

RIZALITO Y. DAVID
Petitioner,

- versus -

SET Case No. 001-15

MARY GRACE POE LLAMANZARES,
Respondent.

Promulgated : NOV 17 2015

X ----- X



SEPARATE OPINION

I concur with the foregoing Decision of this Tribunal dismissing the petition to disqualify respondent as Senator of the Republic, being consistent with the facts and laws on the matter.

The composition of the Senate Electoral Tribunal is predominantly political, six Senators and three Justices of the Supreme Court. The Philippine Constitution did not demand a strictly legal viewpoint in deciding disqualification cases against senators. Had the intention been different, the Constitution should have made the Supreme Court also sit as the Senate Electoral Tribunal. The fact that six Senators, elected by the whole country, form part of the Senate Electoral Tribunal would suggest that the judgment of the whole Filipino nation must be taken into consideration also.

For her possible candidacy as Vice-President, respondent's status as a natural-born Filipino was taken for granted. It was only when she began leading the surveys for the next President of the Philippines did the spectre of her being declared disqualified to hold elective public office begin to materialize. Disqualification cases were likewise thrown against respondent's father, FPJ, when the latter ran for the Presidency; likewise against the late great Chief Justice Claudio Teehankee.

The decision that the Senate Electoral Tribunal will pronounce in instant case would set a precedent and will definitely affect not only the respondent, but also all the foundlings in the country. Foundlings in orphanages would need to perform some acts in the future to acquire Filipino citizenship and qualify for adoption by foster parents. This is not to declare the Philippines an open city for day-old infants to be washed ashore and given Filipino citizenship. I only mean to assert that anyone who claim otherwise must come with proof that a particular individual is of foreign citizenship. Much like the ceremony on marriages, that those who know of any impediment to the

nuptial of self-adjudged qualified persons, must perforce speak at the crucial moment of exchange of vows or forever hold his tongue.

Those of us who fought for the right to life in recent political episodes should now pursue the right to political equality of those whom we fought for to see the light of day. To do otherwise is to abandon the cause we fought so hard for. The least of our brethren are not only the unborn in the womb, but also the abandoned child on our doorstep. They are called foundlings.

In any case, it is not the fault of foundlings that their parents abandoned them. The principle of social justice applies in cases of this nature. As the saying goes, which was popularized by late President Magsaysay, ***“he who has less in life should have more in law.”***

With the foregoing premises, I vote to DISMISS the Petition for *quo warranto* against the Respondent MARY GRACE POE LLAMANZARES.


VICENTE C. SOTTO III

NOV 17 2015