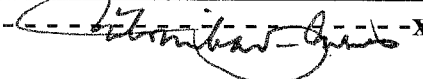


EN BANC

G.R. No. 247645 – LIBERAL PARTY, represented by its PRESIDENT, FRANCIS N. PANGILINAN and/or its SECRETARY GENERAL, JOSE CHRISTOPHER Y. BELMONTE, *petitioner, versus* COMMISSION ON ELECTIONS and NACIONALISTA PARTY, represented by its PRESIDENT, MANUEL B. VILLAR and/or its SECRETARY GENERAL, ALAN PETER CAYETANO, *respondents*.

Promulgated:

July 26, 2022

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SEPARATE OPINION

CAGUIOA, J.:

The *ponencia* resolves to dismiss the instant Petition for *Certiorari*<sup>1</sup> (Petition), thereby affirming the Commission on Elections' (COMELEC) Resolution No. 10538<sup>2</sup> dated May 8, 2019 which denied the petition filed by the Liberal Party (petitioner) for accreditation as the dominant minority party for the May 13, 2019 National and Local Elections (2019 National and Local Elections).

Per the *ponencia*'s narration of facts, the COMELEC issued Resolution No. 10514<sup>3</sup> which established the guidelines for the accreditation of the dominant majority party, dominant minority party, 10 major national parties and two major local parties for the 2019 National and Local Elections. On April 10, 2019, petitioner filed with the COMELEC its Petition for Accreditation as the Dominant Minority Party. On May 8, 2019, the COMELEC issued Resolution No. 10538 declaring the Nacionalista Party as the Dominant Minority Party and petitioner as among the eight Major Political Parties for the 2019 National and Local Elections. The COMELEC applied the guidelines in Resolution No. 10514 in evaluating each party vying for accreditation.<sup>4</sup>

However, in a Memorandum dated May 7, 2019, Commissioner Luie Tito F. Guia (Commissioner Guia) expressed his reservation with the COMELEC's determination of the dominant minority party. He argued that the dominant minority party should come from the minority, "a party that belongs

<sup>1</sup> *Rollo*, pp. 3-38.

<sup>2</sup> *Id.* at 40-50.

<sup>3</sup> RULES AND REGULATIONS GOVERNING THE FILING OF ACCREDITATION FOR THE PURPOSE OF DETERMINING THE DOMINANT MAJORITY PARTY, DOMINANT MINORITY PARTY, TEN (10) MAJOR NATIONAL PARTIES AND TWO (2) MAJOR LOCAL PARTIES IN CONNECTION WITH THE MAY 13, 2019 NATIONAL AND LOCAL ELECTIONS, issued on March 25, 2019.

<sup>4</sup> *Ponencia*, pp. 2-4.



to those that stand in opposite to the majority” in accordance with the definition of minority party under Section 274<sup>5</sup> of the Omnibus Election Code (OEC).<sup>6</sup>

Consequently, on July 1, 2019, petitioner filed the instant Petition before the Court assailing that the COMELEC committed grave abuse of discretion when it determined the Nacionalista Party as the Dominant Minority Party, ignoring the definition of a minority party under the OEC. Citing the memorandum of Commissioner Guia, petitioner posits that since the Nacionalista Party was a member of the ruling coalition party, it does not belong to a party “that stand in opposite to the majority”. The Petition asks the Court to annul Resolution No. 10538 and to establish clear guidelines for the recognition and accreditation as the dominant minority party in the conduct of the succeeding elections.<sup>7</sup>

The *ponencia* dismisses the instant petition ruling that the case has been rendered moot by the conclusion of the 2019 National and Local Elections since the purpose for which the parties were accredited in Resolution No. 10538 had already been fulfilled. Any action this Court may take on the said Resolution will not produce any legal effect.<sup>8</sup> In any case, the *ponencia* still finds that the criteria applied by the COMELEC in the accreditation of the dominant majority and minority party is consistent with the criteria enunciated in Section 26<sup>9</sup> of

<sup>5</sup> SECTION 274. *Accreditation of dominant opposition party.* — For purposes of the next local elections in 1986 and the next presidential elections in 1987 or earlier, the dominant opposition party shall be that political party, group or organization or coalition of major national or regional political parties opposed to the majority party which has the capability to wage a *bona fide* nationwide campaign as shown by the extent of its organization and the number of Members of Parliament affiliated with it: *Provided, however,* That with specific reference to the next local elections in constituencies which are represented in the *Batasang Pambansa* by Members who do not belong either to the majority party or to the political party or coalition of political parties described above, the representatives of the opposition in the board of election inspectors, board of canvassers or other similar bodies shall be proposed exclusively by the party to which said Member of the *Batasang Pambansa* belong: *Provided, however,* That it is registered before the next local elections.

Any political party, group or organization or coalition of political parties seeking accreditation under this section shall file a verified petition with the Commission on Elections stating therein such information as may be necessary to enable the Commission to determine the qualifications for accreditation in accordance with the standard herein provided.

The Commission on Elections shall accredit the dominant opposition party not later than thirty days before the campaign period in every election.

In case a presidential election is held before the next local elections or before the presidential election in 1987, the provisions of the Constitution shall be enforced in determining which shall be the dominant opposition party for purposes of the next local elections.

<sup>6</sup> *Ponencia*, p. 4.

<sup>7</sup> *Id.* at 4-5.

<sup>8</sup> *Id.* at 7-8.

<sup>9</sup> SECTION 26. *Official Watchers.* - Every registered political party or coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center: *Provided,* That, candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan belonging to the same slate or ticket shall collectively be entitled to only one watcher.

The dominant majority party and dominant minority party, which the Commission shall determine in accordance with law, shall each be entitled to one official watcher who shall be paid a fixed per diem of Four hundred pesos (P400.00).

There shall also be recognized six principal watchers, representing the six accredited major political parties excluding the dominant majority and minority parties, who shall be designated by the Commission upon nomination of the said parties. These political parties shall be determined by the Commission upon notice and hearing on the basis of the following circumstances:

(a) The established record of the said parties, coalition of groups that now composed them, taking into account, among other things, their showing in past elections;

Republic Act No. 7166,<sup>10</sup> as amended.<sup>11</sup> Thus, the COMELEC did not exceed its rule-making powers when it issued Resolution No. 10514 and applied the same in determining the dominant majority and minority party in Resolution No. 10538.<sup>12</sup> Lastly, the *ponencia* notes that the Petition, in asking the Court to establish guidelines on the recognition and accreditation of the dominant minority party, essentially requests for an advisory opinion which the Court does not do.<sup>13</sup>

I concur with the *ponencia* in dismissing the Petition for the sole reason that the case is already moot and academic.

In *David v. Macapagal-Arroyo*,<sup>14</sup> the Court defined a moot and academic case as “one that ceases to present a justiciable controversy by virtue of supervening events so that a declaration thereon would be of no practical use or value.”<sup>15</sup> As a general rule, courts decline jurisdiction over such cases or dismiss the same on ground of mootness. Nevertheless, the Court may exercise its power of judicial review and resolve an otherwise moot and academic case provided it falls under the following cases: (1) there is a grave violation of the Constitution; (2) the exceptional character of the situation and the paramount public interest is involved; (3) when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and (4) the case is capable of repetition yet evading review.<sup>16</sup>

The *ponencia* rules that not one of these exceptions is present in the case at hand. I agree.

With the case being correctly viewed as moot and academic, and not falling under any of the exceptions mentioned, then the Court was therefore not called upon to express any opinion on the merits of the case, specifically on the correctness of the criteria applied by the COMELEC in the accreditation of the dominant majority and minority parties for the 2019 National and Local Elections and whether the COMELEC exceeded its rule-making powers when it issued the assailed Resolutions. Thus, by the

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(b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;

(c) Their identifiable political organizations and strengths as evidenced by their organized/chapters;

(d) The ability to fill a complete slate of candidates from the municipal level to the position of President; and

(e) Other analogous circumstances that may determine their relative organizations and strengths. (As amended by Republic Act No. 9369, Sec. 34.)

<sup>10</sup> AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES otherwise known as the “SYNCHRONIZED ELECTIONS LAW OF 1991,” November 26, 1991.

<sup>11</sup> *Ponencia*, p. 11.

<sup>12</sup> *Id.* at 16.

<sup>13</sup> *Id.* at 12.

<sup>14</sup> 522 Phil. 705 (2006).

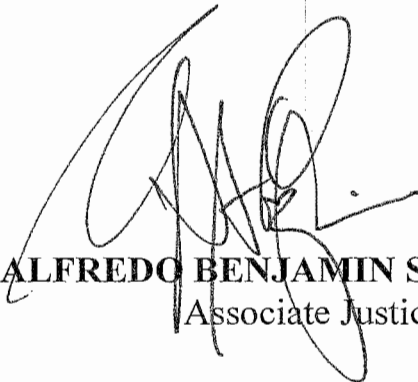
<sup>15</sup> *Id.* at 753. Citations omitted.

<sup>16</sup> *Id.* at 754.



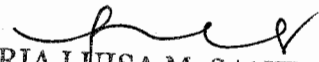
*ponencia*'s own declaration that the case is moot and not falling under any of the exceptions, then any other opinion as to the substantial findings and rulings as so expressed by the *ponencia* — all these are *obiter*, and cannot be used as authority or precedent to any future case which may present actual controversies.

To conclude, I vote to **DISMISS** the instant Petition for *Certiorari* solely for being moot and academic.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

CERTIFIED TRUE COPY



**MARIA LUISA M. SANTILLA**  
Deputy Clerk of Court and  
Executive Officer  
OCC-En Banc, Supreme Court