

## EN BANC

[ G.R. No. 189600, June 29, 2010 ]

### MILAGROS E. AMORES, PETITIONER, VS. HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL AND EMMANUEL JOEL J. VILLANUEVA, RESPONDENTS.

#### DECISION

##### CARPIO MORALES, J.:

Via this petition for certiorari, Milagros E. Amores (petitioner) challenges the Decision of May 14, 2009 and Resolution No. 09-130 of August 6, 2009 of the House of Representatives Electoral Tribunal (public respondent), which respectively dismissed petitioner's Petition for *Quo Warranto* questioning the legality of the assumption of office of Emmanuel Joel J. Villanueva (private respondent) as representative of the party-list organization Citizens' Battle Against Corruption (CIBAC) in the House of Representatives, and denied petitioner's Motion for Reconsideration.

In her Petition for *Quo Warranto*<sup>[1]</sup> seeking the ouster of private respondent, petitioner alleged that, among other things, private respondent assumed office without a formal proclamation issued by the Commission on Elections (COMELEC); he was disqualified to be a nominee of the youth sector of CIBAC since, at the time of the filing of his certificates of nomination and acceptance, he was already 31 years old or beyond the age limit of 30 pursuant to Section 9 of Republic Act (RA) No. 7941, otherwise known as the Party-List System Act; and his change of affiliation from CIBAC's youth sector to its overseas Filipino workers and their families sector was not effected at least six months prior to the May 14, 2007 elections so as to be qualified to represent the new sector under Section 15 of RA No. 7941.

Not having filed his Answer despite due notice, private respondent was deemed to have entered a general denial pursuant to public respondent's Rules.<sup>[2]</sup>

As earlier reflected, public respondent, by Decision of May 14, 2009,<sup>[3]</sup> dismissed petitioner's Petition for *Quo Warranto*, finding that CIBAC was among the party-list organizations which the COMELEC had partially proclaimed as entitled to at least one seat in the House of Representatives through National Board of Canvassers (NBC) Resolution No. 07-60 dated July 9, 2007. It also found the petition which was filed on October 17, 2007 to be out of time, the reglementary period being 10 days from private respondent's proclamation.

Respecting the age qualification for youth sectoral nominees under Section 9 of RA No. 7941, public respondent held that it applied only to those nominated as such during the first three congressional terms after the ratification of the Constitution or until 1998, unless a sectoral party is thereafter registered exclusively as

representing the youth sector, which CIBAC, a multi-sectoral organization, is not.

In the matter of private respondent's shift of affiliation from CIBAC's youth sector to its overseas Filipino workers and their families sector, public respondent held that Section 15 of RA No. 7941 did not apply as there was no resultant change in party-list affiliation.

Her Motion for Reconsideration having been denied by Resolution No. 09-130 dated August 6, 2009,<sup>[4]</sup> petitioner filed the present Petition for Certiorari.<sup>[5]</sup>

Petitioner contends that, among other things, public respondent created distinctions in the application of Sections 9 and 15 of RA No. 7941 that are not found in the subject provisions, fostering interpretations at war with equal protection of the laws; and NBC Resolution No. 07-60, which was a partial proclamation of winning party-list organizations, was not enough basis for private respondent to assume office on July 10, 2007, especially considering that he admitted receiving his own Certificate of Proclamation only on December 13, 2007.

In his Comment,<sup>[6]</sup> private respondent avers in the main that petitioner has not substantiated her claims of grave abuse of discretion against public respondent; and that he became a member of the overseas Filipinos and their families sector years before the 2007 elections.

It bears noting that the term of office of party-list representatives elected in the May, 2007 elections will expire on June 30, 2010. While the petition has, thus, become moot and academic, rendering of a decision on the merits in this case would still be of practical value.<sup>[7]</sup>

The Court adopts the issues framed by public respondent, to wit: (1) whether petitioner's Petition for *Quo Warranto* was dismissible for having been filed unseasonably; and (2) whether Sections 9 and 15 of RA No. 7941 apply to private respondent.

On the first issue, the Court finds that public respondent committed grave abuse of discretion in considering petitioner's Petition for *Quo Warranto* filed out of time. Its counting of the 10-day reglementary period provided in its Rules<sup>[8]</sup> from the issuance of NBC Resolution No. 07-60 on July 9, 2007 is erroneous.

To be sure, while NBC Resolution No. 07-60 partially proclaimed CIBAC as a winner in the May, 2007 elections, along with other party-list organizations,<sup>[9]</sup> it was by no measure a proclamation of private respondent himself as required by Section 13 of RA No. 7941.

Section 13. *How Party-List Representatives are Chosen.* Party-list representatives shall be proclaimed by the COMELEC based on the list of names submitted by the respective parties, organizations, or coalitions to the COMELEC according to their ranking in said list.

AT ALL EVENTS, this Court set aside NBC Resolution No. 07-60 in *Barangay*

*Association for National Advancement and Transparency v. COMELEC*<sup>[10]</sup> after revisiting the formula for allocation of additional seats to party-list organizations.

Considering, however, that the records do not disclose the exact date of private respondent's proclamation, the Court overlooks the technicality of timeliness and rules on the merits. Alternatively, since petitioner's challenge goes into private respondent's qualifications, it may be filed at anytime during his term.

Qualifications for public office are continuing requirements and must be possessed not only at the time of appointment or election or assumption of office but during the officer's entire tenure. Once any of the required qualifications is lost, his title may be seasonably challenged.<sup>[11]</sup>

On the second and more substantial issue, the Court shall first discuss the age requirement for youth sector nominees under Section 9 of RA No. 7941 reading:

Section 9. *Qualifications of Party-List Nominees.* No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election.

In case of a **nominee of the youth sector**, he must at least be twenty-five (25) but **not more than thirty (30) years of age on the day of the election**. Any youth sectoral representative who attains the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term. (Emphasis and underscoring supplied.)

The Court finds no textual support for public respondent's interpretation that Section 9 applied only to those nominated during the first three congressional terms after the ratification of the Constitution or until 1998, unless a sectoral party is thereafter registered exclusively as representing the youth sector.

A cardinal rule in statutory construction is that when the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation. There is only room for application.<sup>[12]</sup>

As the law states in unequivocal terms that a **nominee of the youth sector must at least be twenty-five (25) but not more than thirty (30) years of age on the day of the election**, so it must be that a candidate who is more than 30 on election day is not qualified to be a youth sector nominee. Since this mandate is contained in RA No. 7941, the Party-List System Act, it covers ALL youth sector nominees vying for party-list representative seats.

As petitioner points out, RA No. 7941 was enacted only in March, 1995. There is