

EN BANC

[G.R. No. 191550, May 04, 2010]

HENRY "JUN" DUEÑAS, JR., PETITIONER, VS. HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL AND ANGELITO "JETT" P. REYES, RESPONDENTS.

DECISION

PERALTA, J.:

This resolves the Petition for *Certiorari* under Rule 65 of the Rules of Court praying that the Decision^[1] of the House of Representatives Electoral Tribunal (HRET) dated February 25, 2010 and its Resolution^[2] dated March 18, 2010 be declared null and void *ab initio*.

Petitioner was proclaimed as the Congressman for the Second Legislative District of Taguig City. Private respondent filed an election protest with the HRET. After revision of ballots in 100% of the protested precincts and 25% of the counter-protested precincts, the case was submitted for resolution upon the parties' submission of memoranda. However, in its Order^[3] dated September 25, 2008, the HRET directed the continuation of the revision and appreciation of ballots for the remaining 75% of the counter- protested precincts. Petitioner's motion for reconsideration of said Order was denied in a HRET Resolution dated October 21, 2008 which reiterated the Order to continue revision in the remaining 75% of the counter-protested precincts. Petitioner then filed a petition for *certiorari* with this Court docketed as G.R. No. 185401, seeking the nullification of said order of revision, alleging that it was issued with grave abuse of discretion. On July 21, 2009, the Court promulgated a Decision dismissing the petition. Said Decision became final and executory and the HRET continued the proceeding in the electoral protest case.

On February 25, 2010, the HRET promulgated its Decision which declared private respondent as the winner with a margin of 37 votes.

In the instant petition, the main thrust of petitioner's argument is that since private respondent's margin of votes is merely 37, this shows that the alleged reason for the HRET's order of revision, *i.e.*, that the proclaimed results of the congressional elections in Taguig City have been substantially affected by the results of the initial revision and appreciation of ballots, is baseless. Petitioner then continued to reiterate his arguments raised in his earlier petition for *certiorari* seeking the nullification of the HRET Resolution dated October 21, 2008. He also pointed out that the three Justices of the Court who are members of the HRET took no part in the HRET's Decision and Resolution denying reconsideration.

In his Comment, private respondent counters that petitioner's allegations do not show grave abuse of discretion on the part of the HRET.