



Republic of the Philippines
Supreme Court
Manila

EN BANC

MA. ZARAH ROSE DE GUZMAN-
LARA,

Petitioner,

G.R. No. 265847

Present:

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

— versus—

COMMISSION ON ELECTIONS
and MANUEL N. MAMBA,
Respondents.

Promulgated:

August 6, 2024

X-----X

DECISION

* On official business.

** No part.

LOPEZ, J., J.:

This Court resolves the Petition for *Certiorari*¹ filed by Ma. Zarah Rose De Guzman-Lara (Lara), assailing the Resolution² of the Commission on Elections (COMELEC) *En Banc* and praying that the Resolution³ of the COMELEC Second Division be affirmed. Lara avers that the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the Petition for Disqualification she filed against private respondent Manuel N. Mamba (Mamba).

The Antecedents

During the May 2022 National and Local Elections (NLE), Lara and Mamba were candidates for the position of Governor of the Province of Cagayan. Mamba was then the incumbent Governor of the said province, having been elected as such during the May 2019 NLE.⁴

Lara filed a Petition⁵ dated May 10, 2022, seeking the disqualification of Mamba as a candidate for the position of Governor of the Province of Cagayan in the May 2022 NLE on the grounds of massive vote-buying activities and unlawful disbursement of public funds, in blatant violations of Section 68⁶ of the Omnibus Election Code (OEC).⁷ In the same Petition, Lara likewise prayed that the COMELEC order and direct the Board of Canvassers to suspend and hold in abeyance the proclamation of Mamba as winner, should the latter receive the highest number of votes in the elections.⁸

Specifically, Lara averred that Mamba used the funds of the provincial government of Cagayan to distribute cash assistance “*ayuda*” to voters under

¹ *Rollo*, pp. 3–41.

² *Id.* at 42–61. The March 6, 2023 Resolution in SPA Case No. 22-089(DC) was signed by Chairman George Erwin M. Garcia and Commissioners Socorro B. Inting, Marlon S. Casquejo, Aimee P. Ferolino, Ernesto Ferdinand P. Maceda, Jr., and Nelson J. Celis of the Commission on Elections *En Banc*.

³ *Id.* at 880–897. The December 14, 2022 Resolution in SPA Case No. 22-089(DC) was signed Presiding Commissioner Marlon S. Casquejo and Commissioners Rey E. Bulay and Nelson J. Celis of the Commission on Elections, Second Division.

⁴ *Id.* at 5.

⁵ *Id.* at 62–73.

⁶ Section 68 of the Omnibus Election Code provides:

Sec. 68. *Disqualifications*. — Any candidate who, in an action or protest in which he is a party is declared by final decision of a competent court guilty of, or found by the Commission of having (a) given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions [...] shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office.

⁷ Batas Pambansa Blg. 881 (1985).

⁸ *Rollo*, p. 72.

the following programs: (1) “No Barangay Left Behind;” (2) “No Town Left Behind;” (3) *Oplan Tulong sa Barangay*,” (4) and “*Krusada Kontra Korapsyon*.” Lara likewise contended that the disbursements were done during the campaign period of March 25 to May 8, 2022.⁹

On May 11, 2022, the Provincial Board of Canvassers proclaimed Mamba as the duly elected Governor for the Province of Cagayan after garnering the highest number of votes legally cast for the said office.¹⁰

On December 14, 2022, the COMELEC Second Division issued a Resolution¹¹ granting Lara’s Petition for Disqualification and disqualifying Mamba as a candidate for the position of Governor of the Province of Cagayan in the May 2022 NLE:

WHEREFORE, premises considered, the Petition is GRANTED. Respondent MANUEL N. MAMBA is DISQUALIFIED as a candidate for the position of Governor of the Province of Cagayan in the 09 May 2022 National and Local Elections.

Let the records of the case be forwarded to the Law Department of this Commission for the conduct of preliminary investigation relative to the election offense aspect of this case.

SO ORDERED.¹²

The COMELEC Second Division ruled that the pieces of evidence submitted by Lara were not substantial to disqualify Mamba on the ground of violation of Section 68 of the OEC. It noted that while the pieces of evidence showed that the conduct of cash distribution occurred, Mamba merely implemented the same in his capacity as Governor. Thus, it was not shown that the acts were done for the purpose of influencing, inducing, or corrupting the voters, as required under Section 68 of the OEC.¹³

However, the COMELEC Second Division found that the pieces of evidence submitted by Lara were substantial to prove Mamba’s violation of Section 261(v)¹⁴ of the OEC, which prohibits the unauthorized release, disbursement, or expenditure of public funds during the 45 day period before

⁹ *Id.* at 62–63.

¹⁰ *Id.* at 1215–1216.

¹¹ *Id.* at 880–897.

¹² *Id.* at 896–897.

¹³ *Id.* at 892–893.

¹⁴ Section 261 (v) of the Omnibus Election Code provides:
Sec. 261. Prohibited Acts. — The following shall be guilty of an election offense:

.....
(v) *Prohibition against release, disbursement or expenditure of public funds.* — Any public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries, who, during forty-five days before a regular election and thirty days before a special election, releases, disburses or expends any public funds [.]

the regular election. It noted that Mamba admitted the disbursements of public funds during the prohibited period, i.e., March 25 to May 8, 2022 for the implementation of the “No Barangay Left Behind,” “No Town Left Behind,” and “*Oplan Tulong sa Barangay*” programs.¹⁵ Accordingly, the COMELEC Second Division ruled that Lara had overcome the burden of proof with substantial evidence to establish that Mamba violated Section 261 (v) of the OEC.¹⁶

Aggrieved, Mamba filed a Motion for Partial Reconsideration of the Resolution of the COMELEC Second Division¹⁷ essentially arguing that the evidence on record was insufficient to justify his disqualification.

On March 6, 2023, the COMELEC *En Banc* issued the assailed Resolution dismissing the Petition for Disqualification for being filed out of time and for being the wrong remedy, having been filed after Mamba’s proclamation. It explained:

While it may appear that the Petition was timely filed following the date stamp of 10 May 2022, an application of the above-quoted text of COMELEC Resolution No. 10673 yields no other conclusion but that the *Petition* was filed belatedly after Respondent’s proclamation. *The Petition, filed on 10 May 2022, at 18:21:41 GMT+8, is considered as filed at 8:00 A.M. of the next working day, i.e., 11 May 2022, 8:00 A.M., which is after the proclamation of Respondent.* The Certificate of Canvass of Votes and Proclamation shows that *Respondent was proclaimed by the Provincial Board of Canvassers on 11 May 2022 at 1:39:59 A.M.* This proclamation effectively divested the Commission of any authority to hear and decide disqualification cases filed after the same. Thus, the Commission has no jurisdiction to take cognizance of the subject *Petition* as it was filed after Respondent’s proclamation.

It follows from the foregoing discussion that the subject *Petition* must be dismissed outright for being filed out of time and for being the wrong remedy for having been filed after Respondent’s proclamation.¹⁸ (Emphasis supplied)

Thus, the COMELEC *En Banc* disposed as follows:

WHEREFORE, premises considered, the Commission *En Banc* RESOLVED, as it hereby RESOLVES, to DISMISS the *Petition* dated 11 May 2022 for LACK OF JURISDICTION. The criminal aspect of the case is hereby REFERRED to the Law Department for preliminary investigation.

¹⁵ *Rollo*, pp. 893–896.

¹⁶ *Id.* at 896.

¹⁷ *Id.* at 898–916.

¹⁸ *Id.* at 50–51.

SO ORDERED.¹⁹

On April 5, 2023, Lara filed the instant Petition, where she raised the issues:

Whether the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction: (1) in dismissing the Petition for Disqualification for lack of jurisdiction; and (2) in not affirming the December 14, 2022 Resolution finding private respondent Manuel N. Mamba to be disqualified.

In essence, Lara argues that the COMELEC should have applied the liberal construction of its Rules considering the gravity of the issues raised. She puts emphasis on the fact that the Petition for Disqualification was filed by electronic mail on May 10, 2022, at 6:21 p.m., while Mamba was proclaimed as the winning candidate only on May 11, 2022, at 1:39 a.m. Thus, only about seven hours lapsed between the filing of the Petition for Disqualification and the proclamation of Mamba as the winning candidate.²⁰

The COMELEC filed its Comment²¹ where it primarily argues that: (1) the COMELEC acted within the bounds of its jurisdiction when it dismissed the Petition for Disqualification on the ground that the proclamation of Mamba effectively divested it of jurisdiction to hear the case; and (2) nothing in the present case justifies the relaxation of the rules.

For his part, Mamba asserts that the COMELEC *En Banc* correctly dismissed the Petition for Disqualification for lack of jurisdiction as the same was filed after the elections and that a petition for *quo warranto* is the proper action to question the eligibility of the winning candidate after his proclamation.²² More, Mamba claims that Lara is not entitled to any liberality, such as the relaxation of the period to file her Petition for Disqualification considering that: (1) the latter paid the filing fees for the Petition for Disqualification after Mamba's proclamation as winning candidate; (2) the purported ground for disqualification cited by Lara was belatedly raised and constituted a prohibited change of theory after the issues have been joined; and (3) Lara failed to explain why she filed the Petition for Disqualification only after the conduct of elections.²³

¹⁹ *Id.* at 60.

²⁰ *Id.* at 20–22.

²¹ *Id.* at 1149–1172.

²² *Id.* at 1120–1126.

²³ *Id.* at 1127–1133.

This Court's Ruling

The Petition is meritorious.

To begin with, this Court, not being a trier of facts, shall only step in if there is a showing that the COMELEC *En Banc* committed grave abuse of discretion amounting to lack or excess of jurisdiction. As defined, grave abuse of discretion means “such capricious and whimsical exercise of judgment as is equivalent to an excess or lack of jurisdiction. The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law[.]”²⁴ Thus, if it is sufficiently shown that the COMELEC *En Banc* exercised its power “capriciously, arbitrarily, whimsically, or without basis under the law or the Constitution[.]” this Court is otherwise duty-bound to “redirect COMELEC’s course along constitutional channels.”²⁵

To recall, petitioner ascribes grave abuse of discretion on the part of the COMELEC for having ruled in the assailed Resolution that: (1) the Petition to disqualify respondent was filed out of time and must necessarily be dismissed; and (2) the belated filing thereof was in fact an infirmity which divests the COMELEC from jurisdiction to resolve the issues in the Petition for Disqualification.

After a judicious examination of the case, this Court is persuaded that the COMELEC gravely abused its discretion.

On procedural grounds, the COMELEC should have granted due course to the Petition for Disqualification by exercising liberality in the application of its procedural rules.

In dismissing the Petition for Disqualification as having been filed out of time, the COMELEC relied on Section 5, Rule 2, COMELEC Resolution No. 10673,²⁶ which provides for guidelines on the electronic filing of pleadings before the COMELEC:

SECTION 5. *Schedule of Filing through E-mail.* – The schedule of filing of verified pleadings, memoranda, comments, briefs, and other submissions through E-mail shall be from Monday to Friday, 8:00 am to 5:00 pm, excluding holidays. *E-mails received beyond 5:00 pm shall be considered filed at 8:00 am of the next working day.*

²⁴ *Panlilio v. Commission on Elections*, 610 Phil. 551, 567 (2009) [Per J. Leonardo-De Castro, *En Banc*].

²⁵ *Maturan v. COMELEC*, 808 Phil. 86, 91 (2017) [Per J. Bersamin, *En Banc*].

²⁶ “In Re: Guidelines on Electronic Filing, Conduct of Hearings/Investigations/Inquiries Via Video Conference and Service” (2020).

Where a deadline falls on a Saturday, a Sunday, or a legal holiday, official transaction shall be done on the next working day. (Emphasis supplied)

Indeed, a straightforward application of Section 5 reveals the Petition for Disqualification, filed via electronic mail on May 10, 2022, was filed out of time. The time stamp of the electronic mail, a copy of which is attached to the instant Petition, indicates that it was sent on 6:21 p.m. After a few hours, respondent was proclaimed as the winning candidate on May 11, 2022, at 1:39 a.m. Thus, the COMELEC denied the Petition for Disqualification pursuant to Section 5, which instructs that pleadings filed through electronic mail and received beyond 5:00 p.m. are considered filed at 8:00 a.m. of the next working day.

Nevertheless, in stringently applying its procedural rules, the COMELEC clearly lost sight of the peculiar nature of elections cases. After all, "elections cases are, at all times, invested with public interest which cannot be defeated by mere procedural or technical infirmities."²⁷

Time and again, this Court has chosen to uphold the relaxation of election procedural rules in the interest of substantial justice. In the recent case of *Uy v. Commission on Elections*,²⁸ the COMELEC denied the petitioner's motion for reconsideration for being filed a day late, following the rule that any pleading sent through electronic mail beyond 5:00 p.m. would be deemed filed on the following day. Nonetheless, the COMELEC notably resolved the merits of the instant motion, which declared the petitioner as a nuisance candidate. In ruling that the Resolution by the COMELEC denying the motion for reconsideration was tainted with grave abuse of discretion, this Court held:

On April 19, 2022, Frederico received via electronic mail the COMELEC Second Division's Resolution declaring him a nuisance candidate. Frederico had five days from notice to move for reconsideration or until April 24, 2022. Considering that the last day fell on a Sunday, the time shall not run until the next working day. Accordingly, Frederico sent the Motion for Reconsideration through electronic mail on April 25, 2022, at 6:23 p.m. The COMELEC *En Banc* denied the Motion for being filed a day late following the rule that any pleading sent through electronic mail beyond 5:00 p.m. is deemed filed the following day. *Nonetheless, the COMELEC affirmed the finding that Frederico is a nuisance candidate.*

On this point, we cannot overemphasize that courts have always tried to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that every litigant be given the full opportunity for the just disposition of his cause. The Court has allowed several cases to proceed in the broader interest of justice despite

²⁷ *Pahilan v. Tabalba*, 300 Phil. 202, 214 (1994) [Per J. Regalado, *En Banc*].

²⁸ G.R. Nos. 260650 & 260952, August 8, 2023 [Per J. M. V. Lopez, *En Banc*].

procedural defects and lapses. These rulings are in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice. Specifically, the COMELEC Rules of Procedure provides that '[i]n the interest of justice and in order to obtain speedy disposition of all matters pending before the Commission, these rules and any portion thereof may be suspended by the Commission.' *Here, the COMELEC En Banc is deemed to have relaxed its procedures when it resolved the merits of the motion for reconsideration. In any event, the circumstances of the case merit the liberal application of the rules in the interest of substantial justice. The COMELEC received Frederico's Motion only more than an hour past 5:00 p.m. More importantly, the issue of whether Frederico is a nuisance candidate is determinative not only of the proper treatment of his votes but also as to the outcome of the elections. The grave injustice to Frederico is likewise not commensurate with his failure to comply with the rules.*²⁹ (Emphasis supplied)

As in *Uy*, the issue of respondent's qualifications as a candidate for the position of Governor of the Province of Cagayan is crucial to the outcome of his votes and to the result of the elections. Accordingly, the analogous circumstances in *Uy* in relation to the instant case justifies a relaxation of the COMELEC rules of procedure in the interest of substantial justice. Verily, this Court finds no reason why the liberal interpretation of procedural rules accorded in *Uy* should not be applied in this case.

To reiterate, the instant Petition for Disqualification before the COMELEC was based on Section 68 of the OEC, on the grounds of massive vote-buying activities and unlawful disbursement of public funds allegedly committed by respondent during the campaign period of March 25 to May 8, 2022. Section 68 reads:

SECTION 68. *Disqualifications.* — Any candidate who, in an action or protest in which he is a party is declared by final decision of a competent court guilty of, or found by the Commission of having (a) given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions; (b) committed acts of terrorism to enhance his candidacy; (c) spent in his election campaign an amount in excess of that allowed by this Code; (d) solicited, received or made any contribution prohibited under Sections 89, 95, 96, 97 and 104; or (e) violated any of Sections 80, 83, 85, 86 and 261, paragraphs d, e, k, v, and cc, sub-paragraph 6, shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office. Any person who is a permanent resident of or an immigrant to a foreign country shall not be qualified to run for any elective office under this Code, unless said person has waived his status as permanent resident or immigrant of a foreign country in accordance with the residence requirement provided for in the election laws.

²⁹ *Id.* at 20–21. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

Section 68 is silent as to the period within which petitions for disqualification invoking it may be filed. In lieu of this, this Court makes reference to the applicable period in Rule 25,³⁰ Sections 1 and 3 of the COMELEC Rules of Procedure:

Rule 25 — Disqualification of Candidates.

SECTION 1. Grounds for Disqualification. — Any candidate who does not possess all the qualifications of a candidate as provided for by the Constitution or by existing law or who commits any act declared by law to be grounds for disqualification may be disqualified from continuing as a candidate.

....

SECTION 3. Period to File Petition. — The petition shall be filed any day after the last day for filing of certificates of candidacy *but not later than the date of proclamation*. (Emphasis supplied)

Plainly, the period within which to file petitions for disqualification based on Rule 25 of the COMELEC Rules of Procedure is any day after the last day for filing of certificate of candidacy until the date of proclamation. As worded, a petition for disqualification can be filed even after the exact time of the proclamation of a candidate, so long as it was still filed within the same day. As the Petition for Disqualification against respondent was filed within the prescribed period, it was filed on time.

This interpretation is supported by Article 13 of the Civil Code, which directs that “days” should be understood to mean 24 hours:

ARTICLE 13. When the laws speak of years, months, days or nights, it shall be understood that years are of three hundred sixty-five days each; months, of thirty days; *days, of twenty-four hours*; and nights from sunset to sunrise[.] (Emphasis supplied)

Hence, the date or day of proclamation as the deadline of petitions for disqualification should be understood to mean the full 24 hours of the day on which such proclamation takes place. To be sure, this Court emphasizes anew that rules of procedure cannot take precedence over substantive law. “On the contrary, procedural rules are meant to operationalize and effectuate substantive law.”³¹ Accordingly, this Court finds that the COMELEC Rules of Procedure, which are merely procedural, should yield to the interpretation directed by the Civil Code, a substantive law.³²

³⁰ Comelec Rules of Procedure, February 15, 1993.

³¹ *Treyes v. Larlar*, 882 Phil. 505, 555 (2020) [Per J. Caguioa, *En Banc*].

³² *Gana-Carait v. Commission on Elections*, G.R. No. 257453, August 9, 2022 [Per J. Rosario, *En Banc*] at 9. This pinpoint citation refers to the copy of the Decision uploaded in the Supreme Court website.

On another point, the period to file pleadings through electronic mail as laid down in Section 5 of COMELEC Resolution No. 10673 should have taken stock of particular circumstances surrounding petitions for disqualification, as in this case. To be specific, it must be considered that the proclamation of candidates, which to recall is the reckoning point for the deadline of filing petitions for disqualification, can happen at any time, whether day or night.

This Court must not close its eyes to an imbalance as to the rights of the parties, i.e., right to be proclaimed on one hand, and the right to assail the qualification of the person to be proclaimed on the other. As in this case, while the actual sending of the pleading happened a mere few hours before the proclamation, the Petition was not considered due to some technicality. For future elections, such inconsistencies must be avoided.

On the same score, this Court must hew to practicable realities borne by technological advances. As observed by Chief Justice Alexander G. Gesmundo (Chief Justice Gesmundo), unlike in conventional filing, the mode of filing used in this case is through electronic mail. While the pleading will only be received by the agency during office hours, or from 8:00 a.m. to 5:00 p.m., the same cannot be said with regard to filing by electronic mail. Given that electronic mail may be sent at any time, the same may be received by the recipient in real time. In other words, actual receipt of pleadings by electronic mail is not limited by the physical structures of the agency, which remain open during certain hours of the day. Surely then, in light of the current capabilities brought by modern technology, it can hardly be argued that institutions with vast innovative resources such as the COMELEC will not be able to access a pleading filed beyond office hours when such filing was made via electronic mail. As Rule 25, Section 3 of the COMELEC Rules of Procedure makes reference to a "day" in the filing of pleadings, which is composed of 24 hours under the Civil Code, the Petition for Disqualification filed by Lara via electronic mail on May 10, 2022 at 6:21 p.m. cannot be considered filed out of time. As a matter of fact, petitioner had until the whole day of May 11, 2022 within which to file the petition against respondent.

Here, respondent was proclaimed as the winning candidate on May 11, 2022, at 1:39:59 A.M. Hence, petitioner could file the Petition for Disqualification against respondent at any time before the start of the day of May 11, 2022 and even any time not later than the whole day of May 11, 2022. Contrary to the COMELEC's conclusion, the petitioner's act of filing the subject Petition for Disqualification against respondent on May 10, 2022 at 6:21 p.m. was not in contravention of Rule 25, Section 3 of the COMELEC Rules of Procedure which provides that the petition shall be filed *any day* after the last day for filing of certificates of candidacy.

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Even assuming, that We subscribe to COMELEC's inference that the Petition for Disqualification was filed at 8:00 a.m. of May 11, 2022, the same is still well within the prescribed period. It bears stressing that Rule 25, Section 3 of the COMELEC Rules of Procedure contains a proviso that the petition shall be filed *not later than the date of proclamation*. To reiterate, the phrase "not later than the date of proclamation" sets a period of a lapse of the 24-hour period of the day of proclamation, where it can be said that a petition for disqualification is filed out of time.

Harmonizing Section 5 of COMELEC Resolution No. 10673 and Rule 25, Section 3 of the COMELEC Rules on Procedure, it behooves this Court to consider that petitions for disqualification may be filed even beyond office hours of 8:00 a.m. to 5:00 p.m., so long as it is done within the day of the proclamation. As keenly pointed out by Chief Justice Gesmundo during the deliberations over the instant Petition, to rule otherwise would create a bizarre situation where pleadings filed via electronic mail beyond 5:00 p.m. are considered filed at 8:00 a.m. of the next working day, and yet the proclamation of the candidate can happen at any time of the day or night. While the period of proclamation does not provide a definite time, the period to file a petition based on the period of proclamation was given a timeline.

This Court now holds that a petition for disqualification of a candidate based on Section 68 of the OEC may be filed during the period beginning the whole day after the last day of filing of certificate of candidacy until the end of the day of the date of proclamation, even after the exact time of the proclamation of the winning candidate.

Nonetheless, considering the novel declaration made by this Court in the instant Petition, We deem it necessary to emphasize that these guidelines shall apply prospectively and shall not affect parties who had relied on, and acted upon, the force of former views. This is rooted in fairness and justice, as explained by Associate Justice Alfredo Benjamin S. Caguioa in his separate opinion in *ANGKLA v. Commission on Elections*.³³

[W]hen the Court adopts a new view or doctrine in its interpretation of the laws, *it has to be applied prospectively so as not to prejudice those who have relied on the abandoned interpretation*. In other words, 'when a doctrine of this Court is overruled and a different view is adopted, and more so when there is a reversal thereof, the new doctrine should be applied prospectively and should not apply to parties who relied on the old doctrine and acted in good faith.' This is the rule because '[t]o hold otherwise would be to deprive the law of its quality of fairness and justice, for, then, there is no recognition of what had transpired prior to such adjudication.'³⁴ (Emphasis supplied, citation omitted)

³³ 884 Phil. 333 (2020) [Per J. Lazaro-Javier, *En Banc*].

³⁴ *Id.* at 482.

All told, the COMELEC *En Banc* gravely abused its discretion in issuing the March 6, 2023 Resolution dismissing the Petition for Disqualification for having been filed out of time. Consequently, the assailed Resolution must be annulled and set aside.

Further, this Court deems it best to remand this case to the COMELEC *En Banc* for the proper disposition of petitioner's Petition for Disqualification against respondent.

ACCORDINGLY, the Petition for *Certiorari* is **GRANTED**. The March 6, 2023 Resolution of the Commission on Elections *En Banc* in SPA Case No. 22-089 (DC) is **ANNULLED** and **SET ASIDE**.

This case is **REMANDED** to the Commission on Elections *En Banc* for the proper disposition of Ma. Zarah Rose De Guzman-Lara's Petition for Disqualification against Manuel N. Mamba.

SO ORDERED.

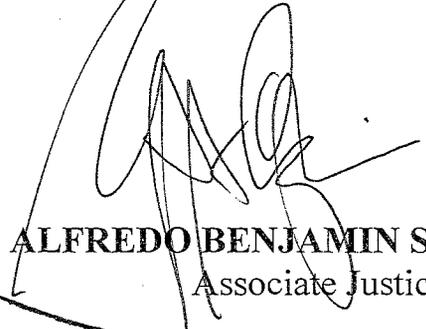

JHOSEP A. LOPEZ
Associate Justice

WE CONCUR:

See separate concurring opinion

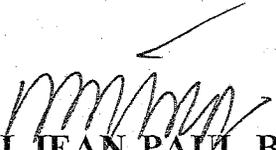
ALEXANDER G. GESMUNDO
Chief Justice

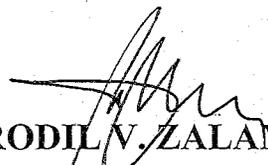

MARVIC M.V.F. LEONEN
Senior Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice

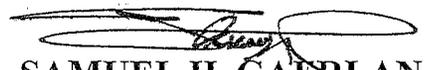
On official business
AMY C. LAZARO-JAVIER
 Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice


RODIL V. ZALAMEDA
 Associate Justice

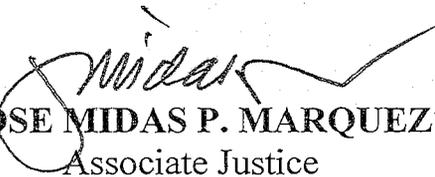
See separate opinion


MARTIN LOPEZ
 Associate Justice

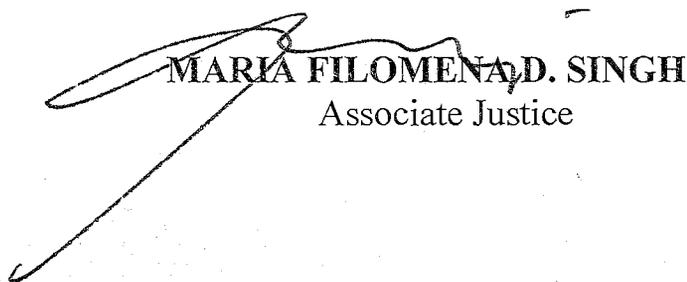

SAMUEL H. GAERLAN
 Associate Justice


RICARDO R. ROSARIO
 Associate Justice


JAPAR B. DIMAAMPAO
 Associate Justice

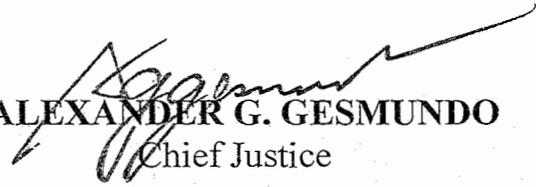

JOSE MIDAS P. MARQUEZ
 Associate Justice

No part
ANTONIO T. KHO, JR.
 Associate Justice


MARIA FILOMENA D. SINGH
 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

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