

Republic of the Philippines  
Supreme Court  
Manila

EN BANC

PARTIDO FEDERAL NG  
PILIPINAS AND ITS  
NATIONAL PRESIDENT  
LEANDRO B. VERCELES, JR.,  
AND ON HIS OWN BEHALF AS  
A PARTY MEMBER,

Petitioners,

- versus -

COMMISSION ON  
ELECTIONS, REYNALDO S.  
TAMAYO, JR., THOMPSON C.  
LANTION AND GEORGE S.  
BRIONES,

Respondents.

G.R. No. 276456

Present:

GESMUNDO, C.J.,  
LEONEN,  
CAGUIOA,  
HERNANDO,\*  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ, M.  
GAERLAN,  
ROSARIO,  
LOPEZ, J.  
DIMAAMPAO,  
MARQUEZ,  
KHO, JR., and  
SINGH, JJ.

Promulgated:

February 25, 2025

x----------x  
DECISION

SINGH, J.:

The present Petition for *Certiorari*<sup>1</sup> under Rule 64 of the Rules of Court assails the Resolution,<sup>2</sup> dated September 6, 2024, and the Resolution,<sup>3</sup> dated

\* On official leave.

<sup>1</sup> *Rollo*, pp. 3–109.

<sup>2</sup> *Id.* at 124–157. The September 6, 2024 Resolution was signed by Chairperson George Edwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, Rey E. Bulay, Ernesto Ferdinand P. Maceda, Jr., and Nelson J. Celis of the *En Banc*, Commission on Elections, Intramuros, Manila.

<sup>3</sup> *Id.* at 364–371. The October 3, 2024 Resolution was signed by Chairperson George Edwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, Rey E. Bulay, Ernesto

October 3, 2024, of the Commission on Elections (**COMELEC**) *En Banc* in Case No. EM 24-002. The COMELEC dismissed petitioners Leandro B. Verceles, Jr. (**Verceles**) and Antonio C. Rodriguez, Jr.'s (**Rodriguez**) *Omnibus Petition to Resolve an Intra-Party Leadership Dispute Under Article IX-C, Section 2(5) of the 1987 Constitution and Within the Limited Bounds of the Partido Federal ng Pilipinas Then-Constitution and By-Laws, Article XVII, the National Officers, Section 2 Thereof* (the **COMELEC Petition**) for lack of merit.<sup>4</sup>

### *The Facts*

The COMELEC Petition was filed on March 6, 2024 by Verceles and Rodriguez as the purported National President and Secretary-General, respectively, of Partido Federal ng Pilipinas (**PFP**).<sup>5</sup>

Verceles and Rodriguez cite Article IX-C, Section 2(5)<sup>6</sup> of the 1987 Constitution to support their claim that the COMELEC has jurisdiction to resolve the COMELEC Petition. To support their contentions in the COMELEC Petition, Verceles and Rodriguez invoke the 2018 PFP Constitution and By-laws, specifically Article XVII, Section 2 thereof, which states:

Section 2. *All National Officers shall have a term of office of [two] years, provided that the succession to any permanent vacancy [i]n these positions shall only be for the unexpired portion of the term.*<sup>7</sup> (Emphasis supplied)

Verceles and Rodriguez allege that the PFP is a political party duly-registered with the COMELEC as of October 5, 2018. Moreover, that the party has elected new leadership: Verceles, former Congressman and Provincial Governor of Catanduanes, as President, and Rodriguez, former Mayor of Capas, Tarlac Province, as Secretary General.<sup>8</sup>

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Ferdinand P. Maceda, Jr., and Nelson J. Celis of the *En Banc*, Commission on Elections, Intramuros, Manila.

<sup>4</sup> *Id.* at 156.

<sup>5</sup> *Id.* at 125.

<sup>6</sup> 1987 CONST. Art IX-C, sec. 2 states:


The Commission on Elections shall exercise the following powers and functions:

....  
(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections, constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

<sup>7</sup> *Rollo*, p. 125.

<sup>8</sup> *Id.* at 125-126.



The respondents are Reynaldo S. Tamayo, Jr. (**Tamayo**), the incumbent Governor of South Cotabato; Thompson C. Lantion (**Lantion**), and George S. Briones (**Briones**) (collectively, **Tamayo, et al.**), whose terms as President, Secretary General, and General Counsel, respectively, of the PFP, have allegedly expired on September 18, 2023.<sup>9</sup> The two-year term of PFP National Officers under the 2018 Constitution and By-laws supposedly precludes any holdover authority after its expiration.<sup>10</sup>

Verceles and Rodriguez allege that Tamayo, et al.'s failure to conduct an election for PFP's National Officers before the expiration of their terms of office "resulted in a governance vacuum, []leading to a constitutional crisis within the party."<sup>11</sup>

Purportedly to address said crisis, the party's regional members convened and elected their officers in a National Directorate Meeting on December 14, 2023, at the Linden Suites, Ortigas Center, Pasig City. Thereat, Verceles and Rodriguez were elected National President and Secretary General of the PFP, respectively.<sup>12</sup>

Verceles and Rodriguez claim that, despite said election, respondent Lantion unlawfully submitted a Sworn Information Update Statement (SIUS) to the COMELEC on behalf of the PFP on October 4, 2023, after his authority already expired.<sup>13</sup> In contrast, Verceles and Rodriguez claim to have submitted a valid SIUS on December 20, 2023, which they assert should be recognized by the COMELEC.<sup>14</sup>

On May 7, 2024, the COMELEC *En Banc* issued an Order, directing Tamayo, et al. to submit a verified Answer/Comment.<sup>15</sup>

On May 24, 2024, Tamayo, et al. filed their Comment, the material averments of which, as quoted in the COMELEC *En Banc* Resolution, are as follows:

*7. The [COMELEC Petition contesting] the Presidency of PFP was filed by petitioners because the COMELEC did not act or recognize as valid the petitioners' false SIUS[,] [dated December 20, 2023].*

(Please see Annex "B" of the Omnibus Petition—the SIUS[,] [dated December 20, 2023] presented by petitioners has no stamp mark received by the Office of the Clerk of Court of the [COMELEC].

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<sup>9</sup> *Id.* at 126.

<sup>10</sup> *Id.* at 126–127.


<sup>11</sup> *Id.* at 127.

<sup>12</sup> *Id.* at 127–128.

<sup>13</sup> *Id.* at 130.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 131.



In contrast, please see Annex "A" of the Omnibus Petition—the SIUS [,] [dated September 29, 2023] submitted by the respondents to the COMELEC[] clearly has a stamp mark "Received on [October 3, 2023]" by the Office of the Clerk of Court of the [COMELEC], with a signature and time received at "10:00 a.m." In addition, it has this annotation: "SPP No. 20-001 SIUS)". [sic]

*The COMELEC was correct in not acting or [recognizing] the petitioners' SIUS[,] [dated December 20, 2023,] because the ATTESTATION is[falsified], to wit:*

Paragraph 1 of the Attestation of petitioner [Rodriguez] states:

"1. I am one of the officers of the [PFP];"

While paragraph 1 of the Attestation of respondent [Lantion] reads:

"1. I am one of the officers of [PFP] *duly authorized to submit the foregoing Statement;*"

The COMELEC correctly did not act on or recognize petitioners' SIUS[,] [dated December 20, 2023,] as valid because petitioner [Rodriguez] was not authorized by the party to submit said SIUS.

It is the falsified SIUS[,] [dated December 20, 2023] that is the basis of petitioners' cause of action in this case. Therefore, this petition must be dismissed for lack of cause of action.

....

9. *Contrary to the sworn statement of the petitioners, [Article XVII, Section 2] of the PFP Constitution actually provides:*

"Section 2. *All national officers shall have a term of office of three[] years, provided that the succession to any permanent vacancy in these positions shall only be for the unexpired portion of the term.*"

*Attached[] is a certified true copy of the Constitution and By-Laws of the PFP, duly submitted to the COMELEC on [April 11, 2022], (and attached as PFP's Petition for Accreditation[,] [dated April 7, 2022]), as one of the Ten Major Political Parties in the May 9, 2022 elections, which was approved and granted by the COMELEC.*

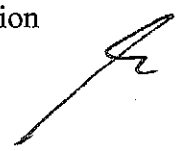
*In contrast, the [COMELEC Petition] does not state where the petitioners got their Constitution which is unsigned, and has a missing page 26.*

[...]

11. On [October 5, 2021] then former senator, [now President] Ferdinand R. Marcos, Jr. [President Marcos] took his oath as a member of PFP before respondent South Cotabato Governor [Tamayo], who is the President of PFP at the BBM Headquarters located at 41 EDSA, Mandaluyong City, Metro Manila.

Attached as Annex "2" hereof is the Oath of Membership to PFP of [President Marcos], dated [October 5, 2021].

12. Immediately after being a member of the PFP, [President] Marcos assumed the vacant [] position of Chairman of PFP. This position



was left vacant for [President] Marcos during the PFP National Convention and Election of Officers at Tupi, South Cotabato on [September 18, 2021].

*Therefore, [President] Marcos had a term of three years and until [September 18, 2024] to be the Chairman of the PFP according to its Constitution stated in paragraph 9 above.*

*The same is true with respondent [Tamayo], who had a three-year term as the President of the party until [September 18, 2024].*

*The same is true with respondent [Lantion], who had a three-year term as the Secretary General of the party until [September 18, 2024].*

*The same is true with respondent [Briones], who had a three-year term as the General Counsel of the party until [September 18, 2024].*

[...]

19. On [June 10, 2022], the PFP National Directorate met and issued a Resolution giving respondent [Tamayo] blanket authority to reorganize the party to make it the Dominant Majority Party during the administration of President Marcos. One of the measures adopted to make PFP the Dominant Majority Party was to accept new members. The Resolution also sought to unite the party behind the leadership of respondent [Tamayo] as President of the party, because the PFP officers were complaining that they were not being appointed in government.

[...]

22. On [November 11, 2022], the PFP expelled former Executive Secretary Victor Rodriguez for his incompetence as Executive Secretary, a post he vacated only after three months in office on [September 17, 2022.] [Special Assistant to the President] Anton F. Lagdameo, Jr. was appointed as the new Executive Vice President (EVP) of the PFP.

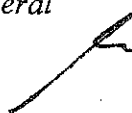
[...]

24. On [September 29, 2023], since the petitioners became inactive in the PFP, respondent [Tamayo], on the strength of the Resolution[,] dated [June 10, 2022], made changes in the leadership of the party, determined to make PFP the Dominant Majority Party which is the aspiration of its Chairman President [Marcos], and submitted the updated SIUS of the PFP to the Comelec reflecting these changes.

Attached as Annex [6] is a copy of the SIUS[,] dated [September 29, 2023].

25. On [December 14, 2023], as a reaction and in order to embarrass President Marcos, because of their failure to be appointed in his administration, petitioners [Vereles] and [Rodriguez] made their dissatisfaction public, and conducted a "moro moro" meeting, without notice and without a quorum, and they unseated the respondents and proclaimed a new set of elected National Officers of the PFP, which they widely published in the print media.

25.1 [The] [p]etitioners did not notify President [Marcos], the Chairman of the party of this meeting. [The] [p]etitioners did not notify Governor Tamayo, the President of the party of this meeting. [The] [p]etitioners did not notify Lagdameo, the [EVP] of the party of this meeting. [The] [p]etitioners did not notify [Lantion], the Secretary General



*of the party of this meeting. The petitioners did not notify [Briones], the General Counsel of the party of this meeting.*

25.2 During the National Directorate Meeting and Executive Committee Meeting in Malacanang Palace on [January 12, 2024], PFP General Counsel [Briones] asked the body, which included the new members of the PFP from the House of Representatives, if there was anybody who received a notice of this [December 14, 2023] meeting. And there was none who answered yes.

The new members of the PFP at that time, the 21 sitting Provincial Governors, the 10 Congressmen, 1 Cabinet Member and 5 Mayors of Independent Cities, and who are entitled to attend and vote for the National Officers in the National Assembly [Article XVII, Section 2, PFP Constitution] were not notified by the petitioners of their [December 14, 2023] meeting.

Attached as Annex [7] hereof is a copy of the Affidavit of Ferdinand V. Dysico, PFP Secretary General for Region III, dated [December 16, 2023], which said that:

*"1. Kagabi, Disyembre 15, 2023 at tinawagan ako ni TJ [Rodriguez];*

*2. And sabi niya: SORI SEC. GEN HINDI KITA NABIGYAN NG NOTICE NUNG MEETING NG PFP NOONG DEISEMBRE [sic] 14, 2023."*

25.3 *There was also no quorum in the petitioners' meeting on [December 14, 2023]. The respondents could only identify nine [] of the attendees as members of the PFP. The rest of the motley crowd of about 30 people were not identified. [The] petitioners did not submit a list of members attending this meeting in their [COMELEC Petition].*

Quorum requires the presence of not less than 40% of the voting membership of the body involved ([Article XVII, Section 7], PFP Constitution). Here, 40% of the voting membership of the National Assembly is needed to constitute a quorum to elect a new set of National Officers.

The following are entitled to vote during the National Assembly: (1) National Officers; (2) National Committee Chairmen; (3) Regional Officers; (4) Regional Committee Chairmen; (5) Party Members who are incumbent President, the Vice President of the Republic of the [Philippines, Members of Congress, Cabinet Members, State, Regional or Provincial Governors, and Mayors of Independent Cities; (6) Chapters in good standing, in accordance with their voting strength as determined in the guidelines set forth by the National Directorate. ([Article XVII, Section 2 of the] PFP Constitution)].

The bare allegations of the Omnibus Petition will show that there was no quorum present in the National Assembly of [December 14, 2023], based on the above enumeration of PFP members entitled to be present and to vote for the National Officers under [Article XVII, Section 2] of the PFP Constitution.

25.4 *The petitioners cannot rely on [Article XVIII, Section 4] of the PFP Constitution providing that "any defect in complying with the notice requirement shall not invalidate the proceedings if a quorum was present therein." [This] supposes that there was a Notice of Meeting, but only*



*defective. Here there was none. (Besides, as shown in par. 24.3 above, there was no quorum during the National Assembly of [December 14, 2023].)*

*25.5 Finally, there is no valid reason for the election of National Officers in the meeting of [December 14, 2023], because according to [Article XVII, Section 2] of the PFP Constitution, all National Officers shall have a term of office of three [] years. (And not [two] years according to petitioners.)*

*Therefore, contrary to the malicious and fabricated allegations of petitioners Verceles and Rodriguez in their [COMELEC Petition], the truth is there is no "governance vacuum" leading to a "constitutional crisis" in the PFP, because the term of office of respondents have not expired on [September 18, 2023], but said respondents remain[ed] as national officers of the PFP until [September 18, 2024], according to the Constitution of the PFP.*

26. On [December 18, 2023], more than [97%] of the Regional, Provincial and Municipal Officers of the PFP signed a Manifesto of Support to the leadership of [Tamayo] as President of PFP.

27. On [December 20, 2023], petitioners submitted their falsified SIUS which the COMELEC did not receive. This falsified SIUS is now the basis of petitioners' present action (which prayed for the immediate issuance of a writ of preliminary injunction [without any allegation in the petition in support thereof] against respondents, which the [COMELEC] did not grant).

28. On [January 12, 2024] in Malacañang Palace, the PFP held a meeting of the National Directorate and Executive Committee, which affirmed the leadership of respondents [Tamayo] as President of the PFP, [Lantion] as Secretary General, and [Briones] as General Counsel of the PFP, and the other National Officers listed in the latest SIUS of the PFP submitted to the [COMELEC] on [September 29, 2023]. Attached as Annex [9] hereof is a copy of PFP Resolution No. 002, Series of 2024 signed by PFP Secretary General [Lantion] attesting to the Resolutions that were passed during the [January 12, 2024] meeting, which called for a National Convention of the party in September 2024 to elect its National Officers and proclaim its Official Candidates in the [May 12, 2025] elections.

*29. Also, on [January 12, 2023], the PFP Executive Committee and the National Directorate of the party deemed the following as expelled from the party for insubordination, disloyalty, and for acts inimical to the best interest of the party, among others:*

*29.1 Leandro Verceles, Jr.*

*29.2 Antonio Rodriguez, Jr.*

*29.3 Antonio Marfori*


*29.4 Rudyard Avila III*

*29.5 Julius Caesar Aguiluz*

*29.6 Manuel Andal*

*29.7 Lorenzo Saguico, Jr.*

*29.8 Assam Ulangkaya*



## 29.9 Gabriel Sotto

The above were mostly members or former members of the "MRRD NECC" or the Mayor Rodrigo Roa Duterte National Executive Coordinating Committee.

They also form the nucleus of the "MSM" or the Marcoleta for Senator Movement.

What these individuals did on [December 14, 2023] is an act of comedy which is not funny. The humor of this comedic episode as shown by their clowning pictures escapes us.

30. In the months of January, February[,] and March 2024, to further embarrass President Marcos and his political party, the PFP, the petitioners went around the country for money or notoriety we do not know, and conducted a series of illegal acts of admitting new members to the party, and using without authority the name and picture of President Marcos in their posters, and inveigling the unsuspecting public that they were the president and secretary general of the party, when there was already this pending case before the [COMELEC] which denied their prayer for a temporary restraining order to enjoin the respondents from their activities in the PFP.

For example, on [April 1, 2024] petitioner Verceles swore in as member of PFP, Yogi Felimon Ruiz (who was appointed Customs Commissioner on [July 21, 2022] when Vic Rodriguez was still Executive Secretary) who is running for Mayor of Cebu City. Like Vic Rodriguez, Yogi Ruiz lasted only for six months and was suddenly replaced by Bienvenido Rubio on [February 10, 2023] as Customs Commissioner.

We do not know if the petitioners are part and parcel of the destabilization campaign against the government during this material period, which campaign has become notably intense and malevolent in social media like [TikTok], Facebook and Youtube.

31. Thus, on [April 17, 2024], Secretary Antonio Ernesto F. Lagdameo, Jr., [ ] who is now the EVP of the PFP, issued a Memorandum in both capacities, and addressed to all the [o]fficers and members of PFP Nationwide, stating that the PFP recognizes the leadership of respondents [Tamayo] as President of the party, and [Briones] as General Counsel of the party, and [Lantion] as Secretary General of the party.<sup>16</sup> (Emphasis supplied)

On May 27, 2024, the COMELEC *En Banc* issued an Order, setting the case for hearing on June 4, 2024, where both parties appeared.<sup>17</sup>

During the hearing, both parties agreed that the COMELEC *En Banc* has jurisdiction to resolve the case as an intra-party dispute, pursuant to its administrative power under Article IX-C, Section 2(5) of the Constitution.<sup>18</sup>

The parties agreed to the following statement of issues:

<sup>16</sup> *Id.* at 131-138.

<sup>17</sup> *Id.* at 142.

<sup>18</sup> *Id.*





1. Which between the 2018 Constitution and By-laws, submitted during PFP's registration and providing for a two-year term of office for National Officers (cited by Verceles and Rodriguez), and the 2022 Constitution and By-laws, submitted during PFP's successful bid to be recognized as among the 10 dominant minority political parties and providing for a three-year term of office for National Officers (cited by Tamayo, et al.), is controlling; and
2. Which set of officers among the two factions have valid authority.<sup>19</sup>

Both parties then filed their respective memoranda.<sup>20</sup>

### *The Ruling of the COMELEC En Banc*

In its Resolution, dated September 6, 2024, the COMELEC *En Banc* ruled that the COMELEC Petition lacks merit. The dispositive portion reads:

**WHEREFORE**, premises considered, the **COMMISSION En Banc RESOLVED**, as it hereby **RESOLVES**, to **DISMISS** the instant Petition for **LACK OF MERIT**.

**SO ORDERED.**<sup>21</sup> (Emphasis in original)

The COMELEC *En Banc* stated that the main issue in this case is who between the parties represent the incumbent officials of the PFP. To resolve this issue, the COMELEC stated that it must first determine: (1) Which between the 2018 and 2022 Constitutions and By-laws of PFP is in effect; and (2) Whether party officers exercise holdover authority under PFP's prevailing Constitution and By-laws.<sup>22</sup>

*First*, the COMELEC established that it has jurisdiction to decide the case, pursuant to its administrative powers under the Constitution. It stated that its power to register political parties necessarily involves the determination of the persons who must act on such parties' behalf. The COMELEC further noted that during the June 4, 2024 hearing, the parties agreed that the COMELEC *En Banc* has jurisdiction to hear and decide the case at the first instance, in the exercise of its administrative powers.<sup>23</sup>

*Second*, the COMELEC *En Banc* disposed of Verceles and Rodriguez' argument in their *Motion to Admit Petitioner's Reply to Respondent's Memorandum* that the issue of Tamayo, et al.'s holdover authority may not be inquired into, as the COMELEC has limited jurisdiction in deciding issues in

<sup>19</sup> *Id.* at 142-143.

<sup>20</sup> *Id.* at 143.

<sup>21</sup> *Id.* at 156.

<sup>22</sup> *Id.* at 143.

<sup>23</sup> *Id.* at 143-144.

intra-party disputes. The COMELEC clarified that it did not waive the issue of holdover capacity, and in fact directed both parties to address the same in their respective memoranda. The COMELEC stated that the determination of the applicability of holdover authority within the internal rules of the PFP is a material issue in its disposition of the intra-party dispute.<sup>24</sup> The COMELEC clarified that it is not improper or outside its authority to inquire into the applicability of the principle of holdover capacity, as may be necessary to settle the intra-party dispute.<sup>25</sup>

On the merits, the COMELEC first dealt with the issue of which between the two sets of Constitutions and By-laws is governing. Based on the COMELEC's review of the records, it found that Tamayo, et al. were able to prove with substantial evidence that the 2022 Constitution and By-Laws of the PFP are the more recent and authoritative governing documents of the party.<sup>26</sup> The COMELEC noted that these documents were duly submitted to Commission and are on the COMELEC's record as the prevailing rules governing the operations and leadership structure of the PFP.<sup>27</sup>

The COMELEC further noted that, at the time these documents were submitted, Verceles and Rodriguez were incumbent officers of the PFP, occupying high-level positions. They interposed no objection to the submission of the 2022 Constitution and By-Laws in time for the 2022 National and Local Elections. In other words, Verceles and Rodriguez did not dispute that Tamayo, et al. had the authority to file and sign said documents on behalf of the PFP at the time they were submitted.<sup>28</sup>

The relevant provision, Article XVII, Section 2 of the 2022 Constitution and By-Laws of the PFP, unequivocally states that all National Officers shall have a term of office of three years. Consequently, the COMELEC held that the terms of office of PFP's national officers were to expire in 2024, and not in September 2023, as Verceles and Rodriguez claimed.<sup>29</sup>

The COMELEC noted that Verceles and Rodriguez attempted to undermine the legitimacy of the 2022 Constitution and By-Laws by arguing that the amendments were not conducted in accordance with the procedural requirements, specifically citing the failure to submit a full draft before the amendments were adopted. However, the COMELEC ruled that said argument lacks merit, as Verceles and Rodriguez have neither pointed to a specific provision nor provided sufficient evidence to show that such procedural lapse would result in the invalidation of the 2022 Constitution and By-Laws.<sup>30</sup>

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<sup>24</sup> *Id.* at 146.

<sup>25</sup> *Id.* at 151.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 152.

<sup>30</sup> *Id.*



The COMELEC emphasized that the 2022 Constitution and By-Laws are the most recent and officially-recorded governing documents of the PFP, based on the records of the COMELEC. These documents were submitted on April 11, 2022 and have been recognized as the authoritative rules governing the PFP since. No formal challenge or alternative documents have been submitted to the COMELEC that would supersede the 2022 Constitution and By-Laws. Therefore, the COMELEC held that they remain the controlling documents, and any challenge based on procedural grounds must be dismissed, unless it can be shown that such irregularities have a material impact on the legitimacy of the documents.<sup>31</sup>

However, aside from their own affidavits stating that they received no prior complete copies, the COMELEC noted that Verceles and Rodriguez failed to provide substantial evidence that the ratification of the 2022 Constitution and By-Laws was irregular.<sup>32</sup>

As an aside, the COMELEC stated that, even assuming *arguendo* that the 2022 Constitution and By-Laws were not validly ratified and the 2018 Constitution and By-Laws were still prevailing, which specify a two-year term for National Officers, the principle of holdover capacity may apply.<sup>33</sup> The COMELEC noted that the 2018 PFP Constitution does not express any prohibition against officers serving in a holdover capacity.<sup>34</sup>

Based on the foregoing, the COMELEC ruled that Tamayo, et al. remained the incumbent officials of the PFP.<sup>35</sup>

Moreover, the COMELEC found that the elections conducted by Verceles and Rodriguez on December 14, 2023 were invalid. The COMELEC ruled that Tamayo, et al. presented compelling evidence that said elections were not called by the proper authority, lacked the required quorum and failed to comply with the proper notice requirements.<sup>36</sup>

The COMELEC noted that Verceles and Rodriguez failed to notify key party members, including President Marcos as Chairman, Tamayo as President, Lagdameo as EVP, Lantion as Secretary General, and Briones as General Counsel, who were, as of that time, the recognized National Officers of the PFP. Verceles and Rodriguez did not dispute the fact that they did not notify said members.<sup>37</sup>

The COMELEC further found that the December 14, 2023 meeting was not called by the authorized person. Under the PFP Constitution, the meeting

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 153.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 156.

<sup>36</sup> *Id.* at 154.

<sup>37</sup> *Id.*



should have been called by the incumbent Secretary General Lantion. The COMELEC ruled that Verceles and Rodriguez's failure to issue a proper notice, as required under the PFP Constitution, rendered the meeting and its outcome void. The Affidavit of Ferdinand V. Dysico, PFP Secretary General for Region III, dated December 16, 2023, and quoted in Tamayo, et al.'s Answer/Comment, corroborated the fact that no notice was given to the PFP authorities.<sup>38</sup> The COMELEC also noted that during the party's National Directorate Meeting and Executive Committee Meeting in Malacañang Palace on January 12, 2024, the key members reported that none of them received a notice of the December 14, 2023 meeting, reinforcing the lack of proper procedure and legitimacy of Verceles and Rodriguez' actions.<sup>39</sup>

Aside from lack of proper notice, the COMELEC noted that Article XXII, Section 7 of the PFP Constitution mandates that a quorum requires the presence of, at least, 40% of the voting membership. The meeting on December 14, 2023 did not meet this requirement. The attendance list submitted by Verceles and Rodriguez identified only nine members of the PFP, and the total attendance did not even approach the quorum requirement.<sup>40</sup> The COMELEC emphasized the principle that any action taken during a meeting without a quorum is null and void. Therefore, the elections conducted by Verceles and Rodriguez produced no legal effect.<sup>41</sup>

As to Verceles and Rodriguez' argument that "any defect in the notice does not invalidate proceedings if a quorum is present," as provided under Article XVIII, Section 4 of the PFP Constitution, the COMELEC held that the same is inapplicable. In this case, there was no quorum that would cure the lack of proper notice.<sup>42</sup>

Finally, the COMELEC noted that Tamayo, et al. validly submitted a SIUS before the deadline set by the COMELEC. While the physical copy of Tamayo, et al.'s SIUS was stamped received only on October 4, 2023, they have already submitted the SIUS electronically on September 29, 2023, well within the deadline set by under COMELEC Resolution No. 10943, which was September 30, 2023. At the time of such filing, the rules on electronic filing, outlined in COMELEC Resolution No. 10673,<sup>43</sup> were in effect. Specifically, Section 4 of Resolution No. 10673 states that "the date of email shall be considered as the date of filing." On the other hand, Verceles and Rodriguez' SIUS was electronically filed only on December 20, 2023 and sent through courier on December 23, 2023, or way beyond the deadline. As such, the COMELEC held that it did not err in refusing to acknowledge Verceles and Rodriguez' SIUS.<sup>44</sup>

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<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 155.


<sup>40</sup> *Id.* at 154.

<sup>41</sup> *Id.* at 155.

<sup>42</sup> *Id.*

<sup>43</sup> In Re: Guidelines on Electronic Filing, Conduct of Hearings/Investigations/Hearings via Video conferencing and Service, promulgated June 25, 2020.

<sup>44</sup> *Rollo*, p.155.



Verceles and Rodriguez' Motion for Reconsideration was denied by the COMELEC in its Resolution, dated October 3, 2024.<sup>45</sup>

In the present Petition, Verceles and Rodriguez state that the "threshold issue" of the case is "which of the two factions, Verceles and Rodriguez and Tamayo, et al., legitimately represent the PFP, as determined by the party Constitution and By-laws."<sup>46</sup>

Verceles and Rodriguez argue that the COMELEC erred in failing to rule that (1) Tamayo, et al. have lost their positions after the expiration of their two-year term of office on September 18, 2023, without holdover authority;<sup>47</sup> and (2) the SIUS, dated September 29, 2023, filed by Tamayo, et al, was executed without authority and should be set aside, while the SIUS, dated December 20, 2023, of Verceles and Rodriguez was executed with authority and should be recognized by the COMELEC.<sup>48</sup>

They further contend that the COMELEC gravely abused its discretion when it delved into the issues of notice, quorum and holdover authority, since the parties stipulated that the only issue to be resolved is the valid term of office of the PFP officers, i.e., two years or three years.<sup>49</sup>

Verceles and Rodriguez pray that the Court render judgment affording legitimacy to Verceles as National President and all the National Officers listed in the SIUS filed by Verceles and Rodriguez on December 20, 2023; and that Tamayo, et al. be declared as illegitimate holders of their positions, their two-year term of office having already expired on September 18, 2023.<sup>50</sup>

### *The Issues*

(1) Did the COMELEC gravely abuse its discretion in holding that the 2022 Constitution and By-laws of the PFP, providing for a three-year term for its National Officers, are the valid authoritative documents governing the party?

(2) Did the COMELEC gravely abuse its discretion in ruling that Tamayo, et al. validly occupy the positions of President, Secretary General and General Counsel of the PFP?

(3) Did the COMELEC gravely abuse its discretion in recognizing the SIUS filed by Tamayo, et al. on September 29, 2023, and refusing to acknowledge Verceles and Rodriguez' SIUS filed on December 20, 2023?

<sup>45</sup> *Rollo*, p. 370.

<sup>46</sup> *Id.* at 19.

<sup>47</sup> *Rollo*, p. 15.

<sup>48</sup> *Id.* at 18.

<sup>49</sup> *Id.* at 77-78.

<sup>50</sup> *Id.* at 102-103.



### *The Ruling of the Court*

*COMELEC's jurisdiction over intra-party disputes, incident to the power to register political parties*

In *Atienza v. Commission on Elections*,<sup>51</sup> citing *Kalaw v. Commission on Elections*,<sup>52</sup> the Court ruled that the COMELEC's powers and functions under Article IX-C, Section 2 of the 1987 Constitution, "include the ascertainment of the identity of the political party and its legitimate officers responsible for its acts." In *Palmares v. Commission on Elections*,<sup>53</sup> the Court also declared that the COMELEC's power to register political parties necessarily involved the determination of the persons who must act on its behalf. Thus, the COMELEC may resolve an intra-party leadership dispute in a proper case brought before it, as an incident of its power to register political parties.<sup>54</sup>

Accordingly, in the exercise of its administrative power, recognized by both parties during the hearing of the case,<sup>55</sup> the COMELEC *En Banc* heard and decided the case at the first instance, leading to the assailed Resolution dismissing the COMELEC Petition.

In the present Rule 64 Petition, Verceles and Rodriguez re-allege that (1) Tamayo, et al. have lost their positions on September 18, 2023 after the expiration of their two-year term of office under the PFP's 2018 Constitution and By-laws;<sup>56</sup> and (2) the SIUS, filed by Tamayo, et al. on September 29, 2023, was executed without authority and should be set aside, while the SIUS, filed on December 20, 2023 by Verceles and Rodriguez was executed with authority, following their election to the positions of President and Secretary General on December 14, 2023.<sup>57</sup>

#### *Factual questions improper under Rule 64*

The Court notes that the Petition essentially raises questions of fact. The issues pertaining to the validity of (1) the 2022 Constitution and By-laws submitted by the PFP to the COMELEC for the 2022 National and Local Elections, which the COMELEC ruled had superseded the 2018 Constitution and By-laws submitted during PFP's initial registration; (2) the December 14, 2023 elections held by Verceles and Rodriguez *vis-à-vis* the term limits, and notice and quorum requirements provided under the prevailing PFP

<sup>51</sup> 626 Phil. 654 (2010) [Per J. Abad, *En Banc*].

<sup>52</sup> G.R. No. 80218, Minute Resolution, dated November 5, 1987.

<sup>53</sup> *Palmares v. Commission on Elections*, G.R. Nos. 86177-78, Minute Resolution, dated August 31, 1989.

<sup>54</sup> *Id.* at 670-671.

<sup>55</sup> *Rollo*, p. 144.

<sup>56</sup> *Id.* at 15.

<sup>57</sup> *Id.* at 18.



Constitution and By-laws; and (3) the SIUS filed by Verceles and Rodriguez on December 30, 2023, are questions of fact which are not proper for a Rule 64 review.

In the absence of grave abuse of discretion, questions of fact cannot be raised in a petition for *certiorari* under Rule 64. The office of a petition for *certiorari* is not to correct simple errors of judgment, but is limited to the resolution of jurisdictional issues.<sup>58</sup> Thus, questions of fact may not be raised except to determine whether the COMELEC was guilty of grave abuse of discretion amounting to lack or excess of jurisdiction.

Grave abuse of discretion implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction. In other words, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice or personal hostility. Such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.<sup>59</sup> The Court has ruled that mere abuse of discretion is not enough; it must be grave.<sup>60</sup>

Closely related with the limited focus of a Rule 64 review is the condition under Rule 64, Section 5 that findings of fact of the COMELEC, supported by substantial evidence, shall be final and non-reviewable.<sup>61</sup> Substantial evidence is that degree of evidence that a reasonable mind might accept to support a conclusion.<sup>62</sup>

In light of the Court's limited authority to review findings of fact, it does not ordinarily review in a *certiorari* case the COMELEC's appreciation and evaluation of evidence, except when the such acts "overstep the limits of its discretion to the point of being grossly unreasonable."<sup>63</sup> Any misstep in the COMELEC's appreciation and evaluation of evidence generally involves an error of judgment, and not of jurisdiction.<sup>64</sup>

However, a reading of the Petition reveals that, except where it alleges grave abuse of discretion on the part of the COMELEC in addressing the issues of notice, quorum, and holdover authority—matters allegedly beyond the stipulated question of the term of office<sup>65</sup>—the Petition essentially raises questions of fact. The Court finds no indication that the COMELEC exceeded its discretion in a manner so unreasonable as to meet the threshold for the exception, which would justify the Court's review of the factual issues. Thus, the general rule against reviewing questions of fact applies to the present Petition.

<sup>58</sup> *Reyna v. Commission on Audit*, 657 Phil. 209 (2011) 225 [Per J. Peralta, *En Banc*].

<sup>59</sup> *Delos Santos v. Court of Appeals*, 594 Phil. 361, 374 (2008) [Per J. Chico-Nazario, Third Division].

<sup>60</sup> *Suliguin v. Commission on Elections*, 520 Phil. 92, 107 (2006) [Per J. Callejo Sr., *En Banc*].

<sup>61</sup> *Varias v. Commission on Elections*, 631 Phil. 213, 240 (2010) [Per J. Brion, *En Banc*].

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Rollo*, pp. 77–78.

*Grave abuse of discretion negated by substantial evidence*

Regarding the allegation that the COMELEC gravely abused its discretion by addressing the issues of holdover authority, notice and quorum—despite the parties having supposedly limited the case to the determination of the applicable term limit of PFP officers—the Court finds such claim to be without merit. In the assailed Resolution, the COMELEC clarified that it did not waive the issue of holdover capacity, and in fact directed both parties to address the same in their respective memoranda. The Court agrees with the COMELEC that it was not improper or outside its authority to inquire into the applicability of the principle of holdover capacity, and Verceles and Rodriguez' compliance with the notice and quorum requirements, as may be necessary to settle the intra-party dispute.<sup>66</sup>

As to the COMELEC's factual determination regarding the prevailing Constitution and By-Laws of the PFP, which in turn determined the valid set of officers; the procedural deficiencies in Verceles and Rodriguez' elections of December 14, 2023; and the late submission of Verceles and Rodriguez' SIUS on December 20, 2023, the Court finds that the COMELEC did not gravely abuse its discretion in its evaluation of the parties' evidence, resulting in its ruling for Tamayo, et al..

The COMELEC found that the 2022 Constitution and By-Laws of the PFP, providing for a three-year term for PFP National Officers, are the controlling documents. This ruling was based on substantial evidence that said documents have been duly submitted and accepted by the COMELEC and recognized during the previous elections.<sup>67</sup>

The COMELEC further noted that, at the time these documents were submitted, Verceles and Rodriguez themselves were incumbent officers of the PFP, occupying high-level positions. They neither made an objection to the submission of the 2022 Constitution and By-Laws for purposes of the 2022 National and Local Elections, nor disputed the fact that Tamayo, et al. had the authority to file and sign said documents on behalf of the PFP at the time they were submitted.<sup>68</sup> The COMELEC quoted the following statements made by petitioner Verceles during the June 4, 2024 hearing:

Chairman George Erwin M. Garcia (**Chairman Garcia**):

In the interregnum during the submission of the 2022 and the 2023 SIUS which is very important to us because this goes into the very heart of who really controls the party [...], there was a mention of submission before the COMELEC of a Constitution and By-laws and, likewise, the officers for purposes of determining the 10 major political parties.

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<sup>66</sup> *Id.* at 151.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*





Verceles: Yes, that was, I believe, on April 7, I think, 2022.

Chairman Garcia: Therefore, the COMELEC acted on the determination of the 10 major political parties based on that submission?

Verceles: Yes, at that time your Honor, they still have the authority because it happened April 7, 2022, but after September 18, 2023, no more *na*.<sup>69</sup>

The Court finds the COMELEC's ruling, that the 2022 Constitution and By-Laws are the prevailing authoritative documents governing the PFP, supported by substantial evidence. The records of the COMELEC reflect these documents as the most recent and officially-recorded governing documents of the PFP. In the absence of clear and convincing evidence to the contrary, the presumption of regularity in the conduct of an agency's official functions applies.<sup>70</sup>

Accordingly, the relevant provision in determining the valid set of officers of the PFP is Article XVII, Section 2 of the 2022 PFP Constitution and By-Laws, which provide for a three-year term. Thus, the COMELEC correctly ruled that Tamayo, et al., as National Officers of the party elected in 2021, have a term of office of three years. Consequently, their terms of office expired only in 2024, and not in September 2023, as Verceles and Rodriguez claimed.<sup>71</sup>

The Court further adopts the COMELEC's findings of procedural deficiencies in Verceles and Rodriguez' election. The election conducted by Verceles and Rodriguez on December 14, 2023 was found by the COMELEC to be invalid due to lack of proper notice, quorum and authority. The meeting was not convened by the incumbent Secretary General and likewise failed to meet the notice and quorum requirements as mandated by the party's Constitution. Consequently, the elections conducted by Verceles and Rodriguez produced no legal effect.<sup>72</sup> Moreover, as Tamayo, et al. pointed out, there was no valid reason for holding the election in the meeting of December 14, 2023, because the prevailing PFP Constitution provides that all National Officers of the PFP shall have a term of office of three years, which in Tamayo, et al.'s case ends in 2024.<sup>73</sup>

Finally, the Court finds no reason to reverse the COMELEC's finding regarding the late submission of Verceles and Rodriguez' SIUS. Verceles and Rodriguez' electronic submission of their SIUS on December 20, 2023 was well past the COMELEC's filing deadline of September 30, 2023, making Tamayo, et al.'s SIUS, submitted on September 29, 2023, the valid one. The COMELEC committed no error in refusing to acknowledge Verceles and Rodriguez' SIUS, which was submitted late and without authority.<sup>74</sup>

To conclude, the COMELEC's findings of fact, based on substantial evidence, are considered final and binding by this Court, especially as the

<sup>69</sup> *Id.* at 151-152.

<sup>70</sup> *Guanzon v. Arradaza*, 539 Phil. 367, 375 (2006) [Per J. Chizo-Nazario, First Division].

<sup>71</sup> *Rollo*, p. 152.

<sup>72</sup> *Id.* at 155.

<sup>73</sup> *Id.* at 136.

<sup>74</sup> *Id.* at 155.



Petition failed to show an arbitrary or whimsical exercise of jurisdiction on the part of the COMELEC.

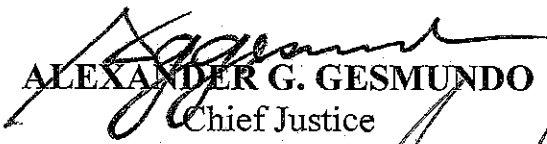
**FOR THESE REASONS**, the Petition for *Certiorari* is **DENIED** and the Resolution, dated September 6, 2024, and the Resolution, dated October 3, 2024, of the Commission on Elections *En Banc* in Case No. EM 24-002, are **AFFIRMED**.

**SO ORDERED.**



MARIA FILOMENA D. SINGH  
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO  
Chief Justice



MARVIC M.V.F. LEONEN  
Senior Associate Justice



ALFREDO BENJAMIN S. CAGUIOA  
Associate Justice

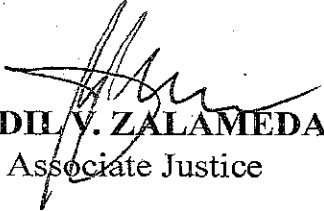
On official leave  
RAMON PAUL L. HERNANDO  
Associate Justice



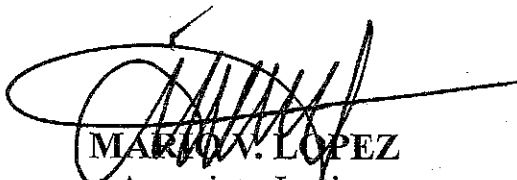
AMY C. LAZARO-JAVIER  
Associate Justice



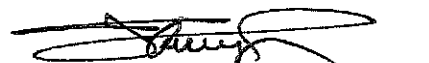
HENRI JEAN PAUL B. INTING  
Associate Justice



RODIL V. ZALAMEDA  
Associate Justice



**MARIO W. LOPEZ**  
Associate Justice



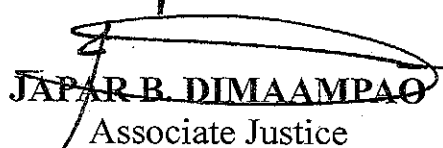
**SAMUEL H. GAERLAN**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice



**JHOSEP Y. LOPEZ**  
Associate Justice



**JAPAR B. DIMAAMPAO**  
Associate Justice



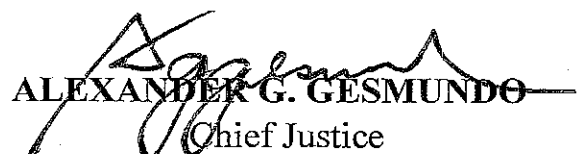
**JOSE MIDAS P. MARQUEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

### CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



**ALEXANDER G. GESMUNDO**  
Chief Justice

