Republic of the Philippines
Supreme Court
Manila

EN BANC

REGINA ONGSIAKO REYES, Petitioner,	**G.R. No. 207264**
	Present:
- versus -	SERENO, *C.J.*, CARPIO, VELASCO, JR., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO,* ABAD, VILLARAMA, JR., PEREZ, MENDOZA, REYES, PERLAS-BERNABE, and LEONEN, *JJ.*
COMMISSION ON ELECTIONS and JOSEPH SOCORRO B. TAN, Respondents.	Promulgated: OCTOBER 22, 2013

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RESOLUTION

PEREZ, *J.*:

This is a Motion for Reconsideration of the *En Banc* Resolution of 25 June 2013 which stated that:

> "IN VIEW OF THE FOREGOING, the instant petition is DISMISSED, finding no grave abuse of discretion on the part of the Commission on Elections. The 14 May 2013 Resolution of the

COMELEC *En Banc* affirming the 27 March 2013 Resolution of the COMELELEC First Division is upheld."

In her Motion for Reconsideration, petitioner summarizes her submission, thus:

> "81. Stated differently, the Petitioner x x x is not asking the Honorable Court to make a determination as regards her qualifications, she is merely asking the Honorable Court to affirm the jurisdiction of the HRET to solely and exclusively pass upon such qualifications and to set aside the COMELEC Resolutions for having denied Petitioner her right to due process and for unconstitutionally adding a qualification not otherwise required by the constitution."[1] (as originally underscored)

The first part of the summary refers to the issue raised in the petition, which is:

> "31. Whether or not Respondent Comelec is without jurisdiction over Petitioner who is duly proclaimed winner and who has already taken her oath of office for the position of Member of the House of Representatives for the lone congressional district of Marinduque."[2]

Tied up and neatened the propositions on the COMELEC-or-HRET jurisdiction go thus: petitioner is a duly proclaimed winner and having taken her oath of office as member of the House of Representatives, all questions regarding her qualifications are outside the jurisdiction of the COMELEC and are within the HRET exclusive jurisdiction.

The averred proclamation is the critical pointer to the correctness of petitioner's submission. The crucial question is whether or not petitioner could be proclaimed on 18 May 2013. Differently stated, was there basis for the proclamation of petitioner on 18 May 2013?

Dates and events indicate that there was no basis for the proclamation of petitioner on 18 May 2013. Without the proclamation, the petitioner's oath of office is likewise baseless, and without a precedent oath of office, there can be no valid and effective assumption of office.

We have clearly stated in our Resolution of 25 June 2013 that:

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* On official leave.
1 *Rollo*, p. 325.
2 Id. at 9.

> "More importantly, we cannot disregard a fact basic in this controversy – that before the proclamation of petitioner on 18 May 2013, the COMELEC *En Banc* had already finally disposed of the issue of petitioner's lack of Filipino citizenship and residency via its Resolution dated 14 May 2013. After 14 May 2013, there was, before the COMELEC, no longer any pending case on petitioner's qualifications to run for the position of Member of the House of Representatives. x x x"

As the point has obviously been missed by the petitioner who continues to argue on the basis of her "due proclamation," the instant motion gives us the opportunity to highlight the undeniable fact we here repeat that the proclamation which petitioner secured on 18 May 2013 was WITHOUT ANY BASIS.

1. Four (4) days BEFORE the 18 May 2013 proclamation, or on 14 May 2013, the COMELEC *En Banc* has already denied for lack of merit the petitioner's motion to reconsider the decision of the COMELEC First Division that CANCELLED petitioner's certificate of candidacy.

2. On 18 May 2013, there was already a standing and unquestioned cancellation of petitioner's certificate of candidacy which cancellation is a definite bar to her proclamation. On 18 May 2003, that bar has not been removed, there was not even any attempt to remove it.

3. The COMELEC Rules indicate the manner by which the impediment to proclamation may be removed. Rule 18, Section 13 (b) provides:

> "(b) In Special Actions and Special Cases a decision or resolution of the Commission En Banc shall become final and executory after five (5) days from its promulgation unless restrained by the Supreme Court."

Within that five (5) days, petitioner had the opportunity to go to the Supreme Court for a restraining order that will remove the immediate effect of the *En Banc* cancellation of her certificate of candidacy. Within the five (5) days the Supreme Court may remove the barrier to, and thus allow, the proclamation of petitioner. That did not happen. Petitioner did not move to have it happen.

It is error to argue that the five days should pass before the petitioner is barred from being proclaimed. Petitioner lost in the COMELEC as respondent. Her certificate of candidacy has been ordered cancelled. She

could not be proclaimed because there was a final finding against her by the COMELEC.[3] She needed a restraining order from the Supreme Court to avoid the final finding. After the five days when the decision adverse to her became executory, the need for Supreme Court intervention became even more imperative. She would have to base her recourse on the position that the COMELEC committed grave abuse of discretion in cancelling her certificate of candidacy and that a restraining order, which would allow her proclamation, will have to be based on irreparable injury and demonstrated possibility of grave abuse of discretion on the part of the COMELEC. In this case, before and after the 18 May 2013 proclamation, there was not even an attempt at the legal remedy, clearly available to her, to permit her proclamation. What petitioner did was to "take the law into her hands" and secure a proclamation in complete disregard of the COMELEC *En Banc* decision that was final on 14 May 2013 and final and executory five days thereafter.

4. There is a reason why no mention about notice was made in Section 13(b) of Rule 18 in the provision that the COMELEC *En Banc* or decision "[SHALL] become [FINAL AND EXECUTORY] after five days from its promulgation unless restrained by the Supreme Court." On its own the COMELEC *En Banc* decision, unrestrained, moves from promulgation into becoming final and executory. This is so because in Section 5 of Rule 18, it is stated:

> Section 5. Promulgation. – The promulgation of a decision or resolutions of the Commission or a division shall be made on a date

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3 "The concept of 'final' judgment, as distinguished from one which has "become final" (or 'executory' as of right [final and executory]), is definite and settled. A 'final' judgment or order is one that finally disposes of a case, leaving nothing more to be done by the Court in respect thereto, e.g., an adjudication on the merits which, on the basis of the evidence presented at the trial, declares categorically what the rights and obligations of the parties are and which party is in the right; or a judgment or order that dismisses an action on the ground, for instance, of *res adjudicata* or prescription. Once rendered, the task of the Court is ended, as far as deciding the controversy or determining the rights and liabilities of the litigants is concerned. Nothing more remains to be done by the Court except to await the parties' next move (which among others, may consist of the filing of a motion for new trial or reconsideration, or the taking of an appeal) and ultimately, of course, to cause the execution of the judgment once it becomes 'final' or, to use the established and more distinctive term, 'final and executory.'" *See Investments, Inc. v. Court of Appeals*, 231 Phil. 302, 307 (1987).

Thus, when the COMELEC *En Banc* rendered its Resolution dated 14 May 2013, such was a final judgment – the issue of petitioner's eligibility was already definitively disposed of and there was no longer any pending case on petitioner's qualifications to run for office, and the COMELEC's task of ruling on the propriety of the cancellation of petitioner's COC has ended. This final judgment, by operation of Sec. 3, Rule 37 of the COMELEC Rules of Procedure, became final and executory on 19 May 2013, or five days from its promulgation, as it was not restrained by the Supreme Court. See *rollo*, pp. 163-165.

previously fixed, of which notice shall be served in advance upon the parties or their attorneys personally or by registered mail or by telegram.

5. Apart from the presumed notice of the COMELEC *En Banc* decision on the very date of its promulgation on 14 May 2013, petitioner admitted in her petition before us that she in fact received a copy of the decision on 16 May 2013.[4] On that date, she had absolutely no reason why she would disregard the available legal way to remove the restraint on her proclamation, and, more than that, to in fact secure a proclamation two days thereafter. The utter disregard of a final COMELEC *En Banc* decision and of the Rule stating that her proclamation at that point MUST be on permission by the Supreme Court is even indicative of bad faith on the part of the petitioner.

6. The indicant is magnified by the fact that petitioner would use her tainted proclamation as the very reason to support her argument that she could no longer be reached by the jurisdiction of the COMELEC; and that it is the HRET that has exclusive jurisdiction over the issue of her qualifications for office.

7. The suggestions of bad faith aside, petitioner is in error in the conclusion at which she directs, as well as in her objective quite obvious from such conclusion. It is with her procured proclamation that petitioner nullifies the COMELEC's decision, by Division and then *En Banc*, and pre-empts any Supreme Court action on the COMELEC decision. In other words, petitioner repudiates by her proclamation all administrative and judicial actions thereon, past and present. And by her proclamation, she

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4 *Rollo*, p. 5.

Parenthetically, the surrounding facts of the case show that the Provincial Board of Canvassers (PBOC), as well as the parties, already had notice of the COMELEC *En Banc* Resolution dated 14 May 2013 before petitioner was proclaimed. As alleged in the Comment on the Motion for Reconsideration, and which was not disputed by petitioner, the COMELEC *En Banc* found that "On May 15, 2013, the Villa PBOC was already in receipt of the May 14, 2013 Resolution denying the motion for reconsideration of [petitioner] thereby affirming the March 27, 2013 Resolution of the First Division that cancelled [petitioner's] COC. The receipt was acknowledged by Rossini M. Ocsadin of the PBOC on May 15, 2013. On May 16, 2013, [A]tty. Nelia S. Aureus, [petitioner's] counsel of record, received a copy of the same resolution. On May 18, 2013, the PBOC under ARED Ignacio is already aware of the May 14, 2013 Resolution of the Commission En Banc which is already on file with the PBOC. Furthermore, PBOC members Provincial Prosecutor Bimbo Mercado and Magdalena Lim knew of the 14 May 2013 Resolution since they are the original members of the Villa PBOC. However, while counsel for [petitioner], Atty. Aureus, already received a copy of said resolution on May 16, 2013, the counsel for [petitioner], Atty. Ferdinand Rivera (who is an UNA lawyer), who appeared before the Ignacio PBOC on Ma[y] 18, 2013, misrepresented to said PBOC that [petitioner] has not received a copy of the said May 14, 2013 Resolution of this Commission. This has mislead the Ignacio PBOC in deciding to proclaim [petitioner] believing that [petitioner] is not yet bound by the said resolution." See *rollo*, pp. 392-393.

claims as acquired the congressional seat that she sought to be a candidate for. As already shown, the reasons that lead to the impermissibility of the objective are clear. She cannot sit as Member of the House of Representatives by virtue of a baseless proclamation knowingly taken, with knowledge of the existing legal impediment.

8. Petitioner, therefore, is in error when she posits that at present it is the HRET which has exclusive jurisdiction over her qualifications as a Member of the House of Representatives. That the HRET is the sole judge of all contests relating to the election, returns and qualifications of the Members of the House of Representatives is a written constitutional provision. It is, however unavailable to petitioner because she is NOT a Member of the House at present. The COMELEC never ordered her proclamation as the rightful winner in the election for such membership.[5] Indeed, the action for cancellation of petitioner's certificate of candidacy, the decision in which is the indispensable determinant of the right of petitioner to proclamation, was correctly lodged in the COMELEC, was completely and fully litigated in the COMELEC and was finally decided by the COMELEC. On and after 14 May 2013, there was nothing left for the COMELEC to do to decide the case. The decision sealed the proceedings in the COMELEC regarding petitioner's ineligibility as a candidate for Representative of Marinduque. The decision erected the bar to petitioner's proclamation. The bar remained when no restraining order was obtained by petitioner from the Supreme Court within five days from 14 May 2013.

9. When petitioner finally went to the Supreme Court on 10 June 2013 questioning the COMELEC First Division ruling and the 14 May 2013 COMELEC *En Banc* decision, her baseless proclamation on 18 May 2013 did not by that fact of promulgation alone become valid and legal. A decision favorable to her by the Supreme Court regarding the decision of the COMELEC *En Banc* on her certificate of candidacy was indispensably

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5 In the case at bar, as the PBOC and the parties all had notice of the COMELEC *En Banc* Resolution dated 14 May 2013, the PBOC should have, at the very least, suspended petitioner's proclamation. Although COMELEC Resolution No. 9648 or the *General Instructions for the Board of Canvassers on the Consolidation/Canvass and Transmission of Votes in Connection with the 13 May 2013 National and Local Elections* authorizes the PBOC to proclaim a winning candidate if there is a pending disqualification or petition to cancel COC and no order of suspension was issued by the COMELEC, the cancellation of petitioner's COC, as ordered in the COMELEC *En Banc* Resolution dated 14 May 2013, is of greater significance and import than an order of suspension of proclamation. The PBOC should have taken the COMELEC *En Banc*'s cue. To now countenance this precipitate act of the PBOC is to allow it to render nugatory a decision of its superior. Besides, on 18 May 2013, there was no longer any "pending" case as the COMELEC *En Banc* Resolution dated 14 May 2013 is already a final judgment.

needed, not to legalize her proclamation on 18 May 2013 but to authorize a proclamation with the Supreme Court decision as basis.

10. The recourse taken on 25 June 2013 in the form of an original and special civil action for a writ of Certiorari through Rule 64 of the Rules of Court is circumscribed by set rules and principles.

a) The special action before the COMELEC which was a Petition to Cancel Certificate of Candidacy was a SUMMARY PROCEEDING or one "heard summarily." The nature of the proceedings is best indicated by the COMELEC Rule on Special Actions, Rule 23, Section 4 of which states that the Commission may designate any of its officials who are members of the Philippine Bar to hear the case and to receive evidence. COMELEC Rule 17 further provides in Section 3 that when the proceedings are authorized to be summary, in lieu of oral testimonies, the parties may, after due notice, be required to submit their position paper together with affidavits, counter-affidavits and other documentary evidence; x x x and that "[t]his provision shall likewise apply to cases where the hearing and reception of evidence are delegated by the Commission or the Division to any of its officials x x x."

b) The special and civil action of Certiorari is defined in the Rules of Court thus:

> When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The accepted definition of grave abuse of discretion is: a capricious and whimsical exercise of judgment 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, as where the power is exercised in an arbitrary and despotic manner because of passion or hostility.[6]

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6 *Beluso v. COMELEC*, G.R. No. 180711, 22 June 2010, 621 SCRA 450, 456.

In *De la Cruz v. COMELEC and Pacete,* the Court ruled that the COMELEC being a specialized agency tasked with the supervision of elections all over the country, its factual findings, conclusions, rulings and decisions rendered on matters falling within its competence

It is the category of the special action below providing the procedural leeway in the exercise of the COMELEC summary jurisdiction over the case, in conjunction with the limits of the Supreme Court's authority over the FINAL COMELEC ruling that is brought before it, that defines the way petitioner's submission before the Court should be adjudicated. Thus further explained, the disposition of 25 June 2013 is here repeated for affirmation:

> Petitioner alleges that the COMELEC gravely abused its discretion when it took cognizance of "*newly-discovered evidence*" without the same having been testified on and offered and admitted in evidence. She assails the admission of the blog article of Eli Obligacion as hearsay and the photocopy of the Certification from the Bureau of Immigration. She likewise contends that there was a violation of her right to due process of law because she was not given the opportunity to question and present controverting evidence.
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> Her contentions are incorrect.
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> It must be emphasized that the COMELEC is not bound to strictly adhere to the technical rules of procedure in the presentation of evidence. Under Section 2 of Rule I, the COMELEC Rules of Procedure "shall be liberally construed in order x x x to achieve just, expeditious and inexpensive determination and disposition of every action and proceeding brought before the Commission." In view of the fact that the proceedings in a petition to deny due course or to cancel certificate of candidacy are summary in nature, then the "newly discovered evidence" was properly admitted by respondent COMELEC.
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> Furthermore, there was no denial of due process in the case at bar as petitioner was given every opportunity to argue her case before the COMELEC. From 10 October 2012 when Tan's petition was filed up to 27 March 2013 when the First Division rendered its resolution, petitioner had a period of five (5) months to adduce evidence. Unfortunately, she did not avail herself of the opportunity given her.

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shall not be interfered with by this Court in the absence of grave abuse of discretion or any jurisdictional infirmity or error of law. (G.R. No. 192221, 13 November 2012, 685 SCRA 347, 359).

In *Mastura v. COMELEC,* the Court ruled that the rule that factual findings of administrative bodies will not be disturbed by the courts of justice except when there is absolutely no evidence or no substantial evidence in support of such findings should be applied with greater force when it concerns the COMELEC, as the framers of the Constitution intended to place the COMELEC – created and explicitly made independent by the Constitution itself – on a level higher than statutory administrative organs. The COMELEC has broad powers to ascertain the true results of the election by means available to it. For the attainment of that end, it is not strictly bound by the rules of evidence. (G.R. No. 124521, 29 January 1998, 285 SCRA 493, 499).

Also, in administrative proceedings, procedural due process only requires that the party be given the opportunity or right to be heard. As held in the case of *Sahali v. COMELEC*:

> The petitioners should be reminded that due process does not necessarily mean or require a hearing, but simply an opportunity or right to be heard. One may be heard, not solely by verbal presentation but also, and perhaps many times more creditably and predictable than oral argument, through pleadings. In administrative proceedings moreover, technical rules of procedure and evidence are not strictly applied; administrative process cannot be fully equated with due process in its strict judicial sense. Indeed, **deprivation of due process cannot be successfully invoked where a party was given the chance to be heard on his motion for reconsideration.** (Emphasis supplied)

As to the ruling that petitioner is ineligible to run for office on the ground of citizenship, the COMELEC First Division, discoursed as follows:

> "x x x *for respondent to reacquire her Filipino citizenship and become eligible for public office*, the law requires that she must have accomplished the following acts: (1) take the **oath of allegiance** to the Republic of the Philippines before the Consul-General of the Philippine Consulate in the USA; and (2) make a **personal and sworn renunciation of her American citizenship** before any public officer authorized to administer an oath.
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> In the case at bar, there is no showing that respondent complied with the aforesaid requirements. Early on in the proceeding, respondent hammered on petitioner's lack of proof regarding her American citizenship, contending that it is petitioner's burden to present a case. She, however, specifically denied that she has become either a permanent resident or naturalized citizen of the USA.
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> Due to petitioner's submission of newly-discovered evidence thru a Manifestation dated February 7, 2013, however, establishing the fact that *respondent is a holder of an American passport which she continues to use until June 30, 2012*, petitioner was able to substantiate his allegations. The burden now shifts to respondent to present substantial evidence to prove otherwise. This, the respondent utterly failed to do, leading to the conclusion inevitable that respondent falsely misrepresented in her COC that she is a natural-born Filipino citizen. **Unless and until she can establish that she had availed of the privileges of RA 9225 by becoming a dual Filipino-American citizen, and thereafter, made a valid sworn renunciation of her American citizenship, she remains to be an American citizen and is, therefore,**

ineligible to run for and hold any elective public office in the Philippines." (Emphasis in the original.)

Let us look into the events that led to this petition: In moving for the cancellation of petitioner's COC, respondent submitted records of the Bureau of Immigration showing that petitioner is a holder of a US passport, and that her status is that of a "*balikbayan.*" At this point, the burden of proof shifted to petitioner, imposing upon her the duty to prove that she is a natural-born Filipino citizen and has not lost the same, or that she has re-acquired such status in accordance with the provisions of R.A. No. 9225. Aside from the bare allegation that she is a natural-born citizen, however, petitioner submitted no proof to support such contention. Neither did she submit any proof as to the inapplicability of R.A. No. 9225 to her.

Notably, in her Motion for Reconsideration before the COMELEC *En Banc*, petitioner admitted that she is a holder of a US passport, but she averred that she is only a dual Filipino-American citizen, thus the requirements of R.A. No. 9225 do not apply to her. Still, attached to the said motion is an Affidavit of Renunciation of Foreign Citizenship dated 24 September 2012. Petitioner explains that she attached said Affidavit "if only to show her desire and zeal to serve the people and to comply with rules, even as a superfluity." We cannot, however, subscribe to petitioner's explanation. If petitioner executed said Affidavit "if only to comply with the rules," then it is an admission that R.A. No. 9225 applies to her. Petitioner cannot claim that she executed it to address the observations by the COMELEC as the assailed Resolutions were promulgated only in 2013, while the Affidavit was executed in September 2012.

Moreover, in the present petition, petitioner added a footnote to her oath of office as Provincial Administrator, to this effect: "This does not mean that Petitioner did not, prior to her taking her oath of office as Provincial Administrator, take her oath of allegiance for purposes of re-acquisition of natural-born Filipino status, which she reserves to present in the proper proceeding. The reference to the taking of oath of office is in order to make reference to what is already part of the records and evidence in the present case and to avoid injecting into the records evidence on matters of fact that was not previously passed upon by Respondent COMELEC." This statement raises a lot of questions – Did petitioner execute an oath of allegiance for re-acquisition of natural-born Filipino status? If she did, why did she not present it at the earliest opportunity before the COMELEC? And is this an admission that she has indeed lost her natural-born Filipino status?

To cover-up her apparent lack of an oath of allegiance as required by R.A. No. 9225, petitioner contends that, since she took her oath of allegiance in connection with her appointment as Provincial Administrator of Marinduque, she is deemed to have reacquired her status as a natural-born Filipino citizen.

This contention is misplaced. For one, this issue is being presented for the first time before this Court, as it was never raised before the COMELEC. For another, said oath of allegiance cannot be considered

> compliance with Sec. 3 of R.A. No. 9225 as certain requirements have to be met as prescribed by Memorandum Circular No. AFF-04-01, otherwise known as the Rules Governing Philippine Citizenship under R.A. No. 9225 and Memorandum Circular No. AFF-05-002 (Revised Rules) and Administrative Order No. 91, Series of 2004 issued by the Bureau of Immigration. Thus, petitioner's oath of office as Provincial Administrator cannot be considered as the oath of allegiance in compliance with R.A. No. 9225.
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> These circumstances, taken together, show that a doubt was clearly cast on petitioner's citizenship. Petitioner, however, failed to clear such doubt.[7]

11. It may need pointing out that there is no conflict between the COMELEC and the HRET insofar as the petitioner's being a Representative of Marinduque is concerned. The COMELEC covers the matter of petitioner's certificate of candidacy, and its due course or its cancellation, which are the pivotal conclusions that determines who can be legally proclaimed. The matter can go to the Supreme Court but not as a continuation of the proceedings in the COMELEC, which has in fact ended, but on an original action before the Court grounded on more than mere error of judgment but on error of jurisdiction for grave abuse of discretion. At and after the COMELEC *En Banc* decision, there is no longer any certificate cancellation matter than can go to the HRET. In that sense, the HRET's constitutional authority opens, over the qualification of its MEMBER, who becomes so only upon a duly and legally based proclamation, the first and unavoidable step towards such membership. The HRET jurisdiction over the qualification of the Member of the House of Representatives is original and exclusive, and as such, proceeds *de novo* unhampered by the proceedings in the COMELEC which, as just stated has been terminated. The HRET proceedings is a regular, not summary, proceeding. It will determine who should be the Member of the House. It must be made clear though, at the risk of repetitiveness, that no hiatus occurs in the representation of Marinduque in the House because there is such a representative who shall sit as the HRET proceedings are had till termination. Such representative is the duly proclaimed winner resulting from the terminated case of cancellation of certificate of candidacy of petitioner. The petitioner is not, cannot, be that representative. And this, all in all, is the crux of the dispute between the parties: who shall sit in the House in representation of Marinduque, while there is yet no HRET decision on the qualifications of the Member.

12. As finale, and as explained in the discussion just done, no unwarranted haste can be attributed, as the dissent does so, to the resolution

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7 *Rollo*, pp. 181-184.

of this petition promulgated on 25 June 2013. It was not done to prevent the exercise by the HRET of its constitutional duty. Quite the contrary, the speedy resolution of the petition was done to pave the way for the unimpeded performance by the HRET of its constitutional role. The petitioner can very well invoke the authority of the HRET, but not as a sitting member of the House of Representatives.[8]

The inhibition of this *ponente* was moved for. The reason for the denial of the motion was contained in a letter to the members of the Court on the understanding that the matter was internal to the Court. The *ponente* now seeks the Courts approval to have the explanation published as it is now appended to this Resolution.

The motion to withdraw petition filed AFTER the Court has acted thereon, is noted. It may well be in order to remind petitioner that jurisdiction, once acquired, is not lost upon the instance of the parties, but continues until the case is terminated.[9] When petitioner filed her Petition for *Certiorari*, jurisdiction vested in the Court and, in fact, the Court exercised such jurisdiction when it acted on the petition. Such jurisdiction cannot be lost by the unilateral withdrawal of the petition by petitioner.

More importantly, the Resolution dated 25 June 2013, being a valid court issuance, undoubtedly has legal consequences. Petitioner cannot, by the mere expediency of withdrawing the petition, negative and nullify the Court's Resolution and its legal effects. At this point, we counsel petitioner against trifling with court processes. Having sought the jurisdiction of the Supreme Court, petitioner cannot withdraw her petition to erase the ruling adverse to her interests. Obviously, she cannot, as she designed below, subject to her predilections the supremacy of the law.

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8 Petitioner before the HRET, can manifest what she desires in this Motion for Reconsideration concerning the existence of Identification Certificate No. 05-05424 issued by the Bureau of Immigration dated 13 October 2005, ostensibly recognizing her "as a citizen of the Philippines as per (pursuant) to the Citizenship Retention and Re-acquisition Act of 2003 (R.A. 9225) in relation to Administrative Order No. 91, S. of 2004 and Memorandum Circular No. AFF-2004-01 per order of this no. CRR No. 05-10/03-5455 AFF No. 05-4961 signed by Commissioner ALIPIO F. FERNANDEZ dated October 6, 2005." Petitioner belatedly submitted this manifestation in her Motion for Reconsideration for the stated reason that "her records with the Bureau of Immigration has been missing. Fortunately, her Index Card on file at the Fingerprint Section was found and it became the basis, together with Petitioner's copy of the certificate which she just unearthed lately, for the issuance of a certified true copy of her Identification Certificate No. 05-05424." See *rollo*, pp. 364 and 311.

9 *Office of the Ombudsman v. Rodriguez,* G.R. No. 172700, 23 July 2010, 625 SCRA 299, 307

WHEREFORE, The Motion for Reconsideration is **DENIED**. The dismissal of the petition is affirmed. Entry of Judgment is ordered.

SO ORDERED.

JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:

See Separate Concurring Opinion

MARIA LOURDES P. A. SERENO
Chief Justice

See Dissenting Opinion

ANTONIO T. CARPIO
Associate Justice

NO PART

PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

See: Dissent.

ARTURO D. BRION
Associate Justice

No Part

DIOSDADO M. PERALTA
Associate Justice

No part

LUCAS P. BERSAMIN
Associate Justice

(On official leave)

MARIANO C. DEL CASTILLO
Associate Justice

See Concurring opinion

ROBERTO A. ABAD
Associate Justice

I join J. Carpio in his Dissent

MARTIN S. VILLARAMA, JR.
Associate Justice

No part

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

No Part
ESTELA M. PERLAS-BERNABE
Associate Justice

See dissenting opinion
MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Resolution were reached in consultation before the case was assigned to the writer of the opinion of the Court.

MARIA LOURDES P. A. SERENO
Chief Justice