



Republic of the Philippines
Supreme Court
 Manila

Wynne L. Ortega
 PRESIDENT, JUDICIAL
 DIVISION OF THE SUPREME COURT
 Third Division
 SEP 19 2015

THIRD DIVISION

**J. TOBIAS M. JAVIER and
 VINCENT H. PICCIO III,**
 Petitioners, Present: **G.R. No. 185369**

- versus -

VELASCO, JR., J.,
Chairperson,
 PERALTA,
 PEREZ,
 REYES, and
 JARDELEZA, JJ.

**RHODORA J. CADIAO,
 ALFONSO V. COMBONG, JR.,
 BENJAMIN E. JUANITAS,
 CALIXTO G. ZALDIVAR III,
 DANTE M. BERIONG,
 FERNANDO C. CORVERA,
 HECTOR L. FRANGUE and
 KENNY S. OLANDRES,**

Promulgated:

Respondents. **August 3, 2016**

X-----*Wynne L. Ortega*-----X

RESOLUTION

REYES, J.:

Should the Vice Governor, as the presiding officer of the *Sangguniang Panlalawigan*, be counted in the determination of what number constitutes as the majority?

Before the Court is the Petition for Review on *Certiorari*¹ assailing the Order² issued on August 7, 2008 by the Regional Trial Court (RTC) of San Jose, Antique, Branch 12, in Civil Case No. 08-02-3645, which upheld the validity of the passage of Resolution No. 42-2008 by the *Sangguniang Panlalawigan* of Antique (SP). The said resolution sought the reorganization then of the standing committees of the SP.

¹ Rollo, pp. 8-31.

² Issued by Judge Rudy P. Castrojas; id. at 93-105.

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The Facts

For the years 2007 to 2010, one of the herein respondents, Vice Governor Rhodora J. Cadio (Vice Governor Cadio), was the presiding officer of the SP.

On the first regular session of the SP held on July 5, 2007, the Lakas ng Tao-Christian Muslim Democrats (Lakas-CMD) block was considered as the majority party. Among those who belonged to the said party were J. Tobias M. Javier (Javier), Vincent H. Piccio III (Piccio) (collectively, the petitioners), Vice Governor Cadio and SP member Benjamin E. Juanitas (Juanitas). Piccio was designated as the Majority Floor Leader.³

On the other hand, the Nationalist People's Coalition (NPC) was considered as the minority party with four members, including the herein respondent, Alfonso V. Combong, Jr. (Combong). However, another SP member, who won as an independent candidate, allied with the NPC.⁴

Additionally, the SP has three *ex-officio* members: the President of the Councilors' League of Antique, the President of the Association of Barangay Captains, and the President of the *Sangguniang Kabataan* Federation.⁵

Thereafter, for personal reasons, Juanitas left the majority party and joined the NPC, which was then headed by Combong. Vice Governor Cadio followed suit. Subsequently realizing that the NPC had gained superiority in numbers, Combong proposed Resolution No. 42-2008 (Combong Resolution), which sought to reorganize the standing committees of the SP. The resolution was included as an "urgent matter" in the agenda⁶ of the SP's fifth regular session.⁷

During the SP's fifth regular session held on February 7, 2008, all the SP members were in attendance. Amidst fiery arguments, the Combong Resolution was approved with seven (7) voting in its favor, and six (6) against it. Consequently, Piccio was replaced by Juanitas as Majority Floor Leader. Some of the Lakas-CMD members were also divested of chairmanship or membership in the SP's standing committees.⁸

³ Id. at 94.

⁴ Id.

⁵ Id.

⁶ Id. at 73-76.

⁷ Id. at 94-95.

⁸ Id. at 95-96.

To challenge the legality of the passage of the Combong Resolution, the Lakas-CMD block, composed of Javier, Piccio, Rosie A. Dimamay, Errol T. Santillan, Edgar D. Denosta and Carlos M. Palacios (plaintiffs), filed before the RTC a *Complaint for Injunction with Urgent Prayer for the Issuance of a Temporary Restraining Order and/or Preliminary Injunction*.⁹ They maintained that for having been considered as an “urgent matter,” the passage of the Combong Resolution required an affirmative vote of two-thirds (2/3) of all the members present pursuant to Section 62, paragraph (2),¹⁰ Rule XVI (Urgent Matters), Internal Rules of Procedure (IRP) of the SP. Accordingly, since all 14 members of the SP were present during the deliberations, nine (9) affirmative votes were necessary.¹¹

The Lakas-CMD block also cited Article 107(g)¹² of the Implementing Rules and Regulations (IRR) of the Local Government Code (LGC) and the legal opinions of the Department of Interior and Local Government (DILG) to argue that at the least, eight (8) affirmative votes, corresponding to a simple majority, were needed to validly pass the Combong Resolution. All fourteen (14) members of the SP, including Vice Governor Cadiao, as the presiding officer, were present during the session. That being the case, the simple majority was half of 14 plus 1.¹³

Ultimately, the complaint’s objective was for the court to order the members of the Lakas-CMD be restored to their chairmanship or membership in the SP committees.

In their Answer, Vice Governor Cadiao, Combong, Juanitas, Calixto G. Zaldivar III, Dante M. Beriong, Fernando C. Corvera, Hector L. Frangue and Kenny S. Olandres (respondents) contended that the RTC lacked jurisdiction over the complaint. Further, an injunctive relief can no longer be issued since the SP’s reorganization was already a consummated act. The respondents likewise insisted that the Combong Resolution was legally

⁹ Id. at 33-49.

¹⁰ Sec. 62. *Urgent Matters*. – No item can be considered as urgent matter and no member can be recognized to present it unless the Presiding Officer and the Majority Floor Leader are informed about it before the session.

No item can be approved in the period of urgent matters unless with the affirmative vote of two-thirds (2/3) of the members present.

A matter that will only be referred to a committee cannot be included as an urgent matter.

x x x x

Id. at 67. (Emphasis ours)

¹¹ *Rollo*, p. 38.

¹² Art. 107. *Ordinances and Resolutions*. — The following rules shall govern the enactment of ordinances and resolutions:

x x x x

(g) No ordinance or resolution passed by the sanggunian in a regular or special session duly called for the purpose shall be valid unless approved by a majority of the members present, there being a quorum.

x x x.

x x x x

¹³ *Rollo*, pp. 38-40.

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approved and the Lakas-CMD block had not suffered any grave or irreparable damage consequent to its passage.¹⁴

Ruling of the RTC

On August 7, 2008, the RTC issued the herein assailed Order,¹⁵ upholding the validity of the passage of the Combong Resolution and dismissing the complaint of the Lakas-CMD block. The *fallo* of the order reads:

PREMISES CONSIDERED, the instant petition of the plaintiffs is hereby **dismissed** for lack of merit.

Costs de officio.

SO ORDERED.¹⁶

The RTC declared that legislative rules, including those observed by the SP in the instant case, were not permanent. Moreover, the courts may not intervene in the legislature's internal affairs. Despite the foregoing pronouncement, the RTC took cognizance of the plaintiffs' complaint on the basis of the allegation that the Combong Resolution was deliberated and passed upon *sans* a majority vote, hence, violative of Article 107(g), IRR of the LGC.¹⁷

The RTC explained that in determining the validity of the passage of the Combong Resolution, Section 67, Rule XVIII (Voting), IRP of the SP should be applied.¹⁸ It states:

Sec. 67. **Manner of Voting.** – The Presiding Officer shall put the question, saying “As many as are in favor of (as the question may be)[,] raise your hand[s],” and after the affirmative vote is counted, “as many as are opposed[,], also raised (sic) your hand[s].”

Unless otherwise provided by these Rules, a majority of those voting, there being a quorum, shall decide the issue.

An abstention shall not be counted as a vote, in determining the majority vote, only the number of those who voted shall be considered. Abstentions are excluded. So even if most of the members present abstained, this will not affect the result as the only thing to be determined is which of the affirmative and negative vote has the bigger number.

¹⁴ Id. at 96.

¹⁵ Id. at 93-105.

¹⁶ Id. at 105.

¹⁷ Id. at 98.

¹⁸ Id. at 101-103.

Only the number voting on each side, and not the names of the members, shall be indicated in the minutes.¹⁹ (Emphasis ours)

The RTC, thus, opined that the presence of Vice Governor Cadio should not be considered in the determination of what number constitutes as the majority.²⁰

When the Combong Resolution was passed, 14 were present, to wit, 13 SP members and Vice Governor Cadio. The 13 SP members voted, with seven (7) voting for and six (6) against the Combong Resolution. A majority was already obtained; hence, there was no need for Vice Governor Cadio's vote as there was no tie to break. The proceedings took place in accordance with Section 49²¹ of the LGC, Article 102,²² IRR of the LGC, and Section 67, IRP of the SP.

The RTC likewise stressed that Sections 11,²³ 21,²⁴ 50(5)²⁵ and

¹⁹ Id. at 68.

²⁰ Id. at 104.

²¹ Sec. 49. *Presiding Officer.* –

(a) The vice-governor shall be the presiding officer of the sangguniang panlalawigan; the city vice-mayor, of the sangguniang panlungsod; the municipal vice-mayor, of the sangguniang bayan; and the punong barangay, of the sangguniang barangay. The presiding officer shall vote only to break a tie.

x x x x

²² Art. 102. *Presiding Officer.* — (a) The vice governor shall be the presiding officer of the sangguniang panlalawigan; the city vice mayor, of the sangguniang panlungsod; the municipal vice mayor, of the sangguniang bayan; and the punong barangay, of the sangguniang barangay.

b) The presiding officer shall vote only to break a tie.

x x x x

²³ Sec. 11. *Selection and Transfer of Local Government Site, Offices and Facilities.* –

x x x x

(b) When conditions and developments in the local government unit concerned have significantly changed subsequent to the establishment of the seat of government, its Sanggunian may, after public hearing and by a vote of two-thirds (2/3) of all its members, transfer the same to a site better suited to its needs. Provided, however, That no such transfer shall be made outside the territorial boundaries of the local government unit concerned.

x x x x (Underscoring ours)

²⁴ Sec. 21. *Closure and Opening of Roads.* –

(a) A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: Provided, however, That in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the members of the Sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided.

x x x x (Underscoring ours)

²⁵ Sec. 50. *Internal Rules of Procedure.* –

(a) On the first regular session following the election of its members and within ninety (90) days thereafter, the sanggunian concerned shall adopt or update its existing rules of procedure.

(b) The rules of procedure shall provide for the following:

x x x x

(5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, or excluded from the session, suspended for not more than sixty (60) days, or expelled: Provided, That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the sanggunian members: Provided, further, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the sanggunian; and

x x x x

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54(a)²⁶ of the LGC particularly provide the instances where two-thirds (2/3) votes are required from the SP. Nothing is mentioned in the LGC anent “urgent matters.” Section 62, paragraph (2), IRP of the SP cannot rise above its source and impose more stringent standards than what the LGC itself necessitates.

The RTC concluded that the plaintiffs suffered no grave or irreparable injury from the passage of the Combong Resolution. Members of the Lakas-CMD were not prevented from performing their duties as SP members. They were even designated as chairmen or members of some committees.²⁷

The plaintiffs filed a Motion for Reconsideration,²⁸ which the RTC denied in its Resolution²⁹ dated November 17, 2008.

Issues

The instant petition ascribes errors³⁰ upon the RTC in:

- (1) ruling that the required majority in a 14-member SP should be seven (7) pursuant to the provision of Section 67 of the IRP, which in effect contravenes Article 107(g), IRR of the LGC;³¹
- (2) holding that a Vice Governor, who belongs more to the executive branch of the government, should be excluded from the base number in determining what constitutes as the majority;³²
- (3) failing to apply the two-thirds (2/3)-vote requirement for matters considered as “urgent” under Section 62, Rule XVI, IRP of the SP;³³

²⁶ Sec. 54. *Approval of Ordinances.* –

(a) Every ordinance enacted by the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan shall be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the sanggunian, which may proceed to reconsider the same. The sanggunian concerned may override the veto of the local chief executive by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.

x x x x (Underscoring ours)

²⁷ *Rollo*, p. 104.

²⁸ *Id.* at 106-119.

²⁹ *Id.* at 123-130.

³⁰ *Id.* at 15-16.

³¹ *Id.* at 16.

³² *Id.* at 21.

³³ *Id.* at 24.

- (4) disregarding pertinent executive pronouncements or opinions of the DILG on the matter at hand;³⁴ and
- (5) failing to rule that the Combong Resolution violates Sections 5³⁵ and 6(a),³⁶ Rule III, IRP of the SP.³⁷

The petitioners point out that Article 107(g), IRR of the LGC refers to “a majority of all the members present, there being a quorum.”³⁸ Section 67, IRP of the SP, on the other hand, speaks of “a majority of all the members actually voting, there being a quorum.”³⁹ The petitioners posit that what should prevail is the LGC, which requires a majority of eight votes from the SP with 14 members. That being the rule, the Combong Resolution, was not validly passed.⁴⁰

Further, Section 467(a) of the LGC partially provides that the SP “shall be composed of the provincial vice governor as presiding officer, the regular *sanggunian* members x x x.” Hence, in *Gamboa, Jr. v. Aguirre, Jr.*,⁴¹ the Court ruled that the Vice Governor is a member of the SP.⁴²

The petitioners also invoke Section 50 of the LGC, which gives the SP “latitude to promulgate its own rules of procedure governing its organization, legislative process, parliamentary procedures, calendar of business, committees and their memberships provided they are not inconsistent with or in violation of the Constitution, the LGC and its [IRR,] and other existing laws and regulations.”⁴³

The LGC is silent as to what constitutes as “urgent matters,” in relation to which the three-reading rule may be dispensed with. Section 62, IRP of the SP dealt with “urgent matters” and imposed the more stringent two-thirds (2/3) affirmative vote requirement. While admittedly, the LGC has specifically enumerated situations requiring two-thirds (2/3) votes, there

³⁴ Id. at 26.

³⁵ Sec. 5. *Designation*. – The member who received the highest percentage of votes among those belonging to the Majority Party shall be the Majority Floor Leader.

This is determined by taking the percentage of the votes received by the member in relation to the total number of registered voters in the municipal district where he is elected.

The next highest ranking member belonging to the Majority Party, as determined on the same basis, shall be the Assistant Majority Floor Leader.

³⁶ Sec. 6. *Duties and Powers*.

(a) The Majority Floor Leader shall be the Chairman of the Committee on Rules and the Assistant Majority Floor Leader shall be the Vice-Chairman, with the chairmen of the different committees as members.

x x x x

³⁷ *Rollo*, p. 28.

³⁸ Id. at 18.

³⁹ Id.

⁴⁰ Id. at 18-19 and 26.

⁴¹ 369 Phil. 1133 (1999).

⁴² *Rollo*, pp. 23-24.

⁴³ Id. at 25.

is nothing in the law suggesting that the list is exclusive.⁴⁴

Moreover, in DILG Opinion No. 6, series of 2001, dated February 12, 2001, it is clear that if a session is attended by all 14 members, including the Vice Governor, eight (8) votes constitute a quorum.⁴⁵

Finally, the petitioners aver that Juanitas, who received the least number of votes among the SP members, cannot be designated as the Majority Floor Leader without violating Sections 5 and 6(a), Rule III (The Majority Floor Leader), IRP of the SP.⁴⁶

In the respondents' Comment,⁴⁷ they contend that the Vice Governor is the SP's Presiding Officer, but that does not make him a regular member thereof.⁴⁸ Further, the LGC lists instances when a vote of two-thirds (2/3) is required and no mention is made of "urgent matters." Thus, what the law does not include, it excludes. The respondents also reiterate that the person designated as the Majority Floor Leader, cannot permanently hold on to the position. Political affiliations and alliances affect the designations.⁴⁹

Ruling of the Court

The instant petition fails.

Procedurally, the petition is outrightly dismissible for being moot and academic. The terms of office of the contending parties had already ended in June of 2010. There is no more substantial relief which can be gained by the petitioners, or which would be negated by the dismissal of the case.⁵⁰

However, by reason of the public interest involved, the Court shall take exception of the case and still address the first, second and fourth issues raised herein for the bench, bar and public's guidance.⁵¹

The Vice Governor, as the Presiding Officer, shall be considered a part of the SP for purposes of ascertaining if a quorum exists. In

⁴⁴ Id. at 24-26.

⁴⁵ Id. at 26-27.

⁴⁶ Id. at 28-29.

⁴⁷ Id. at 200-213.

⁴⁸ Id. at 207.

⁴⁹ Id. at 209-210.

⁵⁰ Please see *Ilusorio v. Baguio Country Club Corporation*, G.R. No. 179571, July 2, 2014, 728 SCRA 592, 598.

⁵¹ Please see *Funa v. Manila Economic and Cultural Office, et al.*, 726 Phil. 63, 81 (2014).

determining the number which constitutes as the majority vote, the Vice Governor is excluded. The Vice Governor's right to vote is merely contingent and arises only when there is a tie to break.

The *first, second and fourth issues* raised by the petitioners are interrelated, hence, shall be resolved jointly. Restated, the issue is whether or not the Vice Governor, as the presiding officer of the SP, shall be counted in the determination of what number constitutes as the majority.

In *La Carlota City, Negros Occidental, et al. v. Atty. Rojo*,⁵² the Court interpreted a provision pertaining to the composition of the *Sangguniang Panlungsod*, viz.:

Section 457. *Composition.* (a) **The *sangguniang panlungsod*, the legislative body of the city, shall be composed of the city vice-mayor as presiding officer, the regular *sanggunian* members, the president of the city chapter of the *liga ng mga barangay*, the president of the *panlungsod na pederasyon ng mga sangguniang kabataan*, and the sectoral representatives, as members.**

x x x x

R.A. 7160 clearly states that the *Sangguniang Panlungsod* “**shall be composed of the city vice-mayor as presiding officer**, the regular *sanggunian* members, the president of the city chapter of the *liga ng mga barangay*, the president of the *panlungsod na pederasyon ng mga sangguniang kabataan*, and the sectoral representatives, as members.” Black’s Law Dictionary defines “composed of” as “**formed of**” or “**consisting of.**” As the presiding officer, the vice-mayor can vote only to break a tie. In effect, the presiding officer votes when it matters the most, that is, to break a deadlock in the votes. Clearly, the vice-mayor, as presiding officer, is a “member” of the *Sangguniang Panlungsod* considering that he is mandated under Section 49 of RA 7160 to vote to break a tie. To construe otherwise would create an anomalous and absurd situation where the presiding officer who votes to break a tie during a *Sanggunian* session is not considered a “member” of the *Sanggunian*.⁵³ (Underlining ours and emphasis in the original)

It can, thus, be concluded that the Vice Governor forms part of the composition of the SP as its Presiding Officer, and should be counted in the determination of the existence of a quorum. However, the nature of the position of the Presiding Officer as a component of the SP is distinct from the other members comprising the said body.

⁵² 686 Phil. 477 (2012).

⁵³ Id. at 494-495.

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Section 41⁵⁴ of the LGC provides the manner through which the SP members are elected. The Vice Governor is elected *at large*; hence, holds the mandate of the entire body politic. In contrast thereto, the regular SP members are elected *by district*. They hold the mandate of a specific constituency within the body politic. On the other hand, the *ex-officio* SP members represent their respective groups.

Consequently, the regular and *ex-officio* SP members enjoy full rights of participation, which include debating and voting, all exercised in pursuit of championing the interests of their respective constituencies. The Vice Governor, however, does not represent any particular group. As a Presiding Officer, his or her mandate is to ensure that the SP effectively conducts its business for the general welfare of the entire province. Logically then, the Vice Governor should be the *embodiment of impartiality*. As the Presiding Officer of the SP, he or she is without liberty to readily take sides, or to cast a vote to every question put upon the body. It follows then that the law cannot reasonably require that the Vice Governor be included in the determination of the required number of votes necessary to resolve a matter every time the SP votes on an issue. It bears stressing though that while the Vice Governor does not enjoy full rights of participation in the floors of the SP, as the holder of the body politic's general mandate, the power to render conclusion to an issue when there is a deadlock, pertains to him or her. Thus, Section 49 of the LGC is explicit that "the presiding officer shall vote only to break a tie."

Associate Justice Arturo D. Brion's concurring opinion in *La Carlota*⁵⁵ is illuminating, *viz.*:

If the voting level required would engage the *entirety* of the *sanggunian* as a collegial body, making the quorum requirement least significant, there is no rhyme or reason to include the presiding officer's personality at all. The possibility of that one instance where he may be

⁵⁴ Sec. 41. *Manner of Election.* –

(a) The governor, **vice-governor**, city mayor, city vice-mayor, municipal mayor, municipal vice-mayor, and punong barangay **shall be elected at large in their respective units by the qualified voters therein**. However, the sangguniang kabataan chairman for each barangay shall be elected by the registered voters of the katipunan ng kabataan, as provided in this Code.

(b) The **regular members of the sangguniang panlalawigan**, sangguniang panlungsod, and sangguniang bayan **shall be elected by district**, as may be provided for by law. Sangguniang barangay members shall be elected at large. The presidents of the leagues of sanggunian members of component cities and municipalities shall serve as *ex officio* members of the sangguniang panlalawigan concerned. The presidents of the "liga ng mga barangay and the pederasyon ng mga sangguniang kabataan" elected by their respective chapters, as provided in this Code, shall serve as *ex officio* members of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan.

(c) In addition thereto, there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the sanggunian concerned within ninety (90) days prior to the holding of the next local elections as may be provided for by law. The COMELEC shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives. (Emphasis ours)

⁵⁵ *Supra* note 52.

allowed to vote is nil. To include him in *sanggunian* membership without this qualification would adversely affect the statutory rule that generally prohibits him from voting.

To illustrate, in disciplining members of the *sanggunian* where the penalty involved is suspension or expulsion, the LGC requires the concurrence of two-thirds (2/3) of all the members of the *sanggunian*. If the Sanggunian has thirteen (13) regular members (excluding the presiding officer), the votes needed to impose either of the penalty is eight. However, should the presiding officer be also included, therefore raising the membership to fourteen (14), – on the premise that he is also *sanggunian* member – even if he cannot vote in this instance, an additional one vote is required – i.e., nine votes are required – before the penalty is imposed. The presiding officer's innocuous inclusion as *sanggunian* member negatively impacts on the prohibition against him from voting since his mere inclusion affects the numerical value of the required voting level on a matter where generally and by law he has no concern.⁵⁶
(Citation omitted and underscoring ours)

In the instant petition, when the Combong Resolution was deliberated upon, all the ten (10) regular and three (3) *ex-officio* members, plus the Presiding Officer, were present. Seven members voted for, while six voted against the Combong Resolution. There was no tie to break as the majority vote had already been obtained.

To hold that the Presiding Officer should be counted in determining the required number of votes necessary to uphold a matter before the SP shall be counter-productive. It would admit deadlocks as ordinary incidents in the conduct of business of the SP, which in effect incapacitates the said body from addressing every issue laid before it. In the process, the SP's responsiveness, effectivity and accountability towards the affairs of the body politic would be diminished.⁵⁷

Verily, the Vice Governor, as the SP's Presiding Officer, should be counted for purposes of ascertaining the existence of a quorum, but not in the determination of the required number of votes necessary to uphold a matter before the SP.

Other Matters

While the petitioners raise other issues pertaining to alleged violations by the respondents of the SP's IRP, the Court deems it proper not to resolve them anymore. Again, the Court reiterates that the instant petition has been rendered moot by the termination of the contending parties' tenure in June of 2010. Further, it is beyond the Court's province to declare a legislative act

⁵⁶ Id. at 516-517.

⁵⁷ Please see 1987 CONSTITUTION, Article X, Section 3; *Pimentel, Jr. v. Hon. Aguirre*, 391 Phil. 84 (2000).


as invalid solely for non-compliance with internal rules.⁵⁸

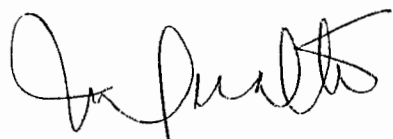
WHEREFORE, the petition is hereby **DENIED**.

SO ORDERED.

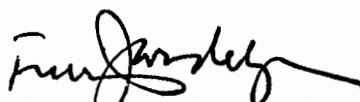

BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


DIOSDADO M. PERALTA
Associate Justice

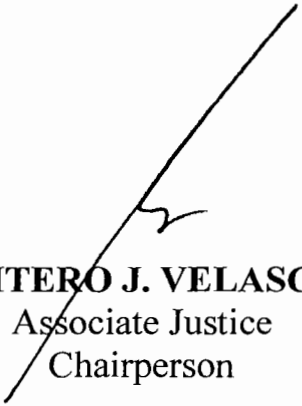

JOSE PORTUGAL BEREZ
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

⁵⁸ *Arroyo v. De Venecia*, 353 Phil. 623, 630 (1998).

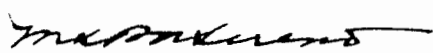
ATTESTATION

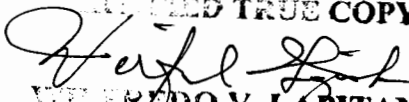
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice

VERIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
SEP 19 2016

