



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL
COA-NCR Bldg., Batasan Road, Quezon City

RIZALITO Y. DAVID,
Petitioner,

-versus -

SET CASE No. 001-15

MARY GRACE POE LLAMANZARES,
Respondent.

x- - - - -x

RESOLUTION NO. 15-12

On 17 November 2015, the Tribunal issued its Decision in the above-captioned case, the dispositive portion of which states:

“WHEREFORE, in view of the foregoing, the petition for *quo warranto* is DISMISSED.

No pronouncement as to costs.

SO ORDERED.”

On 23 November 2015, counsel for Petitioner filed a *Verified Motion for Reconsideration* (of the Decision promulgated on 17 November 2015). Acting thereon, the Executive Committee of the Tribunal, composed of Acting Chairperson Justice Teresita J. Leonardo De Castro and Members Justice Arturo D. Brion and Senator Vicente C. Sotto III, issued on 24 November 2015, Resolution No. 15-11, requiring counsel for Respondent to comment on the motion for reconsideration within five (5) days from receipt of the Resolution.

On 01 December 2015, the Tribunal received thru courier service a *Motion for Leave to Appear and to Submit the Attached Memorandum as Amici Curiae* from Dean Arturo M. De Castro, praying that leave be granted permitting him to

appear and to submit the Memorandum (for Volunteer Amicus Curiae) attached as Annex "A" to his motion; and that the said Memorandum be admitted for due consideration in the resolution of the motion for reconsideration of Petitioner.

Also on 01 December 2015, counsel for Respondent filed his *Comment/Opposition (Re: Petitioner's Verified Motion for Reconsideration)*.

In a nutshell, Petitioner anchors his motion for reconsideration on the following allegations:

1. Burden of Evidence shifted when Petitioner established *prima facie* that Respondent is a foundling, coupled with admission of foundling status.
2. Respondent is not a natural-born citizen of the Philippines; votes of 5-man majority based on political considerations..
3. Respondent could not have reacquired Philippine citizenship under R.A. 9225.
4. The execution of her Affidavit of Renunciation did not qualify Respondent for appointive position, and later, her elective office.
5. Respondent recanted her Oath of Renunciation when she used her USA passport after renouncing USA citizenship.

In her *Comment/Opposition*, Respondent claims that Petitioner seeks reconsideration of the 17 November 2015 Decision with nothing more than offensive, defamatory and baseless ascriptions of improper motives, or worse, general ignorance, to the Senator-Members who compose the majority. According to Respondent,

1. Petitioner woefully failed to show that the 17 November 2015 Decision was contrary to law, or even that the Honorable Members of the Tribunal committed grave abuse of discretion.
2. Petitioner failed to substantiate his allegations of "personal" or "political considerations" on the part of the majority.
3. The Constitution itself mandates the composition of the Senate Electoral Tribunal to be partly political, and its members are

allowed, and have full and complete authority, to take into account policy considerations and the will of the people in their vote.

4. Petitioner raises no new arguments that merit serious consideration.

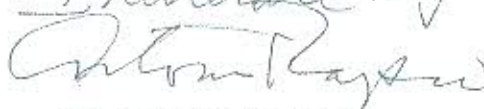
Indeed, aside from ascribing unfounded and baseless ill and improper motives to the Senator-Members who composed the majority and citing some opinion columns and tabloid reports that carry no evidentiary weight whatsoever, Petitioner utterly failed to present any new issue or arguments that would warrant a reversal of the 17 November 2015 Decision of the Tribunal.

WHEREFORE, the Tribunal resolves to **DENY** the *Verified Motion for Reconsideration (of the Decision promulgated on 17 November 2015)* of Petitioner Rizalito Y. David dated 23 November 2015.

The Tribunal further resolves to **CONFIRM** Resolution No. 15-11 dated 24 November 2015 issued by the Executive Committee of the Tribunal; to **NOTE** the Comment/Opposition filed by counsel for Respondent on 01 December 2015; to **GRANT** the motion for leave to appear and submit memorandum as *amici curiae* filed by Dean Arturo de Castro and the **NOTE** the Memorandum (for Volunteer Amicus Curiae) earlier submitted by Dean de Castro before the Commission on Elections in SPA No. 15-139 (DC), entitled "Amado D. Valdez, Petitioner, versus Mary Grace Natividad Sonora Poe Llamanzares, Respondent."

SO ORDERED.

03 December 2015.

I reiterate my Dissenting Opinion.


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

I reiterate my dissenting opinion:

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO

Associate Justice
Member

I reiterate my Dissenting Vote

Arturo D. Brion

ARTURO D. BRION
Associate Justice
Member

Bam Aquino

PAOLO BENIGNO "BAM" AQUINO IV

Senator
Member

Pia S. Cayetano

PIA S. CAYETANO

Senator
Member

Cynthia A. Villar

CYNTHIA A. VILLAR

Senator
Member

Maria Lourdes Nancy S. Binay

MARIA LOURDES NANCY S. BINAY

Senator
Member

I reiterate my dissenting vote

Vicente C. Sotto III

VICENTE C. SOTTO III

Senator
Member

Loren B. Legarda

LOREN B. LEGARDA

Senator
Member