

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

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

Chairman Benjamin S. Abalos, Sr.
Commissioner Resurreccion Z. Borra
Commissioner Florentino A. Tuason, Jr.
Commissioner Romeo A. Brawner
Commissioner Rene V. Sarmiento
Commissioner Nicodemo T. Ferrer

Promulgated:
March 2, 2007

X-----X

RESOLUTION NO. 7832

This pertains to the 14 February 2007 Memorandum of the Law Department relative to the Certificates of Candidacy of persons vying for the positions of Senator in connection with the May 14, 2007 Elections.

The Memorandum reads:

"The Law Department respectfully submits its study and recommendation on the certificate of candidacy of persons vying for the positions of Senator. The following persons submitted their Certificate of Candidacy for Senator:

NAME	NAME
1. ABITONA, Orlando C.	41. MAGSAYSAY, Vicente P.
2. ANCHETA, Juanito Jr., B.	42. MAGTIRA, Daniel R.
3. ANGARA, Edgardo J.	43. MALUENDA, Severo Jr., L.
4. AQUINO, Benigno Simeon III C.	44. MENDEZ, Agapito Jr., W.
5. AQUINO, Theodore M.	45. ONGKIKO, Mario E.
6. ARROYO, Joker P.	46. ORETA, Teresa Tao A.
7. ATIENZA, Arturo A.	47. OROZCO, Wilhelmina S.
8. BAUTISTA, Martin D.	48. ORPILLA, Eduardo F.
9. BER ADO, Bonifacio B.	49. OSMEÑA, John Henry R.
10. BOQUIA, Jocelyn R.	50. PANGILINAN, Francis N.
11. BRIGGS, Buenafe A.	51. PAREDES, Zosimo Jesus II M.
12. BULANON, Silverio G.	52. PASTORAL, Genaro R.
13. CABRERA, Rafael M.	53. PETILLA, Carlos Jericho L.
14. CANTAL, Felix C.	54. PICHAY, Prospero Jr., A.
15. CAPULAR, Elizabeth S.	55. PIMENTEL, Aquilino L.
16. CASTOR, Macariola A.	56. PIÑERA, Rummel M.
17. CAYETANO, Alan Peter S.	57. PO, Manuel A.
18. CAYETANO, Joselito P.	58. PONCE-DEE, Remedios B.
19. CHAVEZ, Melchor G.	59. RAMIRO, Vincent M.
20. CLAUDIO, Felix D.	60. RECTO, Ralph G.
21. COMBATE, Amado C.	61. REMOTO, Danton R.
22. COSETENG, Anna Dominique M.	62. ROBES, Jose C.
23. DEFENSOR, Michael T.	63. ROCA, Cesar C.
24. DEL MUNDO, Gerardo A.	64. ROCO, Sonia M.
25. ENCISO, Ruben C.	65. RODRIGUEZ, Romeo T.

- | | |
|---------------------------------|------------------------------|
| 26. ESCUDERO, Francis Joseph G. | 66. ROQUE, Benjamin G. |
| 27. ESMERALDA, Julieta Sr., O. | 67. SANTOS, Victor L. |
| 28. ESTRELLA, Antonio L. | 68. SENINING, Loreto Jr., Y. |
| 29. FLAMINIANO, Eduardo B. | 69. SINGSON, Luis C. |
| 30. FORTES, Alfredo A. | 70. SISON, Adrian O. |
| 31. GOMEZ, Richard I. | 71. SOTTO, Vicente III C. |
| 32. GUILLERGAN, Gherry A. | 72. TAJANAN, Francisco M. |
| 33. HASHIM, Mujahab A. | 73. TAYCO, Marcelo Jr., R. |
| 34. HONASAN, Gregorio B. | 74. TIQUI, Camilo V. |
| 35. JOSON, Dante D. | 75. TRILLANES, Antonio IV F. |
| 36. KIRAM, Jamalul D. | 76. TUAZON, Elpidio G. |
| 37. LACSON, Panfilo M. | 77. VILLANUEVA, Vicente Y. |
| 38. LAGATA, Merlito O. | 78. VILLAR, Manuel Jr., B. |
| 39. LEGARDA, Loren B. | 79. WOOD, Victor N. |
| 40. LOZANO, Oliver O. | 80. ZUBIRI, Juan Miguel F. |

The total number of senatorial aspirants is eighty (80), thirty five (35) of which were nominated by various political parties, thus:

A. Kilusang Bagong Lipunan

- | | |
|--------------------------|------------------------|
| 1. CAYETANO, Joselito P. | 5. HASHIM, Mujahab A. |
| 2. CHAVEZ, Melchor G. | 6. LOZANO, Oliver O. |
| 3. ENCISO, Ruben C. | 7. ORPILLA, Eduardo F. |
| 4. ESTRELLA, Antonio L. | 8. WOOD, Victor N. |

The name indicated, however in Mujahab A. Hasim's certificate of nomination is Habib "Bogs" Hashim. The certificate of nomination is unsubscribed and unsworn. The requirements of law on the filing of the certificates of candidacy is mandatory in character prior to election and becomes merely directory after elections so as not to frustrate the will of the electorate. Mujahab Hashim's nomination as official candidate must be denied for not being in due form and substance.

B. Nationalist Peoples' Party

- | | |
|--------------------------------|--------------------------|
| 1. ESCUDERO, Francis Joseph G. | 3. SOTTO, Vicente III C. |
| 2. LEGARDA, Loren B. | 4. ORETA, Teresa Tao A. |

C. Partido ng Demokratikong Pilipino (PDP-Laban)

1. PIMENTEL, Aquilino L.

D. LAKAS-CMD

- | | |
|-------------------------------|---------------------------|
| 1. DEFENSOR, Michael T. | 5. RECTO, Ralph G. |
| 2. MAGSAYSAY, Vicente P. | 6. SINGSON, Luis C. |
| 3. PETILLA, Carlos Jericho L. | 7. ZUBIRI, Juan Miguel F. |
| 4. PICHAY, Prospero Jr., A. | |

E. United Opposition (UNO)

- | | |
|--------------------------|-----------------------------|
| 1. LACSON, Panfilo M. | 3. TRILLANES, Antonio IV F. |
| 2. OSMEÑA, John Henry R. | |

F. Liberal Party

1. AQUINO, Benigno Simeon III C. 2. PANGILINAN, Francis N.

G. Ang Kapatiran Party

1. BAUTISTA, Martin D.
2. ONGKIKO, Mario E.
3. PAREDES, Zosimo Jesus II M.
4. SISON, Adrian O.

H. Aksyon Demokratiko

1. ROCO, Sonia M.

I. Kabalikatang Malayang Pilipino (KAMPI)

1. ARROYO, Joker P.

J. Nacionalista Party (NP)

1. CAYETANO, Alan Peter S.
2. VILLAR, Manuel Jr., B.

K. Laban ng Demokratikong Pilipino (LABAN)

1. ANGARA, Edgardo J.

L. Partido Demokratiko Sosyalista ng Pilipinas (PDSP)

1. KIRAM, Jamalul M.

M. Philippine Green Republican Party

1. CANTAL, Felix C.

The following are considered independent candidates there being no certificate of nomination attached to their certificate of candidacy:

- | | |
|---------------------------------|------------------------------|
| 1. ABITONA, Orlando C. | 23. LAGATA, Merlito O. |
| 2. ANCHETA, Juanito Jr., B. | 24. MAGTIRA, Daniel R. |
| 3. AQUINO, Theodore M. | 25. MALUENDA, Severo Jr., L. |
| 4. ATIENZA, Arturo A. | 26. MENDEZ, Agapito Jr., W. |
| 5. BER ADO, Bonifacio B. | 27. OROZCO, Wilhelmina S. |
| 6. BOQUIA, Jocelyn R. | 28. PASTORAL, Genaro R. |
| 7. BRIGGS, Buenafe A. | 29. PIÑERA, Rummel M. |
| 8. BULANON, Silverio G. | 30. PO, Manuel A. |
| 9. CABRERA, Rafael M. | 31. PONCE-DEE, Remedios B. |
| 10. CAPULAR, Elizabeth S. | 32. RAMIRO, Vincent M. |
| 11. CASTOR, Macariola A. | 33. REMOTO, Danton R. |
| 12. CLAUDIO, Felix D. | 34. ROBES, Jose C. |
| 13. COMBATE, Amado C. | 35. ROCA, Cesar C. |
| 14. COSETENG, Anna Dominique M. | 36. RODRIGUEZ, Romeo T. |
| 15. DEL MUNDO, Gerardo A. | 37. ROQUE, Benjamin G. |
| 16. ESMERALDA, Julieto Sr., O. | 38. SANTOS, Victor L. |
| 17. FLAMINIANO, Eduardo B. | 39. SENINING, Loreto Jr., Y. |
| 18. FORTES, Alfredo A. | 40. TAJANAN, Francisco M. |
| 19. GOMEZ, Richard I. | 41. TAYCO, Marcelo Jr., R. |
| 20. GUILLERGAN, Gherry A. | 42. TIQUI, Camilo V. |
| 21. HONASAN, Gregorio B. | 43. TUAZON, Elpidio G. |
| 22. JOSON, Dante D. | 44. VILLANUEVA, Vicente Y. |

*Among the forty four (44) independent candidates are **Gregorio B. Honasan**, a former senator, **Richard Gomez**, a very*

political track records in the election of former Senator Honasan and Senator Coseteng are unquestionable. It can also be observed that during the filing of their certificates of candidacy, the former Senators and Richard Gomez were accompanied by supporters and it can be gleaned therefrom that they do have the bona fide intention of running for the position of senator.

As culled from the records of the Law Department, the following were observed to be habitual filers:

- 1. ABITONA, Orlando C.*
- 2. FLAMINIANO, Eduardo B.*
- 3. GUILLERGAN, Gherry A.*
- 4. LAGATA, Merlito O.*
- 5. MAGTIRA, Daniel R.*
- 6. PO, Manuel A.*
- 7. TAJANAN, Francisco M.*
- 8. TIQUI, Camilo V.*

Records show that they filed their certificates of candidacy during the past elections either for president, vice-president or senator but were considered nuisance candidates.

The constitution provides that the state shall guarantee equal access to opportunities for public office but this privilege is subject to limitations. Section 69 of the Omnibus Election Code as amended by Section 5 of R.A. 6646, gave COMELEC the power to motu proprio cancel or deny due course to a certificate of candidacy of registered candidates. It provides, thus:

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

The High Court in the case of Pamatong vs. Comelec said that "the rationale behind the prohibition against nuisance candidates and the disqualification of candidates who have not evinced a bona fide intention to run for office is easy to divine. The State has a compelling interest to ensure that its electoral exercises are rational, objective, and orderly. Towards this end, the state takes into account the practical considerations in conducting elections. Inevitably, the greater the number of candidates, the greater the opportunities for logistical confusion, not to mention the increased allocation of time and resources in preparation for the election. These practical difficulties should,

of course, never exempt the State from the conduct of a mandated electoral exercise. At the same time, remedial actions

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should be available to alleviate these logistical hardships, whenever necessary and proper.” (Rev. Elly Chavez Pamatong, Esquire vs. COMELEC, G.R. 161872, Feb. 9, 2004)

Moreover, the Commission has the sole mandate to administer election laws and conduct elections. It is bestowed with considerable latitude to adopt rules and regulations that will ensure an orderly elections.

PREMISES CONSIDERED, the Law Department RECOMMENDS as follows:

1.) To GIVE due course to the certificates of candidacy of the official candidates of the political parties, namely:

A. KILUSANG BAGONG LIPUNAN

- 1. CAYETANO, Joselito P.*
- 2. CHAVEZ, Melchor G.*
- 3. ESTRELLA, Antonio L.*
- 4. LOZANO, Oliver O.*
- 5. ORPILLA, Eduardo F.*
- 6. ENCISO, Ruben C.*
- 7. WOOD, Victor N.*

B. NATIONALIST PEOPLES’ PARTY

- 1. ESCUDERO, Francis Joseph G.*
- 2. LEGARDA, Loren B.*
- 3. SOTTO, Vicente III C.*
- 4. ORETA, Teresa Tao A.*

C. PARTIDO NG DEMOKRATIKONG PILIPINO (PDP-LABAN)

- 1. PIMENTEL, Aquilino L.*

D. LAKAS-CMD

- 1. DEFENSOR, Michael T.*
- 2. MAGSAYSAY, Vicente P.*
- 3. PETILLA, Carlos Jericho L.¹*
- 4. PICHAY, Prospero Jr., A.*
- 5. RECTO, Ralph G.*
- 6. SINGSON, Luis C.*
- 7. ZUBIRI, Juan Miguel F.*

E. UNITED OPPOSITION (UNO)

- 1. LACSON, Panfilo M.*
- 2. OSMEÑA, John Henry R.*
- 3. TRILLANES, Antonio IV F.*

¹ *With substitution per 19 February 2007 Memorandum of the Law Department giving due course the certificate of candidacy of Cesar D. Montano as substitute of Carlos Jericho L. Petilla.*

F. LIBERAL PARTY

1. *AQUINO, Benigno Simeon III C.*
2. *PANGILINAN, Francis N.*

G. ANG KAPATIRAN PARTY

1. *BAUTISTA, Martin D.*
2. *ONGKIKO, Mario E.²*
3. *PAREDES, Zosimo Jesus II M*
4. *SISON, Adrian O.*

H. AKSYON DEMOKRATIKO

1. *ROCO, Sonia M.*

I. KABALIKAT NG MALAYANG PILIPINO (KAMPI)

1. *ARROYO, Joker P.*

J. NACIONALISTA PARTY (NP)

1. *CAYETANO, Alan Peter S.*
2. *VILLAR, Manuel Jr., B.*

K. LABAN NG DEMOKRATIKONG PILIPINO (LABAN)

1. *ANGARA, Edgardo J.*

L. PARTIDO DEMOKRATIKO SOSYALISTA NG PILIPINAS (PDSP)

1. *KIRAM, Jamalul M.*

M. PHILIPPINE GREEN REPUBLICAN PARTY

1. *CANTAL, Felix C.*

2.) To **GIVE** due course to the certificates of candidacy of the following independent candidates:

1. *COSETENG, Anna Dominique M.³*
2. *GOMEZ, Richard I.*
3. *HONASAN, Gregorio B.*

3.) To **CANCEL/DENY** due course to the certificates of candidacy of the following senatorial candidates:

- | | |
|------------------------------------|-------------------------------------|
| 1. <i>ABITONA, Orlando C.</i> | 22. <i>MAGTIRA, Daniel R.</i> |
| 2. <i>ANCHETA, Juanito Jr., B.</i> | 23. <i>MALUENDA, Severo Jr., L.</i> |
| 3. <i>AQUINO, Theodore M.</i> | 24. <i>MENDEZ, Agapito Jr., W.</i> |
| 4. <i>ATIENZA, Arturo A.</i> | 25. <i>OROZCO, Wilhelmina S.</i> |
| 5. <i>BER ADO, Bonifacio B.</i> | 26. <i>PASTORAL, Genaro R.</i> |

² Per 22 February 2007 Memorandum of the Law Department, the Sworn Affidavit of Withdrawal of Mr. Mario E. Ongkiko was given due course and that his name be excluded from the list of official candidates of Ang Kapatiran.

³ Per 16 February 2007 Memorandum of the Law Department, the Certificate of Nomination of United Opposition (UNO) in favor of Anna Dominique M. Coseteng as one of its official senatorial candidate is denied due course.

6. BOQUIA, Jocelyn R.
7. BRIGGS, Buenafe A.

27. PIÑERA, Rummel M.
28. PO, Manuel A.

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8. BULANON, Silverio G.
9. CABRERA, Rafael M.
10. CAPULAR, Elizabeth S.
11. CASTOR, Macariola A.
12. CLAUDIO, Felix D.
13. COMBATE, Amado C.
14. DEL MUNDO, Gerardo A.
15. ESMERALDA, Julieto Sr., O.
16. FLAMINIANO, Eduardo B.
17. FORTES, Alfredo A.
18. GUILLERGAN, Gherry A.
19. HASHIM, Mujahab A.
20. JOSON, Dante D.
21. LAGATA, Merlito O.

29. PONCE-DEE, Remedios B.
30. RAMIRO, Vincent M.
31. REMOTO, Danton R.
32. ROBES, Jose C.
33. ROCA, Cesar C.
34. RODRIGUEZ, Romeo T.
35. ROQUE, Benjamin G.
36. SANTOS, Victor L.
37. SENINING, Loreto Jr., Y.
38. TAJANAN, Francisco M.
39. TAYCO, Marcelo Jr., R.
40. TIQUI, Camilo V.
41. TUAZON, Elpidio G.
42. VILLANUEVA, Vicente Y.

For you Honors' consideration and approval."

After the filing of the Certificates of Candidacy on 12 February 2007, three (3) memoranda were received from the Law Department affecting the Certificates of Candidacy of certain candidates, to wit:

February 16, 2007 Memorandum

"Submitted for due consideration by your Honors, is the Certificate of Nomination and Acceptance of the United Opposition in favor of Anna Dominique M. Coseteng, a candidate for senator which was received by the Law Department on February 16, 2007.

The Commission in connection with the May 14, 2007 elections, promulgated Resolution No. 7799, entitled 'Guidelines on the Filing of Certificate of Candidacy and Nomination of Official Candidates of Registered Political Parties in connection with the May 14, 2007 Synchronized National and Local Elections'.

Paragraph 3, Section 6 thereof reads:

'xxx xxx xxx

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

*Considering that the certificate of nomination and acceptance was filed out of time, the Law Department **RECOMMENDS** to **DENY** due course to the Certificate of Nomination of United Opposition (UNO) in favor of **ANNA DOMINIQUE M. COSETENG** as one of its official senatorial candidates."*

February 19, 2007 Memorandum

"For due consideration are the affidavit of withdrawal of senatorial candidate Carlos Jericho L. Petilla of Lakas-CMD and the certificate of candidacy of Cesar D. Montano as substitute candidate.

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The affidavit of withdrawal of candidate Petilla which was received by the Law Department on February 16, 2007, reads:

'On 12 February 2007, I filed my Certificate of Candidacy for the position of Senator in the forthcoming synchronized elections (attached is my Certificate of Candidacy);

I am a member of Lakas-CMD and was officially nominated by the same for Senator (attached is my Certificate of Nomination and Acceptance);

I am hereby voluntarily withdrawing my Certificate of Candidacy for the position of Senator;

This withdrawal shall become effective upon the filing of this Affidavit with the Commission on Elections; and

I am executing this Affidavit to: (a) attest to the foregoing, (b) effect my withdrawal as senatorial candidate, and (3) cause the substitution of my candidacy pursuant to relevant election laws and regulations.'

On the same date, Cesar Montano tendered his duly sworn and subscribed certificate of candidacy and certificate of nomination from Lakas-CMD signed by the authorized officers of the party, naming him as an official senatorial candidate.

The applicable provision of law is Section 14 of Resolution No. 7799, dated 5 January 2007 which reads:

*'SEC. 14. Substitution of candidates, in case of death, disqualification or withdrawal of another.
– If after the last day for the filing of certificate of candidacy, an official candidate of a registered political party dies, withdraws or is disqualified for any cause, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who died, withdrew or disqualified. No substitution shall be allowed for any independent candidate. The substitute for candidates who withdrew may file his certificate of candidacy as herein provided for the office affected not later than May 7, 2007. The substitute for candidates who were disqualified or died or suffered permanent incapacity may file his certificate of candidacy up to mid-day of election day. If the disqualification, death or permanent disability should occur between the day before the election and mid-day election day, the substitute candidate may file the certificate with any board of election inspectors in the political subdivision where he is a candidate, or in the case of candidate for*

Senator, with the Law Department of the Commission.

XXX

XXX

XXX'

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*Considering that the affidavit of withdrawal of Carlos Jericho L. Petilla is in due form and substance and considering further that the certificate of candidacy of Cesar Montano has substantially complied with the requirements of the law pursuant to Section 2 of Resolution No. 7799, the Law Department **RECOMMENDS** to **GIVE** due course to the Affidavit of Withdrawal of the candidacy of **CARLOS JERICO L. PETILLA** and the certificate of candidacy of **CESAR D. MONTANO** as senator in substitution of the former."*

22 February 2007 Memorandum

"Before us is the sworn affidavit of withdrawal of Mario E. Ongkiko, a senatorial candidate nominated by Ang Kapatiran Party. The affidavit of withdrawal which is in due form and substance reads:

*'It is with much regret that I withdraw irrevocably my candidacy for Senator under the **Ang Kapatiran Party**. I am constrained to do so upon my doctor's advice and despite the outpouring of support from friends and the different Sectors.*

*I remain, however, as President of the Party and shall continue to espouse its goal of introducing '**The New Politics: Maka-Diyos-Maka-Tao**,' and to promote the success of its three (3) senatorial candidates, namely: Bautista (Dr.) Martin, Sison Adrian, and Paredes (Jess) Zosimo.*

With all good wishes for the conduct of a clean and honest elections.'

Section 13 of Resolution No. 7799 promulgated on 05 January 2007 reads:

'SEC. 13. Withdrawal of Certificate of Candidacy. – Any person who has filed a certificate of candidacy may at any time before election day file personally or his duly authorized representative, a statement of withdrawal under oath in five (5) legible copies with the office where the certificate of candidacy was filed. No statement of withdrawal shall be accepted if filed by mail, telegram or facsimile.

XXX

XXX

XXX.'

Considering that the affidavit of withdrawal of Mario E. Ongkiko is in accord with the foregoing provision, the Law

Department **RECOMMENDS** to **GIVE** due course to the sworn affidavit of withdrawal and to exclude the name **MARIO E. ONGKIKO** from the list of official candidates of Ang Kapatiran Party.”

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Meantime, on 13 February 2007 the Commission promulgated Resolution No. 7822 entitled, “RULES AND REGULATIONS ON THE MANDATORY DRUG TEST OF CANDIDATES FOR PUBLIC OFFICE, BOTH NATIONAL AND LOCAL UNDER SECTION 36 (g) OF THE REPUBLIC ACT NO. 9165 IN CONNECTION WITH MAY 14, 2007 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS”, Sections 1, 2, 3 and 4 thereof reads:

“xxx

xxx

xxx

SECTION 1. Coverage. – All candidates for public office, both national and local, in the May 14, 2007 Synchronized National and Local Elections shall undergo mandatory drug test in government forensic laboratories or any drug testing laboratories monitored and accredited by the Department of Health.

SECTION 2. Where to file. – The drug test certificate shall be submitted with the following offices of the Commission:

- (a) candidates for national positions with the Law Department;
- (b) nominees of party/sectoral organization participating in the party list system – with the Law Department;
- (c) candidates for Member of the House of Representatives in the National Capital Region with the Regional Election Director;
- (d) candidates for provincial positions with the office of the Provincial Election Supervisor concerned; and
- (e) candidates for city/municipal positions with the office of the Election Officer concerned.

SECTION 3. When to file. – The drug test certificate shall be filed by all candidates, including nominees of party/sectoral organization participating in the party list system not later than **March 29, 2007**.

SECTION 4. Preparation and publication of names of candidates. – On or before April 11, 2007, the Law Department shall prepare two separate lists of candidates for Senators. The first list shall consist of those candidates who complied with the mandatory drug test while the second list shall consist of those candidates who failed to comply with said drug test.

On April 4, 2007, in addition to the drug certificates filed with their respective offices, the Provincial Election Supervisors, City/Municipal Election Officers concerned shall submit to the Law Department two (2) separate lists of candidates for those

candidates who complied and those candidates who failed to comply with said drug test.

Thereafter, said lists shall be published in two (2) newspapers of general circulation.

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xxx

xxx.”

The law gave the Comelec the power to motu proprio cancel or deny due course to a certificate of candidacy of candidates in an election. Thus, Sec. 69 of the Omnibus Election Code provides:

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

Consequently, it issued Resolution No. 7800 on 05 January 2007, entitled "RULES DELEGATING TO COMELEC FIELD OFFICIALS THE AUTHORITY TO HEAR AND RECEIVE EVIDENCE IN DISQUALIFICATION CASES FILED IN CONNECTION WITH THE MAY 14, 2007 NATIONAL AND LOCAL ELECTIONS", on 05 January 2007. Section 6 thereof reads:

"SEC. 6. Motu Proprio Cases. – The Commission may, at any time before election, motu proprio refuse to give due course to or cancel a certificate of candidacy of any candidate for the positions of Senator and Party-list, on the following grounds:

xxx

xxx

xxx."

The certificates of candidacy for senatorial positions were deliberated upon to determine the sufficiency thereof taking into consideration the foregoing Memoranda of the Law Department.

The factual determination of whether a candidate is a nuisance candidate is within the province of Comelec. Thus, considering the dignity that must be accorded the Office of Senator, the minimum qualifications established by the Constitution and electoral laws, the magnitude of the responsibilities of the Office of the Senator as well as the need to wage a nationwide election campaign, there are

indications that various certificates of candidacy were filed to put the election process in mockery or disrepute or to cause confusion among

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the voters by the similarity of names of the registered candidates or by other circumstances or acts which clearly demonstrate that the candidate had no bona fide intention to run for the office for which the certificate of candidacy has been filed and thus prevent a faithful determination of the true will of the electorate.

In view of the foregoing, the Commission **RESOLVED** as it hereby **RESOLVES**, to **APPROVE** the recommendations of the Law Department with modification as follows:

1.) to **GIVE** due course to the Affidavit of Withdrawal of the candidacy of **CARLOS JERICO L. PETILLA** and the Certificate of Candidacy of **CESAR D. MONTANO** as senator in substitution of the former.

2.) to **GIVE** due course to the sworn affidavit of withdrawal and to exclude the name **MARIO E. ONGKIKO** from the list of official candidates of Ang Kapatiran Party.

3.) To **DENY** due course to the Certificate of Nomination of United Opposition (UNO) in favor of **ANNA DOMINIQUE M. COSETENG** as one of its official senatorial candidates.

4.) To **GIVE** due course to the certificates of candidacy of the official candidates of the political parties, namely:

A. KILUSANG BAGONG LIPUNAN

1. CAYETANO, Joselito P.⁴
2. CHAVEZ, Melchor G.
3. ESTRELLA, Antonio L.
4. LOZANO, Oliver O.
5. ORPILLA, Eduardo F.
6. ENCISO, Ruben C.
7. WOOD, Victor N.

B. NATIONALIST PEOPLES' PARTY

1. ESCUDERO, Francis Joseph G.
2. LEGARDA, Loren B.
3. SOTTO, Vicente III C.

⁴ With pending disqualification case docketed as SPA 07-019 scheduled for hearing on 07 March 2007.

4. ORETA, Teresa Tao A.

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C. PARTIDO NG DEMOKRATIKONG PILIPINO (PDP-LABAN)

1. PIMENTEL, Aquilino L.

D. LAKAS-CMD

1. DEFENSOR, Michael T.
2. MAGSAYSAY, Vicente P.
3. MONTANO, Cesar D.
4. PICHAY, Prospero Jr., A.
5. RECTO, Ralph G.
6. SINGSON, Luis C.
7. ZUBIRI, Juan Miguel F.

E. UNITED OPPOSITION (UNO)

1. LACSON, Panfilo M.
2. OSMEÑA, John Henry R.
3. TRILLANES, Antonio IV F.

F. LIBERAL PARTY

1. AQUINO, Benigno Simeon III C.
2. PANGILINAN, Francis N.

G. ANG KAPATIRAN PARTY

1. BAUTISTA, Martin D.
2. PAREDES, Zosimo Jesus II M.
3. SISON, Adrian O.

H. AKSYON DEMOKRATIKO

1. ROCO, Sonia M.

I. KABALIKAT NG MALAYANG PILIPINO (KAMPI)

1. ARROYO, Joker P.

J. NACIONALISTA PARTY (NP)

1. CAYETANO, Alan Peter S.
2. VILLAR, Manuel Jr., B.

K. LABAN NG DEMOKRATIKONG PILIPINO (LABAN)

1. ANGARA, Edgardo J.

L. PARTIDO DEMOKRATIKO SOSYALISTA NG PILIPINAS (PDSP)

1. KIRAM, Jamalul M.

M. PHILIPPINE GREEN REPUBLICAN PARTY

1. CANTAL, Felix C.

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5.) To **GIVE** due course to the certificates of candidacy of the following independent candidates:

1. COSETENG, Anna Dominique M.
2. GOMEZ, Richard I.
3. HONASAN, Gregorio B.

6.) To **direct** the Law Department to comply with Section 4 of Resolution No. 7822, promulgated 13 February 2007, to wit:

"SECTION 4. Preparation and publication of names of candidates. – On or before April 11, 2007, the Law Department shall prepare two separate lists of candidates for Senators. The first list shall consist of those candidates who complied with the mandatory drug test while the second list shall consist of those candidates who failed to comply with said drug test.

xxx

xxx

xxx

Thereafter said lists shall be published in two (2) newspapers of general circulation."

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

- | | |
|--------------------------------|------------------------------|
| 1. ABITONA, Orlando C. | 22. MAGTIRA, Daniel R. |
| 2. ANCHETA, Juanito Jr., B. | 23. MALUENDA, Severo Jr., L. |
| 3. AQUINO, Theodore M. | 24. MENDEZ, Agapito Jr., W. |
| 4. ATIENZA, Arturo A. | 25. OROZCO, Wilhelmina S. |
| 5. BER ADO, Bonifacio B. | 26. PASTORAL, Genaro R. |
| 6. BOQUIA, Jocelyn R. | 27. PIÑERA, Rummel M. |
| 7. BRIGGS, Buenafe A. | 28. PO, Manuel A. |
| 8. BULANON, Silverio G. | 29. PONCE-DEE, Remedios B. |
| 9. CABRERA, Rafael M. | 30. RAMIRO, Vincent M. |
| 10. CAPULAR, Elizabeth S. | 31. REMOTO, Danton R. |
| 11. CASTOR, Macariola A. | 32. ROBES, Jose C. |
| 12. CLAUDIO, Felix D. | 33. ROCA, Cesar C. |
| 13. COMBATE, Amado C. | 34. RODRIGUEZ, Romeo T. |
| 14. DEL MUNDO, Gerardo A. | 35. ROQUE, Benjamin G. |
| 15. ESMERALDA, Julieto Sr., O. | 36. SANTOS, Victor L. |
| 16. FLAMINIANO, Eduardo B. | 37. SENINING, Loreto Jr., Y. |
| 17. FORTES, Alfredo A. | 38. TAJANAN, Francisco M. |
| 18. GUILLERGAN, Gherry A. | 39. TAYCO, Marcelo Jr., R. |
| 19. HASHIM, Mujahab A. | 40. TIQUI, Camilo V. |
| 20. JOSON, Dante D. | 41. TUAZON, Elpidio G. |

The Clerk of the Commission shall assign a docket number to Certificates of Candidacy subject of item number 7 which must bear the year and prefixed as SPA (MP) for orderly proceedings.

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

Let the Education and Information Department cause the immediate publication of the dispositive portion of this resolution in two (2) newspapers of general circulation.

SO ORDERED.

(SGD) BENJAMIN S. ABALOS, SR.
Chairman

(SGD) RESURRECCION Z. BORRA
Commissioner

(SGD) FLORENTINO A. TUASON, JR.
Commissioner

On Official Business
ROMEO A. BRAUNER
Commissioner

(SGD) RENE V. SARMIENTO
Commissioner

(SGD) NICODEMO T. FERRER
Commissioner

cc Chairperson
All Commissioners
Executive Director
Deputy Executive Director for Operations
Education and Information Department
Clerk of the Commission
Law Department

