

EN BANC

[G.R. No. 177179, June 05, 2009]

**V.C. CADANGEN AND ALLIANCE OF CIVIL SERVANTS, INC.,
PETITIONERS, VS. THE COMMISSION ON ELECTIONS,
RESPONDENT.**

DECISION

NACHURA, J.:

For resolution is a petition for *certiorari* and mandamus filed under Rules 64 and 65 of the Rules of Court assailing the March 26, 2007 Resolution^[1] of the Commission on Elections (COMELEC) *en banc* in SPP Case No. 06-040 (PL). In the questioned resolution, the COMELEC *en banc* denied petitioners' motion for the reconsideration of the February 13, 2007 Resolution^[2] of the COMELEC Second Division.

The relevant antecedent facts and proceedings follow.

On September 13, 2006, petitioner Alliance of Civil Servants, Inc. (Civil Servants), represented by its then president, Atty. Sherwin R. Lopez, filed a petition for registration as a sectoral organization under Republic Act (R.A.) No. 7941^[3] or the Party-List System Act. It claimed, among others, that it had been in existence since December 2004 and it sought to represent past and present government employees in the party-list system.^[4]

The COMELEC Second Division, on December 11, 2006, issued an Order^[5] requiring Civil Servants to file a memorandum that would prove its presence or existence nationwide, track record, financial capability to wage a nationwide campaign, platform of government, officers and membership, and compliance with the provisions of the Party-List System Act and the eight-point guideline laid down by this Court in *Ang Bagong Bayani-OFW Labor Party v. Commission on Elections*.^[6]

Civil Servants consequently filed the required memorandum attaching thereto the following documents: (1) copies of its letters to the respective election directors/officers/registrars of the Cordillera Administrative Region, Second District of Quezon City, and the cities of Iloilo, Cotabato, Urdaneta and Dagupan, informing them of the names and addresses of its members in the said localities; (2) revised list of its members as of November 30, 2006; (3) list of its incorporators with brief descriptions of their credentials, including their designations/appointments in government offices; (4) printed screen shot of the Internet homepage of its on-line forum; (5) summary of its major activities and accomplishments since its inception; (6) financial statement showing its net asset of P399,927.00; (7) platform of government; and (8) list of its current officers with a summary of their credentials.

^[7]

With its petition for registration pending, Civil Servants also filed on February 8, 2007 a Manifestation^[8] of intent to participate in the May 14, 2007 National and Local Elections.

On February 13, 2007, however, the COMELEC Second Division issued a Resolution^[9] denying Civil Servants' petition for registration. We quote the relevant portions of the resolution, thus—

Owing its mandate to the Constitution and Republic Act No. 7941, the party list system of elections is an important component of the Filipino people's participation in the legislative process. Members of the marginalized and underrepresented sectors now have a chance to be veritable law makers themselves through their representatives. Given the importance of the role they play in legislation, not all sectors who claim to be representative of the marginalized and underrepresented can be granted the opportunity to participate in the party list elections. Thus, the pronouncement of the Supreme Court in *Ang Bagong Bayani-OFW Labor Party v. Commission on Elections* enunciating the eight (8) point (sic) guideline must be complied with by those who seek to participate, x x x.

x x x x

Likewise, *R.A. 7941* laid down the definitive sectors covered by the system which include the following: labor, peasant, fisher folk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers and professionals.

Thus, in determining whether or not a party can participate in the party list elections, the Commission (Second Division) is not only bound to verify the veracity of every petition, but also to see to it that members of these organizations belong to the marginalized and the underrepresented. Also put to test here is every petitioner's capacity to represent and voice out the sentiments and needs of the sector it represents. The eight-point guideline also requires that the party or organization seeking registration should lack a well-defined political constituency but could, nonetheless, contribute to the formulation of appropriate legislation to benefit the nation as a whole. Thus, guided by the provisions of *R.A. 7941* and the eight point (sic) guideline enunciated in the *Ang Bagong Bayani* case, the Commission (Second Division) hereby resolves the following petitions for registration.

x x x x

CIVIL SERVANTS is an alliance of government employees aimed at advancing the economic and social welfare of government employees, upholding the fundamental rights of civil servants and safeguarding the professional interest of government workers, among others. In its platform of government, CIVIL SERVANTS espouses the principles of efficient civil service, economic and social welfare, upholding the fundamental rights and the professional development of civil servants.

CIVIL SERVANTS likewise claims national constituency and that it has

membership throughout the different regions in the country. In support thereof, petitioner presented a picture of their website where they discuss different issues confronting government employees. In relation thereto, petitioner asserts that it had divided itself to (sic) different working committees to address several issues the report of which is to be submitted in an annual meeting to be held on March 2007.

On the issue of petitioner's constituency which it claims to be nationwide, this cannot be established by mere letters to the Commission's Election Officers and providing them with a copy of the list of officers and members. To establish the extent of the constituencies of the different parties and organizations as claimed by them, the Commission directed its Election Officers to verify the existence of petitioner's chapters allegedly present in the NCR and the different regions. The verification report shows that CIVIL SERVANTS exists only in Parañaque City's (1st and 2nd Districts) and in Quezon City's (4th District), contrary to petitioner's claim of national constituency in its memorandum. For having failed to prove its existence nationwide and for having declared an untruthful statement in its memorandum, We resolve to DENY the instant petition.^[10]

Aggrieved, Civil Servants moved for reconsideration,^[11] arguing in the main that the law does not require a sectoral organization to have a nationwide presence or existence for it to be registered under the party-list system. It posited that the COMELEC Second Division, in imposing such an additional requirement, went beyond the bounds of the law.

Not persuaded by Civil Servants' arguments, the COMELEC *en banc*, in the assailed March 26, 2007 Resolution,^[12] denied the motion. It ruled that Civil Servants' failure to assail the COMELEC Second Division's order requiring proof of existence or presence nationwide, and the subsequent submission of its compliance therewith, which was later found to be insufficient, effectively barred the organization from subsequently questioning the legality of the aforementioned order.^[13] The COMELEC *en banc* further ratiocinated that—

Incidentally, the requirement of presence or existence in majority of the regions, provinces, municipalities or cities, as the case may be, is not based on mere whims or caprices of the Commission. It was made a necessity to serve as a gauge in assessing the capacity of the applicant to conduct a campaign and as a proof that it is not just a fly-by-night organization but one which truly represents a particular marginalized and underrepresented sector. It must be remembered that Republic Act 7941 empowers the Commission to ask the applicant to provide other information, which it may deem relevant, in deciding an application for registration of a party, organization or coalitions. It is under this provision that the Commission has required the petitioner to show its existence in the areas it claimed to have members.

At any rate, the Second Division was correct in rejecting the application for registration of the herein petitioner. And with no additional evidence to back the petitioner's claim of existence all over the country, the