269.

<sup>20</sup> *Id.* at 269-272.

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of Reyes from the Roll of Members and register his name in her place as the duly elected Representative of the Lone District of Marinduque.

However, Velasco relates that his efforts proved futile. He alleges that despite all the letters and requests to Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap, they refused to recognize him as the duly elected Representative of the Lone District of Marinduque. Likewise, in the face of numerous written demands for Reyes to vacate the position and office of the Representative of the Lone District of Marinduque, she continues to discharge the duties of said position.

Hence, the instant Petition for *Mandamus* with prayer for issuance of a temporary restraining order and/or injunction anchored on the following issues:

- A. Whether or not Speaker Belmonte, Jr. can be COMPELLED, DIRECTED and ORDERED by a Writ of Mandamus to administer the oath in favor of petitioner as duly elected Marinduque Representative and allow him to assume said position and exercise the prerogatives of said office.
- B. Whether or not respondent SG Barua-Yap can be COMPELLED, DIRECTED and ORDERED by a Writ of Mandamus to delete the name of respondent Reyes from the Roll of Members of the House and include the name of the Petitioner in the Roll of Members of the House of Representatives.
- C. Whether or not a TEMPORARY RESTRAINING ORDER (TRO) and a Writ of PERMANENT INJUNCTION can be issued to prevent, restrain and prohibit respondent Reyes from exercising the prerogatives and performing the functions as Marinduque Representative, and to order her to VACATE the said office.<sup>21</sup>

As to the first and second issues, Velasco contends that he “*has a well-defined and clear legal right and basis to warrant the grant of the writ of mandamus.*”<sup>22</sup> He insists that the final and executory decisions of the COMELEC in SPA No. 13-053 (DC), and this Court in G.R. No. 207264, as well as the nullification of respondent Reyes’s proclamation and his subsequent proclamation as the duly elected Representative of the Lone District of Marinduque, collectively give him the legal right to claim the congressional seat.

Thus, he contends that it is the ministerial duty of (i) respondent Speaker Belmonte, Jr. “*to administer the oath to [him] and to allow him to assume and exercise the prerogatives of the congressional seat for Marinduque representative;*”<sup>23</sup> and (ii) respondent Sec. Gen. Barua-Yap “*to register [his] name x x x as the duly elected member of the House and delete*

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<sup>21</sup> Id. at 12-13.

<sup>22</sup> Id. at 14.

<sup>23</sup> Id. at 16-17.



*the name of respondent Reyes from the Roll of Members.*<sup>24</sup> Velasco anchors his position on *Codilla, Sr. v. De Venecia*,<sup>25</sup> citing a statement of this Court to the effect that the Speaker of the House of Representatives has the ministerial duty to recognize the petitioner therein (Codilla) as the duly elected Representative of the Fourth District of Leyte.

Despite the foregoing, Velasco asserts that both respondents Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap are unlawfully neglecting the performance of their alleged ministerial duties; thus, illegally excluding him (Velasco) from the enjoyment of his right as the duly elected Representative of the Lone District of Marinduque.<sup>26</sup>

With respect to the third issue, Velasco posits that the “*continued usurpation and unlawful holding of such position by respondent Reyes has worked injustice and serious prejudice to [him] in that she has already received the salaries, allowances, bonuses and emoluments that pertain to the position of Marinduque Representative since June 30, 2013 up to the present in the amount of around several hundreds of thousands of pesos.*” Therefore, he prays for the issuance of a temporary restraining order and a writ of permanent injunction against respondent Reyes to “*restrain, prevent and prohibit [her] from usurping the position.*”<sup>27</sup>

In her Comment, Reyes contends that the petition is actually one for *quo warranto* and not mandamus given that it essentially seeks a declaration that she usurped the subject office; and the installation of Velasco in her place by Speaker Belmonte, Jr. when the latter administers his oath of office and enters his name in the Roll of Members. She argues that, being a collateral attack on a title to public office, the petition must be dismissed as enunciated by the Court in several cases.<sup>28</sup>

As to the issues presented for resolution, Reyes questions the jurisdiction of the Court over *Quo Warranto* cases involving Members of the House of Representatives. She posits that “*even if the Petition for Mandamus be treated as one of Quo Warranto, it is still dismissible for lack of jurisdiction and absence of a clear legal right on the part of [Velasco].*”<sup>29</sup> She argues that numerous jurisprudence have already ruled that it is the House of Representatives Electoral Tribunal that has the sole and exclusive jurisdiction over all contests relating to the election, returns and qualifications of Members of the House of Representatives. Moreover, she insists that there is also an abundance of case law that categorically states that the COMELEC is divested of jurisdiction upon her proclamation as the

<sup>24</sup> Id. at 20.

<sup>25</sup> 442 Phil. 135, 189-190 (2002).

<sup>26</sup> *Rollo* (G.R. No. 201140), p. 21.

<sup>27</sup> Id. at 24-25.

<sup>28</sup> *Nacionalista Party v. De Vera*, 85 Phil. 126 (1949); *Pilar v. Secretary of the Department of Public Works and Communications*, 125 Phil. 766 (1967); *Gonzales v. Commission on Elections*, 129 Phil. 7 (1967); *Topacio v. Ong*, 595 Phil. 491 (2008); *Señeres v. Commission on Elections*, 603 Phil. 552 (2009).

<sup>29</sup> *Rollo* (G.R. No. 201140), p. 314.

winning candidate, as, in fact, the HRET had already assumed jurisdiction over *quo warranto* cases<sup>30</sup> filed against Reyes by several individuals.

Given the foregoing, Reyes concludes that this Court is “*devoid of original jurisdiction to annul [her] proclamation.*”<sup>31</sup> But she hastens to point out that (i) “[e]ven granting for the sake of argument that the proclamation was validly nullified, [Velasco] as second placer cannot be declared the winner x x x” as he was not the choice of the people of the Province of Marinduque; and (ii) Velasco is estopped from asserting the jurisdiction of this Court over her (Reyes) election because he (Velasco) filed an Election Protest *Ad Cautelam* in the HRET on May 31, 2014.

The Office of the Solicitor General (OSG), arguing for Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap, opposed Velasco’s petition on the following grounds:

I.

UPON RESPONDENT REYES’ PROCLAMATION ON MAY 18, 2013, EXCLUSIVE JURISDICTION TO RESOLVE ELECTION CONTESTS INVOLVING RESPONDENT REYES, INCLUDING THE VALIDITY OF HER PROCLAMATION AND HER ELIGIBILITY FOR OFFICE, VESTED IN THE HRET.

*Hence, until and unless the HRET grants any quo warranto petition or election protest filed against respondent Reyes, and such HRET resolution or resolutions become final and executory, respondent Reyes may not be restrained from exercising the prerogatives of Marinduque Representative, and respondent Sec. Gen. Barua-Yap may not be compelled by mandamus to remove respondent Reyes’s name from the Roll of Members of the House.*

II.

CODILLA v. COMELEC IS NOT APPLICABLE TO THIS CASE, GIVEN THAT PETITIONER, BEING MERELY THE SECOND PLACER IN THE MAY 13, 2013 ELECTIONS, CANNOT VALIDLY ASSUME THE POST OF MARINDUQUE REPRESENTATIVE.

*Hence, respondents Speaker Belmonte and Sec. Gen. Barua-Yap may not be compelled by mandamus to, respectively, administer the proper oath to petitioner and register the latter’s name in the Roll of Members of the House.*

III.

PETITIONER IS NOT ENTITLED TO THE INJUNCTIVE RELIEFS PRAYED FOR.<sup>32</sup>

<sup>30</sup> HRET Case Nos. 13-036 to 37, entitled “*Noeme Mayores Tan and Jeasseca L. Mapaapac v. Regina Ongsiako Reyes*” and “*Eric Del Mundo Junio v. Regina Ongsiako Reyes*,” respectively.

<sup>31</sup> *Rollo* (G.R. No. 201140), p. 344.

<sup>32</sup> *Id.* at 385-386.

The OSG presents the foregoing arguments on the premise that there is a need for this Court to *revisit* its twin Resolutions dated June 25, 2013 and October 22, 2013 both in G.R. No. 207264, given that (i) this Court was “divided” when it issued the same; and (ii) there were strong dissents to the majority opinion. It argues that this Court has in the past revisited decisions already final and executory; there is no hindrance for this Court to do the same in G.R. No. 207264.

Moreover, the OSG contends that:

Despite the finality of the June 25, 2013 Resolution and the October 22, 2013 Resolution, upholding the cancellation of respondent Reyes’s CoC, there has been no compelling reason for the House to withdraw its recognition of respondent Reyes as Marinduque Representative, in the absence of any specific order or directive to the House. To be sure, there was nothing in the Honorable Court’s disposition in *Reyes v. COMELEC* that required any action from the House. Again, it bears emphasis that neither petitioner nor respondents Speaker Belmonte and Sec. Gen. Barua-Yap were parties in *Reyes v. COMELEC*.

Further, records with the HRET show that the following cases have been filed against respondent Reyes:

- (i) Case No. 13-036 (Quo Warranto), entitled *Noeme Mayores Tan & Jeasseca L. Mapacpac v. Regina Ongsiako Reyes*;
- (ii) Case No. 13-037 (Quo Warranto), entitled *Eric D. Junio v. Regina Ongsiako Reyes*;
- (iii) Case No. 13-027 (Quo Warranto), entitled *Christopher Matienzo v. Regina Ongsiako Reyes*; and
- (iv) Case No. 13-028 (Election Protest), entitled *Lord Allan Jay Velasco v. Regina Ongsiako Reyes*.<sup>33</sup>

And in view of the cases filed in the HRET, the OSG insists that:

If the jurisdiction of the COMELEC were to be retained until the assumption of office of the winner, at noon on the thirtieth day of June next following the election, then there would obviously be a clash of jurisdiction between the HRET and the COMELEC, given that the 2011 HRET Rules provide that the appropriate cases should be filed before it within 15 days from the date of proclamation of the winner. If, as the June 25, 2013 Resolution provides, the HRET’s jurisdiction begins only after assumption of office, at noon of June 30 following the election, then *quo warranto* petitions and election protests filed on or after said date would be dismissed outright by the HRET under its own rules for having been filed out of time, where the winners have already been proclaimed within the period after the May elections and up to June 14.<sup>34</sup>

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<sup>33</sup> Id. at 398-399.

<sup>34</sup> Id. at 397.

In recent development, however, the HRET promulgated a Resolution on December 14, 2015 dismissing HRET Case Nos. 13-036 and 13-037,<sup>35</sup> the twin petitions for *quo warranto* filed against Reyes, to wit:

WHEREFORE, in view of the foregoing, the September 23, 2014 Motion for Reconsideration of Victor Vela Sioco is hereby **GRANTED**. The September 11, 2014 Resolution of [the] Tribunal is hereby **REVERSED and SET ASIDE**. Accordingly, the present *Petitions for Quo Warranto* are hereby **DISMISSED** for lack of jurisdiction.<sup>36</sup>

In the said *Resolution*, the HRET held that “*the final Supreme Court ruling in G.R. No. 207264 is the COGENT REASON to set aside the September 11, 2014 Resolution.*”<sup>37</sup>

To make clear, the September 11, 2014 *Resolution* of the HRET ordered the dismissal of a *Petition-In-Intervention* filed by one Victor Vela Sioco (Sioco) in the twin petitions for *quo warranto*, for “*lack of merit.*” Further, the HRET directed “*the hearing and reception of evidence of the two Petitions for Quo Warranto against x x x Respondent [Reyes] to proceed.*”<sup>38</sup> Sioco, however, moved for the reconsideration of the said September 11, 2014 HRET *Resolution* based on the argument that the latter was contrary to law and jurisprudence given the Supreme Court ruling in G.R. No. 207264.

Subsequently, the December 14, 2015 *Resolution* of the HRET held that –

#### *The Tribunal’s Jurisdiction*

It is necessary to clarify the Tribunal’s jurisdiction over the present petitions for *quo warranto*, considering the parties’ divergent postures on how the Tribunal should resolve the same *vis-à-vis* the Supreme Court ruling in G.R. No. 207264.

The petitioners believe that the Tribunal has jurisdiction over their petitions. They pray that “after due proceedings,” the Tribunal “declare Respondent REGINA ONGSIAKO REYES DISQUALIFIED/INELIGIBLE to sit as Member of the House of Representatives, representing the Province of Marinduque.” In addition, the petitioner Eric Del Mundo Junio urges the Tribunal to follow the Supreme Court pronouncement in G.R. No. 207264.

On the other hand, Victor Vela Sioco, in his *Petition-In-Intervention*, pleads for the outright dismissal of the present petitions considering the Supreme Court final ruling in G.R. No. 207264. For her part, respondent Regina Reyes prays too for the dismissal of the present petitions, albeit after reception of evidence by the contending parties.

<sup>35</sup> Petitioner Velasco’s *Manifestation* dated January 6, 2016, with attachments.

<sup>36</sup> Id., Annex “D,” p. 5.

<sup>37</sup> Id. at 2.

<sup>38</sup> Id. at 1.

The constitutional mandate of the Tribunal is clear: It is “the sole judge of all contests relating to the election, returns, and qualifications of [House] Members.” Such power or authority of the Tribunal is echoed in its 2011 Rules of the House of Representatives Electoral Tribunal: “The Tribunal is the sole judge of all contests relating to the elections, returns, and qualifications of the Members of the House of Representatives.”

x x x x

In the present cases, before respondent Regina Reyes was proclaimed on May 18, 2013, the COMELEC *En Banc*, in its Resolution of May 14, 2013 in SPA No. 13-053 (DC), had already resolved that the COMELEC First Division correctly cancelled her COC on the ground that she lacked the Filipino citizenship and residency requirements. Thus, the COMELEC nullified her proclamation. When Regina Reyes challenged the COMELEC actions, the Supreme Court *En Banc*, in its Resolution of June 25, 2013 in G.R. No. 207246, upheld the same.

With the COMELEC’s cancellation of respondent Regina Reyes’ COC, resulting in the nullification of her proclamation, the Tribunal, much as we would want to, cannot assume jurisdiction over the present petitions. The jurisdiction of the HRET begins only after the candidate is considered a Member of the House of Representatives. And to be considered a Member of the House of Representatives, there must be a concurrence of the following requisites: (1) a valid proclamation, (2) a proper oath, and (3) assumption of office, so the Supreme Court pronounced in its Resolution of June 25, 2013 in G.R. No. 207264, thus:

x x x, the jurisdiction of the HRET begins only after the candidate is considered a Member of the House of Representatives, as stated in Section 17, Article VI of the 1987 Constitution:

x x x x

As held in *Marcos v. COMELEC*, the HRET does not have jurisdiction over a candidate who is not a member of the House of Representatives x x x.

x x x x

The next inquiry, then, is when is a candidate considered a Member of the House of Representatives?

In *Vinzons-Chato v. COMELEC*, citing *Aggabao v. COMELEC* and *Guerrero v. COMELEC*, the Court ruled that:

The Court has invariably held that once a winning candidate has been proclaimed, taken his oath, and assumed office as a Member of the House of Representatives, the COMELEC’s jurisdiction over election contests relating to his election, returns, and qualifications ends, and the HRET’s own jurisdiction begins. x x x



From the foregoing, it is then clear that to be considered a Member of the House of Representatives, there must be a concurrence of the following requisites: (1) a valid proclamation, (2) a proper oath, and (3) assumption of office x x x.

Based on the above-quoted ruling of the Supreme Court, a *valid proclamation* is the first essential element before a candidate can be considered a Member of the House of Representatives over which the Tribunal could assume jurisdiction. Such element is obviously absent in the present cases as Regina Reyes' proclamation was nullified by the COMELEC, which nullification was upheld by the Supreme Court. On this ground alone, the Tribunal is without power to assume jurisdiction over the present petitions since Regina Reyes "cannot be considered a Member of the House of Representatives," as declared by the Supreme Court *En Banc* in G.R. No. 207264. It further stresses:

"x x x there was no basis for the proclamation of petitioner [Regina Reyes] on 18 May 2013. Without the proclamation, the petitioner's oath of office is likewise baseless, and without a precedent oath of office, there can be no valid and effective assumption of office."

The Supreme Court has spoken. Its pronouncements must be respected. Being the ultimate guardian of the Constitution, and by constitutional design, the Supreme Court is "supreme in its task of adjudication; x x x. As a rule, all decisions and determinations in the exercise of judicial power ultimately go to and stop at the Supreme Court whose judgment is final." This Tribunal, as all other courts, must take their bearings from the decisions and rulings of the Supreme Court.<sup>39</sup>

Incidentally, it appears that an Information against Reyes for violation of Article 177 (Usurpation of Official Functions) of the Revised Penal Code, dated August 3, 2015, has been filed in court,<sup>40</sup> entitled "*People of the Philippines v. Regina Ongsiako Reyes*."<sup>41</sup>

### **The Issue**

The issue for this Court's resolution boils down to the propriety of issuing a writ of *mandamus* to compel Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap to perform the specific acts sought by Velasco in this petition.

### **The Ruling**

The petition has merit.

At the outset, this Court observes that the respondents have taken advantage of this petition to re-litigate what has been settled in G.R. No.

<sup>39</sup> Id. at 3-5.

<sup>40</sup> Metropolitan Trial Court, Branch 41, Quezon City.

<sup>41</sup> Petitioner Velasco's *Manifestation* dated January 6, 2016, with attachments, Annex "B."

207264. Respondents are reminded to respect the *Entry of Judgment* that has been issued therein on October 22, 2013.

After a painstaking evaluation of the allegations in this petition, it is readily apparent that this special civil action is really one for *mandamus* and not a *quo warranto* case, contrary to the asseverations of the respondents.

A petition for *quo warranto* is a proceeding to determine the right of a person to the use or exercise of a franchise or office and to oust the holder from its enjoyment, if his claim is not well-founded, or if he has forfeited his right to enjoy the privilege. Where the action is filed by a private person, he must prove that he is entitled to the controverted position; otherwise, respondent has a right to the undisturbed possession of the office.<sup>42</sup> In this case, given the present factual milieu, *i.e.*, (i) the final and executory resolutions of this Court in G.R. No. 207264; (ii) the final and executory resolutions of the COMELEC in SPA No. 13-053 (DC) cancelling Reyes's Certificate of Candidacy; and (iii) the final and executory resolution of the COMELEC in SPC No. 13-010 declaring null and void the proclamation of Reyes and proclaiming Velasco as the winning candidate for the position of Representative for the Lone District of the Province of Marinduque – it cannot be claimed that the present petition is one for the determination of the right of Velasco to the claimed office.

To be sure, what is prayed for herein is merely the enforcement of clear legal duties and not to try disputed title. That the respondents make it appear so will not convert this petition to one for *quo warranto*.

Section 3, Rule 65 of the Rules of Court, as amended, provides that any person may file a verified petition for *mandamus* “when any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law.” A petition for *mandamus* will prosper if it is shown that the subject thereof is a *ministerial* act or duty, and *not purely discretionary* on the part of the board, officer or person, and that the petitioner has a well-defined, clear and certain right to warrant the grant thereof.<sup>43</sup>

The difference between a ministerial and discretionary act has long been established. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right

<sup>42</sup> *Austria v. Amante*, 79 Phil. 780, 783 (1948); *Caraan-Medina v. Quizon*, 124 Phil. 1171, 1178 (1966); *Castro v. Del Rosario*, 125 Phil. 611, 615-616 (1967).

<sup>43</sup> *Codilla, Sr. v. De Venecia*, supra note 25 at 189.

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to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.<sup>44</sup>

As the facts stand in this case, Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap have no discretion whether or not to administer the oath of office to Velasco and to register the latter's name in the Roll of Members of the House of Representatives, respectively. It is beyond cavil that there is in existence final and executory resolutions of this Court in G.R. No. 207264 affirming the final and executory resolutions of the COMELEC in SPA No. 13-053 (DC) cancelling Reyes's Certificate of Candidacy. There is likewise a final and executory resolution of the COMELEC in SPC No. 13-010 declaring null and void the proclamation of Reyes, and proclaiming Velasco as the winning candidate for the position of Representative for the Lone District of the Province of Marinduque.

The foregoing state of affairs collectively lead this Court to consider the facts as settled and beyond dispute – **Velasco is the proclaimed winning candidate for the Representative of the Lone District of the Province of Marinduque.**

Reyes argues in essence that this Court is devoid of original jurisdiction to annul her proclamation. Instead, it is the HRET that is constitutionally mandated to resolve any questions regarding her election, the returns of such election, and her qualifications as a Member of the House of Representatives especially so that she has already been proclaimed, taken her oath, and started to discharge her duties as a Member of the House of Representatives representing the Lone District of the Province of Marinduque. But the confluence of the three acts in this case – **her proclamation, oath and assumption of office** – has not altered the legal situation between Velasco and Reyes.

The important point of reference should be the date the COMELEC finally decided to cancel the Certificate of Candidacy (COC) of Reyes which was on May 14, 2013. The **most crucial time** is when Reyes's COC was cancelled due to her non-eligibility to run as Representative of the Lone District of the Province of Marinduque – **for without a valid COC, Reyes could not be treated as a candidate in the election and much less as a duly proclaimed winner.** That particular decision of the COMELEC was promulgated even before Reyes's proclamation, and which was affirmed by this Court's final and executory *Resolutions* dated June 25, 2013 and October 22, 2013.

This Court will not give premium to the illegal actions of a subordinate entity of the COMELEC, the PBOC who, despite knowledge of

<sup>44</sup> *Nazareno v. City of Dumaguete*, 607 Phil. 768, 801 (2009), citing *Codilla, Sr. v. De Venecia*, supra note 25 at 189.

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the May 14, 2013 resolution of the COMELEC *En Banc* cancelling Reyes's COC, still proclaimed her as the winning candidate on May 18, 2013. Note must also be made that as early as May 16, 2013, a couple of days before she was proclaimed, Reyes had already received the said decision cancelling her COC. These points clearly show that the much argued proclamation was made in clear defiance of the said COMELEC *En Banc* Resolution.

That Velasco now has a well-defined, clear and certain right to warrant the grant of the present petition for *mandamus* is supported by the following undisputed facts that should be taken into consideration:

**First.** At the time of Reyes's proclamation, her COC was already cancelled by the COMELEC *En Banc* in its final finding in its resolution dated May 14, 2013, the effectivity of which was not enjoined by this Court, as Reyes did not avail of the prescribed remedy which is to seek a restraining order within a period of five (5) days as required by Section 13(b), Rule 18 of COMELEC Rules. Since no restraining order was forthcoming, the PBOC should have refrained from proclaiming Reyes.

**Second.** This Court upheld the COMELEC decision cancelling respondent Reyes's COC in its Resolutions of June 25, 2013 and October 22, 2013 and these Resolutions are already final and executory.

**Third.** As a consequence of the above events, the COMELEC in SPC No. 13-010 cancelled respondent Reyes's proclamation and, in turn, proclaimed Velasco as the duly elected Member of the House of Representatives in representation of the Lone District of the Province of Marinduque. **The said proclamation has not been challenged or questioned by Reyes in any proceeding.**

**Fourth.** When Reyes took her oath of office before respondent Speaker Belmonte, Jr. in open session, Reyes had **NO** valid COC **NOR** a valid proclamation.

Thus, to consider Reyes's proclamation and treating it as a material fact in deciding this case will paradoxically alter the well-established legal milieu between her and Velasco.

**Fifth.** In view of the foregoing, Reyes **HAS ABSOLUTELY NO LEGAL BASIS** to serve as a Member of the House of Representatives for the Lone District of the Province of Marinduque, and therefore, she **HAS NO LEGAL PERSONALITY** to be recognized as a party-respondent at a *quo warranto* proceeding before the HRET.

And this is precisely the basis for the HRET's December 14, 2015 Resolution acknowledging and ruling that it has no jurisdiction over the twin petitions for *quo warranto* filed against Reyes. Its finding was based on the existence of a final and executory ruling of this Court in G.R. No. 207264

that Reyes is not a *bona fide* member of the House of Representatives for lack of a *valid proclamation*. To reiterate this Court's pronouncement in its Resolution, entitled *Reyes v. Commission on Elections*<sup>45</sup> –

The averred proclamation is the critical pointer to the correctness of petitioner's submission. The crucial question is whether or not petitioner [Reyes] could be proclaimed on 18 May 2013. Differently stated, was there basis for the proclamation of petitioner on 18 May 2013?

Dates and events indicate that there was no basis for the proclamation of petitioner on 18 May 2013. Without the proclamation, the petitioner's oath of office is likewise baseless, and without a precedent oath of office, there can be no valid and effective assumption of office.

x x x x

“More importantly, we cannot disregard a fact basic in this controversy – that before the proclamation of petitioner on 18 May 2013, the COMELEC *En Banc* had already finally disposed of the issue of petitioner's [Reyes] lack of Filipino citizenship and residency via its Resolution dated 14 May 2013. After 14 May 2013, there was, before the COMELEC, no longer any pending case on petitioner's qualifications to run for the position of Member of the House of Representatives. x x x.”

As the point has obviously been missed by the petitioner [Reyes] who continues to argue on the basis of her “due proclamation,” the instant motion gives us the opportunity to highlight the undeniable fact we here repeat that **the proclamation which petitioner secured on 18 May 2013 was WITHOUT ANY BASIS.**” (Emphasis supplied.)

Put in another way, contrary to the view that the resort to the jurisdiction of the HRET is a plain, speedy and adequate remedy, such recourse is not a legally available remedy to any party, specially to Velasco, who should be the sitting Member of the House of Representatives if it were not for the disregard by the leadership of the latter of the binding decisions of a constitutional body, the COMELEC, and the Supreme Court

Though the earlier existence of the twin *quo warranto* petitions filed against Reyes before the HRET had actually no bearing on the status of finality of the decision of the COMELEC in SPC No. 13-010. Nonetheless, their dismissal pursuant to the HRET's December 14, 2015 Resolution sustained Velasco's well-defined, clear and certain right to the subject office.

The present Petition for *Mandamus* seeks the issuance of a writ of *mandamus* to compel respondents Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap to **acknowledge** and **recognize** the final and executory Decisions and Resolution of this Court and of the COMELEC by administering the

<sup>45</sup> G.R. No. 207264, October 22, 2013, 708 SCRA 197, 219.

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oath of office to Velasco and entering the latter's name in the Roll of Members of the House of Representatives. In other words, the Court is called upon to determine whether or not the prayed for acts, *i.e.*, (i) the administration of the oath of office to Velasco; and (ii) the inclusion of his name in the Roll of Members, are ministerial in character *vis-à-vis* the factual and legal milieu of this case. As we have previously stated, the administration of oath and the registration of Velasco in the Roll of Members of the House of Representatives for the Lone District of the Province of Marinduque **are no longer a matter of discretion or judgment** on the part of Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap. They are legally duty-bound to recognize Velasco as the duly elected Member of the House of Representatives for the Lone District of Marinduque in view of the ruling rendered by this Court and the COMELEC'S compliance with the said ruling, now both final and executory.

It will not be the first time that the Court will grant Mandamus to compel the Speaker of the House of Representatives to administer the oath to the rightful Representative of a legislative district and the Secretary-General to enter said Representative's name in the Roll of Members of the House of Representatives. In *Codilla, Sr. v. De Venecia*,<sup>46</sup> the Court decreed:

Under Rule 65, Section 3 of the 1997 Rules of Civil Procedure, any person may file a verified petition for *mandamus* "when any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law." For a petition for *mandamus* to prosper, it must be shown that the subject of the petition for *mandamus* is a *ministerial* act or duty, and *not purely discretionary* on the part of the board, officer or person, and that the petitioner has a well-defined, clear and certain right to warrant the grant thereof.

The distinction between a ministerial and discretionary act is well delineated. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.

In the case at bar, the administration of oath and the registration of the petitioner in the Roll of Members of the House of Representatives representing the 4th legislative district of Leyte is no longer a matter of discretion on the part of the public respondents. The facts are settled and

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<sup>46</sup> Supra note 25 at 188-190.

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beyond dispute: petitioner garnered 71,350 votes as against respondent Locsin who only got 53,447 votes in the May 14, 2001 elections. The COMELEC Second Division initially ordered the proclamation of respondent Locsin; on Motion for Reconsideration the COMELEC *en banc* set aside the order of its Second Division and ordered the proclamation of the petitioner. The Decision of the COMELEC *en banc* has not been challenged before this Court by respondent Locsin and said Decision has become final and executory.

In sum, the issue of who is the rightful Representative of the 4th legislative district of Leyte has been finally settled by the COMELEC *en banc*, the constitutional body with jurisdiction on the matter. *The rule of law demands that its Decision be obeyed by all officials of the land. There is no alternative to the rule of law except the reign of chaos and confusion.*

**IN VIEW WHEREOF**, the Petition for *Mandamus* is granted. Public Speaker of the House of Representatives shall administer the oath of petitioner EUFROCINO M. CODILLA, SR., as the duly-elected Representative of the 4th legislative district of Leyte. Public respondent Secretary-General shall likewise register the name of the petitioner in the Roll of Members of the House of Representatives after he has taken his oath of office. This decision shall be immediately executory. (Citations omitted.)

Similarly, in this case, by virtue of (i) COMELEC *en banc* Resolution dated May 14, 2013 in SPA No. 13-053 (DC); (ii) Certificate of Finality dated June 5, 2013 in SPA No. 13-053 (DC); (iii) COMELEC *en banc* Resolution dated June 19, 2013 in SPC No. 13-010; (iv) COMELEC *en banc* Resolution dated July 10, 2013 in SPA No. 13-053 (DC); and (v) Velasco's Certificate of Proclamation dated July 16, 2013, **Velasco is the rightful Representative of the Lone District of the Province of Marinduque; hence, entitled to a writ of *Mandamus*.**

As to the view of Reyes and the OSG that since Velasco, Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap are not parties to G.R. No. 207264, Velasco can neither ask for the enforcement of the Decision rendered therein nor argue that the doctrine of *res judicata* by conclusiveness of judgment applies to him and the public respondents, this Court maintains that such contention is incorrect. Velasco, along with public respondents Speaker Belmonte, Jr. and Sec. Gen. Barua-Yap, are all legally bound by this Court's judgment in G.R. No. 207264, *i.e.*, essentially, that the COMELEC correctly cancelled Reyes's COC for Member of the House of Representatives for the Lone District of the Province of Marinduque on the ground that the latter was ineligible for the subject position due to her failure to prove her Filipino citizenship and the requisite one-year residency in the Province of Marinduque. A contrary view would have our dockets unnecessarily clogged with petitions to be filed in every direction by any and all registered voters not a party to a case to question the final decision of this Court. Such restricted interpretation of *res judicata* is intolerable for it will defeat this Court's ruling in G.R. No. 207264. To be sure, Velasco who was duly



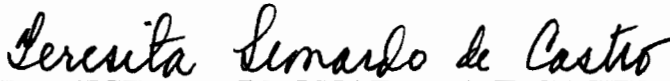
proclaimed by COMELEC is a proper party to invoke the Court's final judgment that Reyes was ineligible for the subject position.<sup>47</sup>

It is well past the time for everyone concerned to accept what has been adjudicated and take judicial notice of the fact that Reyes's ineligibility to run for and be elected to the subject position had already been long affirmed by this Court. Any ruling deviating from such established ruling will be contrary to the *Rule of Law* and should not be countenanced.


In view of finality of the rulings in G.R. No. 207264, SPA No. 13-053 (DC) and SPC No. 13-010, there is no longer any issue as to who is the rightful Representative of the Lone District of the Province of Marinduque; therefore, to borrow the pronouncement of this Court, speaking through then Associate Justice Reynato S. Puno, in *Codilla, Sr. v. De Venecia*,<sup>48</sup> “[t]he rule of law demands that its Decision be obeyed by all officials of the land. There is no alternative to the rule of law except the reign of chaos and confusion.”

**WHEREFORE**, the Petition for *Mandamus* is **GRANTED**. Public respondent Hon. Feliciano R. Belmonte, Jr., *Speaker*, House of Representatives, shall administer the oath of office of petitioner Lord Allan Jay Q. Velasco as the duly-elected Representative of the Lone District of the Province of Marinduque. And public respondent Hon. Marilyn B. Barua-Yap, *Secretary General*, House of Representatives, shall register the name of petitioner Lord Allan Jay Q. Velasco in the Roll of Members of the House of Representatives after he has taken his oath of office. This Decision shall be **IMMEDIATELY EXECUTORY**.

**SO ORDERED.**

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

<sup>47</sup> *Cañero v. University of the Philippines*, 481 Phil. 249, 270 (2004).

<sup>48</sup> *Supra* note 25 at 190.

*I join the concurring opinion  
of J. Leonen*  
*Antonio T. Carpio*

**ANTONIO T. CARPIO**  
Associate Justice

NO PART  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

*See: Dissenting Opinion  
of Brion*

**ARTURO D. BRION**  
Associate Justice

NO PART  
**DIOSDADO M. PERALTA**  
Associate Justice

*Lucas P. Bersamin*  
**LUCAS P. BERSAMIN**  
Associate Justice

NO PART  
**MARIANO C. DEL CASTILLO**  
Associate Justice

*Martin S. Villarama, Jr.*  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

*I concur and submit  
a concurring opinion*  
*Jose Portugal Perez*  
**JOSE PORTUGAL PEREZ**  
Associate Justice

NO PART  
**JOSE CATRAL MENDOZA**  
Associate Justice

*Bienvenido L. Reyes*  
**BIENVENIDO L. REYES**  
Associate Justice


NO PART  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

*See separate concurring  
opinion*  
*Marvic M.V.F. Leonen*  
**MARVIC M.V.F. LEONEN**  
Associate Justice

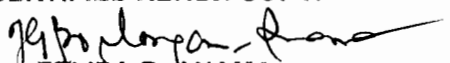
No Part  
**FRANCIS H. JARDELEZA**  
Associate Justice

**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.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

**CERTIFIED XEROX COPY:**

  
**FELIPA B. ANAMA**  
CLERK OF COURT, EN BANC  
SUPREME COURT