



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

SALIC DUMARPA,
Petitioner,

G.R. No. 192249

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,
Respondent.

Promulgated:

APR 09 2010

X-----X

DECISION

PEREZ, J.:

Challenged in this petition for prohibition and *mandamus* with prayer for issuance of temporary restraining order and/or writ of preliminary injunction under Rule 64, in relation to Rule 65, of the Rules of Court is Resolution No. 8965¹ issued by respondent Commission on Elections (COMELEC) *en banc* and entitled Guidelines and Procedures in the Conduct of Special Elections in Some Areas Where There are Failure of Elections during the Conduct of the [10 May 2010] National Elections. Petitioner Salic Dumarpa (Dumarpa) seeks to annul or declare illegal

* On leave.
¹ Dated 28 May 2010. *Rollo*, pp. 29-39.

Sections 4² and 12³ of COMELEC Resolution No. 8965 for having been issued with grave abuse of discretion.

² **Sec. 4. Special Board of Election Inspectors.** – For purposes of the conduct of special elections, there is a need to constitute a Special Board of Election Inspector (SBEIs) for all the clustered precincts affected.

In areas where the constituted BEIs are not willing to serve or are disqualified due to relationship, the SAO shall constitute and appoint the SBEIs.

Public school teachers from other municipalities not otherwise disqualified shall be given preference in the appointment as members of the SBEIs.

The Division School Superintendent of the Department of Education in Lanao del Sur, Basilan, Western Samar and Sarangani shall submit to the Provincial Election Supervisor not later than 30 May 2010 a list of public school teachers, preferably DOST certified to operate the PCOS, who will be assigned as members of the BEIs.

For this purpose, the requirement that members of the BEIs must be residents of the municipality where they are assigned is hereby suspended.

³ **Sec. 12. Clustering of Precincts.** – For purposes of orderly conduct of special elections and security, the revised clustering of precincts for Lanao del Sur, are hereto provided:

MUNICIPALITIES	BARANGAYS	VOTING CENTER
LUMBA BAYABAO	MARIBO	MARIBO ELEM. SCHOOL
	BUAD LUMBAC	
	SALOLODUN BERWAR	
	POSUDARAGAT	
	SONGGOD	
	TAMLANG	
	BAUGAN	GALAWAN ELEMENTARY SCHOOL
	DALIDIGAN MINARING	
	DIALONGANA	
	GADONGAN	
	GALAWAN	
	LINDONGAN DIALONGANA	
	BARIT	
	CARANDANGAN	
	MAPOLING	
	TONGCOPAN	
	TOROGAN	DAGALANGIT ELEM. SCHOOL
	RUMAYAS	
	LUMBACA BACAWAYAN	
	BACOLOD I	BACOLOD ELEM. SCHOOL
	BACOLOD II	
	DILINDONGAN CADAYONAN	
	PAGAYAWAN	
	SARIGIDAN MADIAR	
	TALUAN	TALUAN ELEM. SCHOOL
	LAMA	
	CALILANGAN	
	CORMATAN LANGBAN	
	SALAMAN	SALAMAN ELEM. SCHOOL
	CABASARAN	
	KASOLA	
	LALANGITUN	
	MACAGUILING	
	MAPANTAO	MAPANTAO ELEM. SCHOOL
	GAMBAI	
	LOBO BASARA	
	SABALA BANTAYAO	
	BANTAYAO POB.	
	ALIP LALABUAN	

MASIU	MORIATAO BAE LABAY	MUNICIPAL GYM POBLACION APA
	ABDULAH BUISAN	
	MOCAMAD TANGUL	
	DALUG BALUT	
	GONDARANGIN ASA ADIGAO	
	PUTAD MARANDANG BUISAN	
	MAI SINDAOLAN DANSALAN	
	MAGAYO BAGOINGUD	
	LUMIGIS SUCOD	
	SAMBUWANG ATAWA	
	TAMBORO CORMATAN	
	TOMAMBILING LUMBACA INGUD	MUNICIPAL GRAND STAND POB. APA MIMBALAY
	MAI DITIMBANG BALINDONG	
	CARAMIAN ALIM RAYA	
	POB. MACOMPARA APA MIMBALAI	
	LUMBACA INGUD	
	BUADI AMLOY	
	KALILANGAN	
	MACALUPANG LUMBAC CARAMIAN	
	ALUMPANG PAINO MIMBALAY	
	MACADAAG TALAGUIAN	
	LAILA LUMBAC BACON	
	PANTAO	NEW MUNICIPAL HALL, POB. APA MIMBALAY
	LAKADUN	
	MATAO ARAZA	
	UNDA DAYAWAN	
	MANALOCON TALUB	
	LANGCO DIMAPATOY	
	TOWANAO ARANGGA	
	GUINDOLONGAN ALABAT	
	MACABANGAN IMBALA	
	LANGI TALUB	
	SAWIR	
	BONTALIS MARANAT	
BAYANG	CONDARAAN POB.	DIWAN ELEMENTARY SCHOOL
	SILID	
	TOCA	
	BAIRAN	
	BAYANG POBLACION	
	TOMAROMPONG	
	SAMPORNA	
	MALIWANAG	
	LUMBAK	
	POROTAN	
	BAGOINGUD	
	RANTIAN	
	LALAPUNG CENTRAL	
	LALAPUNG PROPER	
	LALAPUNG UPPER	
	TOMANGCAL LIGI	
	BIALAAN	
	BIABI	
	SAPA	
	RINABOR	

	PARAO	MAUYAG PANADADATAN NATIONAL HIGH SCHOOL
	GANDAMATO	
	PAMACOTAN	
	PANTAR	
	SUMBAG	
	SULTAN PANDAPATAN	SULTAN PANDAPATAN ELEMENTARY SCHOOL
	TOROGAN	
	LIONG	
	CORMATAN	
	BANDINGUN	
	MINBALAWAG	
	CADINGILAN ORIENTAL	
	LINAO	LINAO ELEM. SCHOOL
	CADINGILAN OCCIDENTAL	
	TAGORANAO	TAGORANAO ELEM. SCHOOL
	TANGCAL	
	TANGCAL PROPER	
	BUBONG LILOD	BUBONG ELEMENTARY SCHOOL
	BUBONG RAYA	
	PALAO	
	SUGOD	
	PATONG	
	ILIAN	
	MAPANTAO	
	CADAYONAN RAYA	
	CADAYONAN LUMBAC	
	CADAYONAN	
	PAMAAN	
	LINUK	
LUMBACA – UNAYAN	CALIPAPA	ORIENTAL BETA ELEM. SCHOOL
	ORIENTAL BETA	
	POBLACION	DILAUSAN ELEMENTARY SCHOOL
	BANGON	
	DIMAPAOK	
	LUMBAC DILAUSAN	
	BETA PROPERT	
	CALALON	
	TRINGON	
MAROGONG	MAROGONG PROPER	SULTAN ABDULMADID NATIONAL HIGH SCHOOL (MAROGONG PROPER, POBLACION)
	BALT	
	BULAWAN	
	CAIRANTRANA	
	CANIBONGAN	
	PIANGOLOGAN	
	PABRICA	
	PAIGOAY CODA	MAROGONG CETRAL ELEMENTARY SCHOOL (BARANGAY PROPER, POBLACION)
	BAGUMBAYAN	
	BITAYAN	
	BONGA	
	CABASARAN	
	CADAYUNAN	
	CAHERA	
	CALUMBOG	
	DIRAGUN	
	MANTAILOCO	
	MAPANTAO	
	MAROGONG EAST	
	MAYAMAN	

Dumarpa was a congressional candidate for the 1st District of Lanao del Sur at the 10 May 2010 elections. The COMELEC declared a total failure of elections in seven (7) municipalities, including the three (3) Municipalities of Masiu, Lumba Bayabao and Kapai, which are situated in the 1st Congressional District of Province of Lanao del Sur. The conduct of special elections in the seven (7) Lanao del Sur municipalities was originally scheduled for 29 May 2010.

On 25 May 2010, COMELEC issued Resolution No. 8946,⁴ resetting the special elections to 3 June 2010 for the following reasons:

x x x x

1. Aside from the reported seven (7) municipalities where there are total failure of elections, there are precincts in eight (8) other municipalities where there were failure of elections, namely:

	PASAYANAN	MADRASATOL REAYATOL ATFAL (MAIDANA, MAROGONG, PROPER)
	PURACAN	
	ROMAGONDONG	
	SARANG	
SULTAN DOMALONDONG	DINGANUN	DINGANUN ELEM. SCHOOL
	MALALIS	
	SOMALINDAO	
	BACAYAWAN	PUNUNG ELEM. SCHOOL
	PAGALONGAN	LUMBAC ELEM. SCHOOL
	LUMBAC	
	TAGORANAO	
TUBARAN	TANGCAL	TANGCAL ELEM. SCHOOL
	GUIARONG	
	DATU MANONG	
	BAGAUANGUN	
	WAGO	
	MINDAMDAG	
	TUBARAN	TUBARAN ELEM. SCHOOL
	GAPUT	
	ALOG	
	DINAIGAN	
	MALAGANDING	
	MATITICOP	
	PAIGOAY	
	MADAYA	
	BURIBED	BURIBID ELEM. SCHOOL
	GADONGAN	
	BETA	
	PAGALAMATAN	
	RIANTARAN	
	CAMPO	
	POLO	

⁴ Entitled, In the Matter of Resetting the [29 May 2010] Special Elections in Lanao del Sur to [3 June 2010] and Other Related Matters.

x x x x

2. The results of elections in the said municipalities will affect the elections not only in the provincial level (Congressman, Vice-Governor and *Sangguniang Panlalawigan*) but also in the municipal level.

3. There are missing ballots in the following precincts more particularly in:

- a. *Brgy. Picotaan*, Lumbatan with 682 registered voters[.]
- b. *Brgy. Pagalamatan*, Tugaya with 397 registered voters.

4. Based on reports some of the BEIs are not willing to serve or are disqualified due to relationship;

5. The Precinct Count Optical Scan (PCOS) assigned in the said municipalities were already pulled out by *Smartmatic*;

6. There is a need for the newly constituted BEIs to undergo training and certification as required under R.A. 9369.

7. There is a need to review the manning of Comelec personnel in the municipal level and assess their capabilities to discharge their duties and functions not only as an Election Officer but also as Chairman of the Board of Canvassers.

x x x x

Considering the foregoing, the Commission RESOLVED, as it hereby RESOLVES as follows:

1. to reset the special elections scheduled on 29 May 2010 pursuant to the Commission En Banc Resolution promulgated May 21, 2010 in the following areas:

x x x x

and to reschedule the same on June 3, 2010;

2. to prepare the logistical, manpower and security requirements in connection with the conduct of said special elections;

3. to direct the Regional Election Director and the Provincial Election Supervisor to notify the candidates/interested parties thereat; and

4. to hear the petitions/report/s on the failure of elections on the eight (8) other municipalities in Lanao del Sur, to wit:

x x x x

Let the Executive Director implement this resolution and the Education and Information Department publish this resolution in two (2) newspapers of general circulation.⁵

Subsequently, COMELEC issued the herein assailed resolution which provided, among others, the constitution of Special Board of Election Inspectors (SBEI) in Section 4 and Clustering of Precincts in Section 12.

On the same date COMELEC Resolution No. 8965 was issued, on 28 May 2010, Dumarpa filed a Motion for Reconsideration concerning only Sections 4 and 12 thereof as it may apply to the Municipality of Masiu, Lanao del Sur. The COMELEC did not act on Dumarpa's motion.

A day before the scheduled special elections, on 2 June 2010, Dumarpa filed the instant petition alleging that "both provisions on Re-clustering of Precincts (Section 12) and constitution of SBEIs [Special Board of Election Inspectors] (Section 4) affect the Municipality of Masiu, Lanao del Sur, and will definitely doom petitioner to certain defeat, if its implementation is not restrained or prohibited by the Honorable Supreme Court."

Parenthetically, at the time of the filing of this petition, Dumarpa was leading by a slim margin over his opponent Hussin Pangandaman in the canvassed votes for the areas which are part of the 1st Congressional District of Lanao del Sur where there was no failure of elections.⁶

We did not issue a temporary restraining order or a writ of preliminary injunction. Thus, the special elections on 3 June 2010 proceeded as scheduled.

Petitioner is adamant that:

1. x x x SECTION 12 OF COMELEC RESOLUTION NO. 8965 x x x IS ILLEGAL OR VOID, BEING CONTRARY TO LAW, AND ARE ISSUED OR EMBODIED IN SAID RESOLUTION WITHOUT NOTICE TO CANDIDATES AND STAKEHOLDERS AND WITHOUT HEARING;
2. x x x SECTION 4 OF COMELEC RESOLUTION NO. 8965 x x x IS ILLEGAL OR VOID, BEING CONTRARY TO LAW, AND ARE

⁵ *Rollo*, pp. 24-28.

⁶ Asserted by the OSG in its Comment. *Id.* at 241.

ISSUED OR EMBODIED IN SAID RESOLUTION WITHOUT NOTICE TO CANDIDATES AND STAKEHOLDERS AND WITHOUT HEARING;

3. PUBLIC RESPONDENT, THE HONORABLE COMMISSION ON ELECTIONS, ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION, IN INCORPORATING, PROVIDING, OR ISSUING SECTION 12 AND SECTION 4 IN SAID RESOLUTION NO. 8965[.]⁷

The Office of the Solicitor General (OSG), however, in its sparse Comment counters that the issues have been mooted by the holding of the special elections as scheduled on 3 June 2010. As a catch-all refutation, the OSG maintains that COMELEC Resolution No. 8965 is not tainted with grave abuse of discretion.

We dismiss the petition.

Indeed, the special elections held on 3 June 2010 mooted the issues posed by Dumarpa. The opponent of Dumarpa, Hussin Pangandaman, was proclaimed winner in the 1st Congressional District of Lanao del Sur. We see this as a supervening event which, additionally, mooted the present petition as the issues raised herein are resolvable in the election protest.⁸

A moot and academic case is one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical value. As a rule, courts decline jurisdiction over such case, or dismiss it on ground of mootness.⁹

In any event, the petition is unmeritorious.

COMELEC issued Resolution No. 8965, in the exercise of its plenary powers in the conduct of elections enshrined in the Constitution¹⁰ and statute.¹¹

⁷ Id. at 7-8.

⁸ See <http://www.tribune.net.ph/index.php/nation/item/6236-hret-urged-to-resolve-poll-protest-in-lanao> visited last 17 March 2013. See also *Pangandaman v. COMELEC*, 377 Phil. 297, 316 (1999).

⁹ *Mendoza v. Familara*, G.R. No. 191017, 15 November 2011, 660 SCRA 70, 80.

¹⁰ **ARTICLE IX CONSTITUTIONAL COMMISSION**
A. COMMON PROVISIONS

Sec. 6. Each Commission *en banc* may promulgate its own rules concerning pleadings and practice before it or before any of its offices. Such rules however shall not diminish, increase, or modify substantive rights.

x x x x

C. THE COMMISSION ON ELECTIONS

x x x x

Sec. 2. The Commission on Elections shall exercise the following powers and functions:

- (1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.
- (2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective *barangay* officials decided by trial courts of limited jurisdiction.
Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and *barangay* offices shall be final, executory, and not appealable.
- (3) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.
- (4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.
- (5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.
Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.
- (6) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.
- (7) Recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies.
- (8) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision.
- (9) Submit to the President and the Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

11

Sec. 52. Powers and functions of the Commission on Elections. - In addition to the powers and functions conferred upon it by the Constitution, the Commission shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections, and shall:

x x x x

- a. Exercise direct and immediate supervision and control over national and local officials or employees, including members of any national or local law enforcement agency and instrumentality of the government required by law to perform duties relative to the conduct of

elections. In addition, it may authorize CMT cadets eighteen years of age and above to act as its deputies for the purpose of enforcing its orders.

The Commission may relieve any officer or employee referred to in the preceding paragraph from the performance of his duties relating to electoral processes who violates the election law or fails to comply with its instructions, orders, decisions or rulings, and appoint his substitute. Upon recommendation of the Commission, the corresponding proper authority shall suspend or remove from office any or all of such officers or employees who may, after due process, be found guilty of such violation or failure.

- b. During the period of the campaign and ending thirty days thereafter, when in any area of the country there are persons committing acts of terrorism to influence people to vote for or against any candidate or political party, the Commission shall have the power to authorize any member or members of the Armed Forces of the Philippines, the National Bureau of Investigation, the Integrated National Police or any similar agency or instrumentality of the government, except civilian home defense forces, to act as deputies for the purpose of ensuring the holding of free, orderly, and honest elections.
- c. Promulgate rules and regulations implementing the provisions of this Code or other laws which the Commission is required to enforce and administer, and require the payment of legal fees and collect the same in payment of any business done in the Commission, at rates that it may provide and fix in its rules and regulations.

Rules and regulations promulgated by the Commission to implement the provisions of this Code shall take effect on the sixteenth day after publication in the Official Gazette or in at least two daily newspapers of general circulation. Orders and directives issued by the Commission pursuant to said rules and regulations shall be furnished by personal delivery to accredited political parties within forty-eight hours of issuance and shall take effect immediately upon receipt.

In case of conflict between rules, regulations, orders or directives of the Commission in the exercise of its constitutional powers and those issued by any other administrative office or agency of the government concerning the same matter relative to elections, the former shall prevail.

- d. Summon the parties to a controversy pending before it, issue subpoena and subpoena *duces tecum*, and take testimony in any investigation or hearing before it, and delegate such power to any officer of the Commission who shall be a member of the Philippine Bar. In case of failure of a witness to attend, the Commission, upon proof of service of the subpoena to said witnesses, may issue a warrant to arrest witness and bring him before the Commission or the officer before whom his attendance is required.

Any controversy submitted to the Commission shall, after compliance with the requirements of due process, be immediately heard and decided by it within sixty days from submission thereof. No decision or resolution shall be rendered by the Commission either en banc or by division unless taken up in a formal session properly convened for the purpose.

The Commission may, when necessary, avail of the assistance of any national or local law enforcement agency and/or instrumentality of the government to execute under its direct and immediate supervision any of its final decisions, orders, instructions or rulings.

- e. Punish contempts provided for in the Rules of Court in the same procedure and with the same penalties provided therein. Any violation of any final and executory decision, order or ruling of the Commission shall constitute contempt thereof.
- f. Enforce and execute its decisions, directives, orders and instructions which shall have precedence over those emanating from any other authority, except the Supreme Court and those issued in habeas corpus proceedings.
- g. Prescribe the forms to be used in the election, plebiscite or referendum.
- h. Procure any supplies, equipment, materials or services needed for the holding of the election by public bidding: Provided, That, if it finds the requirements of public bidding impractical to observe, then by negotiations or sealed bids, and in both cases, the accredited parties shall be duly notified.
- i. Prescribe the use or adoption of the latest technological and electronic devices, taking into account the situation prevailing in the area and the funds available for the purpose: Provided, That the Commission shall notify the authorized representatives of accredited political parties and candidates in areas affected by the use or adoption of technological and electronic devices not less than thirty days prior to the effectivity of the use of such devices.
- j. Carry out a continuing and systematic campaign through newspapers of general circulation, radios and other media forms to educate the public and fully inform the electorate about

Thus, it brooks no argument that the COMELEC's broad power to "enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall,"¹² carries with it all *necessary* and *incidental* powers for it to achieve the objective of holding free, orderly, honest, peaceful and credible elections.¹³

As stated in *Sumulong v. COMELEC*:

election laws, procedures, decisions, and other matters relative to the work and duties of the Commission and the necessity of clean, free, orderly and honest electoral processes.

- k. Enlist non-partisan group or organizations of citizens from the civic, youth, professional, educational, business or labor sectors known for their probity, impartiality and integrity with the membership and capability to undertake a coordinated operation and activity to assist it in the implementation of the provisions of this Code and the resolutions, orders and instructions of the Commission for the purpose of ensuring free, orderly and honest elections in any constituency. Such groups or organizations shall function under the direct and immediate control and supervision of the Commission and shall perform the following specific functions and duties:

- A. Before Election Day:

- 1. Undertake an information campaign on salient features of this Code and help in the dissemination of the orders, decisions and resolutions of the Commission relative to the forthcoming election.
- 2. Wage a registration drive in their respective areas so that all citizens of voting age, not otherwise disqualified by law may be registered.
- 3. Help cleanse the list of voters of illegal registrants, conduct house-to-house canvass if necessary, and take the appropriate legal steps towards this end.
- 4. Report to the Commission violations of the provisions of this Code on the conduct of the political campaign, election propaganda and electoral expenditures.

- B. On Election Day:

- 1. Exhort all registered voters in their respective areas to go to their polling places and cast their votes.
- 2. Nominate one watcher for accreditation in each polling place and each place of canvass who shall have the same duties, functions and rights as the other watchers of political parties and candidates. Members or units of any citizen group or organization so designated by the Commission except its lone duly accredited watcher, shall not be allowed to enter any polling place except to vote, and shall, if they so desire, stay in an area at least fifty meters away from the polling place.
- 3. Report to the peace authorities and other appropriate agencies all instances of terrorism, intimidation of voters, and other similar attempts to frustrate the free and orderly casting of votes.
- 4. Perform such other functions as may be entrusted to such group or organization by the Commission.

The designation of any group or organization made in accordance herewith may be revoked by the Commission upon notice and hearing whenever by its actuations such group or organization has shown partiality to any political party or candidate, or has performed acts in excess or in contravention of the functions and duties herein provided and such others which may be granted by the Commission.

- l. Conduct hearings on controversies pending before it in the cities or provinces upon proper motion of any party, taking into consideration the materiality and number of witnesses to be presented, the situation prevailing in the area and the fund available for the purpose.
- m. Fix other reasonable periods for certain pre-election requirements in order that voters shall not be deprived of their right of suffrage and certain groups of rights granted them in this Code.

Unless indicated in this Code, the Commission is hereby authorized to fix the appropriate period for the various prohibited acts enumerated herein, consistent with the requirements of free, orderly, and honest elections.

¹² See Article IX(C), Section 2(1) of the Constitution.

¹³ *Sumulong v. COMELEC*, 73 Phil. 288, 294-295 (1941).

Politics is a practical matter, and political questions must be dealt with realistically - not from the standpoint of pure theory. The Commission on Elections, because of its fact-finding facilities, its contacts with political strategists, and its knowledge derived from actual experience in dealing with political controversies, is in a peculiarly advantageous position to decide complex political questions.

x x x x

There are no ready-made formulas for solving public problems. Time and experience are necessary to evolve patterns that will serve the ends of good government. In the matter of the administration of the laws relative to the conduct of elections x x x, we must not by any excessive zeal take away from the Commission on Elections that initiative which by constitutional and legal mandates properly belongs to it.¹⁴

*Cauton v. COMELEC*¹⁵ emphasized the COMELEC's latitude of authority:

[The purpose of the governing statutes on the conduct of elections] is to protect the integrity of elections to suppress all evils that may violate its purity and defeat the will of the voters [citation omitted]. The purity of the elections is one of the most fundamental requisites of popular government [citation omitted]. The Commission on Elections, by constitutional mandate, must do everything in its power to secure a fair and honest canvass of the votes cast in the elections. In the performance of its duties, *the Commission must be given a considerable latitude in adopting means and methods that will insure the accomplishment of the great objective for which it was created - to promote free, orderly, and honest elections. The choice of means taken by the Commission on Elections, unless they are clearly illegal or constitute grave abuse of discretion, should not be interfered with*¹⁶ [citation omitted]. (Emphasis supplied).

Viewed against the foregoing spectrum of the COMELEC's plenary powers and the *raison d'être* for the statutes on the conduct of elections, we dismiss Dumarpa's objections about Sections 4 and 12 of COMELEC Resolution No. 8965.

Dumarpa objects to the re-clustering of precincts, only for the Municipality of Masiu, because it was undertaken: (1) without notice and hearing to the candidates affected; (2) in less than thirty days before the

¹⁴ Id. at 295-296.

¹⁵ G.R. No. L-25467, 27 April 1967, 19 SCRA 911.

¹⁶ Id. at 921-922.

conduct of the special elections; and (3) the polling place was reduced from 21 to only 3 voting centers which Dumarpa's opponent, Representative Hussin Pangandaman, controls. As regards the designation of SBEIs, Dumarpa points out that "public school teachers who are members of the board of election inspectors shall not be relieved nor disqualified from acting as such members, except for cause and after due hearing."¹⁷

Dumarpa's objections conveniently fail to take into account that COMELEC Resolution No. 8965, containing the assailed provisions on re-clustering of the precincts and the designation of special board of election inspectors, was issued precisely because of the total failure of elections in seven (7) Municipalities¹⁸ in the Province of Lanao del Sur, a total of fifteen (15) Municipalities where there was a failure of elections. Notably, the COMELEC's declaration of a failure of elections is not being questioned by Dumarpa. In fact, he confines his objections on the re-clustering of precincts, and only as regards the Municipality of Masiu.

Plainly, it is precisely to prevent another occurrence of a failure of elections in the fifteen (15) municipalities in the province of Lanao del Sur that the COMELEC issued the assailed Resolution No. 8965. The COMELEC, through its deputized officials in the field, is in the best position to assess the actual condition prevailing in that area and to make judgment calls based thereon. Too often, COMELEC has to make snap judgments to meet unforeseen circumstances that threaten to subvert the will of our voters. In the process, the actions of COMELEC may not be impeccable, indeed, may even be debatable. We cannot, however, engage in an academic criticism of these actions often taken under very difficult circumstances.¹⁹

The COMELEC actually closely followed Section 6 of the Omnibus Election Code by scheduling the special election not later than thirty (30) days after the cessation of the cause of the failure to elect. Moreover, the COMELEC sought to foreclose the possibility that the Board of Election Inspectors may not report to the polling place, as what occurred in the Municipality of Masiu, resulting in another failure of election.

Of course the case cannot preempt the decision in the election protest filed by Dumarpa before the House of Representative Electoral Tribunal, or our action should the matter reach us on petition for *certiorari*.²⁰ Our ruling

¹⁷ Section 170 of the Omnibus Election Code.

¹⁸ For the Municipality of Masiu, the Board of Election Inspectors did not report to the polling place.

¹⁹ *Loong v. COMELEC*, 365 Phil. 386, 421 (1999).

²⁰ See <http://www.tribune.net.ph/index.php/nation/item/6236-hret-urged-to-resolve-poll-protest-in-lanao> last visited 17 March 2013.

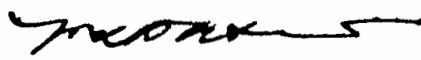
herein is confined to the issues raised by Dumarpa relative to COMELEC Resolution No. 8965.


WHEREFORE, the petition is **DISMISSED**. Costs against petitioner Salic Dumarpa.

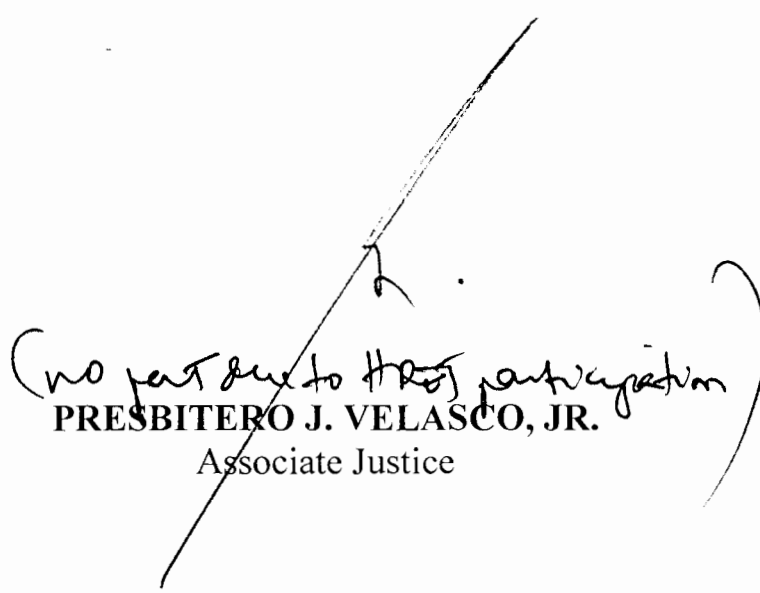
SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice

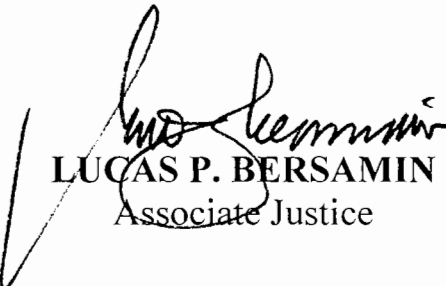

ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO REYES
Associate Justice


(On Leave)
ESTELA PERLAS-BERNABE
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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.



MARIA LOURDES P. A. SERENO
Chief Justice