



15 June 2011

MS. JESSA MAE B. JARILLA

Research Writer
Philippine Center for
Investigative Journalism
3F Criselda Bldg., II
107 Scout De Guia St.,
Quezon City

Dear Ms. Jarilla:

This has reference to the letter you sent the Hon. Jejomar C. Binay inquiring on the non-filing of the Statement of Electoral Contributions and Expenditures of United Opposition Coalition (“UNO Coalition”) for the concluded 10 May 2010 National and Local Elections.

In answer to your query let us start by stating that for purposes of the 2010 National and Local Elections, the United Opposition, a coalition between the Partido Demokratiko Pilipino Lakas ng Bayan (PDP-LABAN) and Partido ng Masang Pilipino (PMP), filed a Petition for Re-registration with the Commission on Elections on 16 November 2009.

Despite the compliance with the jurisdictional requirement of publication of the Petition in three (3) newspapers of general circulation, the presentation of witness, the formal offer of exhibits and the fact that no objection or opposition was made by anyone, it still took the Commission on Elections (Second Division) more than a reasonable time to resolve the Petition. In fact, it was only on 12 January 2010 that the COMELEC (Second Division) promulgated its Resolution finding that UNO Coalition has *“all the qualifications and none of the disqualification for accreditation as a political coalition.”* A copy of the Resolution is hereto attached as Annex “A”.

The last day for filing of Certificates of Candidacy for any and all elective position during the 2010 National and Local Elections was on 01 December 2009. Since UNO Coalition at that time was not yet accredited as a political coalition by the COMELEC, it consequently was unable to issue Certificates of Nomination and Acceptance (“CONA”) to all their candidates for any electoral position. As a result, UNO coalition candidates had to be issued CONAs by their respective political parties, PDP Laban and PMP in this case.

Comelec Resolution No. 8944¹, as amended by Comelec Resolution No. 8993² indeed required the filing of Statements of Electoral Contributions and Expenditures by every candidate, political party or party list group on 24 June 2010. Section 14 of Resolution No. 8944, however, states in clear language that “[w]ithin the same period, every treasurer of the political party or party list group that **participated** in the elections shall file with the Law Department of the COMELEC its statement of election contributions and expenditures”.


The operative act by which a political party is considered to have participated in any electoral exercise is their issuance of CONA to any and all their candidates. In the case of UNO, however, since it was accredited way beyond the filing of the Certificates of Candidacy, it was unable to issue CONAs to any of its candidates. In simple terms, UNO, in effect has taken no part in the concluded 2010 elections.

As mentioned, candidates for the Coalition had to be issued their CONAs by their respective political parties, in the case of Vice President Binay, his CONA was issued by his political party, the PDP Laban. As regards PDP-Laban, it has complied with the requirements of Comelec Resolution Nos. 8944 and 8993 by filing its Statement of Electoral Contributions and Expenditures within the allowable period.

We hope this answers your query. We truly appreciate your interest on the matter.

Thank you very much.

Very truly yours,


MARIA DONNAH GUIA C. LERONA-CAMITAN
For PDP Laban

Cc :

HON. JEJOMAR C. BINAY
Vice President
Republic of the Philippines
Coconut Palace, Pasay City

ATTY. AQUILINO L. PIMENTEL, III
Party President, PDP LABAN
J.P. Rizal Ave., Makati City

¹ promulgated on 25 May 2010

² Promulgated on 15 June 2010



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

TIME: 12:00
DATE: 01/20/10
RECEIVED BY: [Signature]

SECOND DIVISION

IN RE: PETITION FOR RE-ACCREDITATION AND RE-REGISTRATION OF UNITED OPPOSITION ("UNO") THE CONSOLIDATED PARTY OF PDP-LABAN AND PUWERSA NG MASANG PILIPINO, AS A POLITICAL PARTY COALITION FOR THE MAY 2010 ELECTIONS,

SPP NO. 09-305 (PP)

UNITED OPPOSITION ("UNO"), HEREIN REPRESENTED BY ITS PARTYCHAIRMAN, HON. JEJOMAR C. BINAY,

Petitioner,

X-----X

NOTICE

- 1. ATTY. MARIA DONNAH GUIA C. LERONA-CAMITAN**
Counsel for the Petitioner
131 Panay Avenue, South Triangle
1103 Quezon City, Metro Manila
- 2. JEJOMAR C. BINAY**
President, United Opposition ("UNO")
Mayor, Makati City
Makati City, Metro Manila
- 3. UNITED OPPOSITION "UNO" HEADQUARTERS**
8th Floor, 409 Shaw Boulevard,
Mandaluyong City, Metro Manila
- 4. ATTY. AQUILINO L. PIMENTEL III**
Secretary-General, PDP LABAN
Unit 2106, Atlanta Center, No. 31 Annapolis St.,
Greenhills, San Juan, Metro Manila

GREETINGS

Attached is a copy of the **RESOLUTION** of the Commission (**SECOND DIVISION**) in the above-entitled case promulgated January 12, 2010.

Manila, 13 January 2010.

FOR THE DIVISION:

MA. JOSEFINA E. DELA CRUZ
Clerk of the Commission *1/13/10*



Republic of the Philippines
 COMMISSION ON ELECTIONS
 Intramuros, Manila

SECOND DIVISION

IN RE: PETITION FOR RE-ACCREDITATION AND RE-REGISTRATION OF UNITED OPPOSITION ("UNO") THE CONSOLIDATED PARTY OF PDP-LABAN AND PUWERSA NG MASANG PILIPINO, AS A NATIONAL POLITICAL PARTY COALITION FOR THE MAY 2010 ELECTIONS.

SPP Case No. 09-305 (PP)

UNITED OPPOSITION ("UNO"), HEREIN REPRESENTED BY ITS CHAIRMAN, HON. JEJOMAR C. BINAY,

Pronulgated:

JAN 12 2010

Petitioner.

X-----X
 Per Curiam

RESOLUTION

For consideration of the Commission is the verified Petition for Re-Registration¹ of UNITED OPPOSITION (UNO), the consolidated party of PDP-Laban and Puwersa ng Masang Pilipino (PMP), as a National Political Party Coalition for the May 2010 Elections.

Petitioner United Opposition (UNO), the political coalition of PDP-Laban and Puwersa ng Masang Pilipino (PMP) filed a petition for

¹ Rollo, page 1.

re-registration on November 16, 2009 pursuant to Section 2(5)², subdivision C, Article IX of the Constitution in relation to Art. VIII³ of the Omnibus Election Code and Rule 32⁴ of the Comelec Rules of Procedure. It alleges the following in its petition, to wit:

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

(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."

³ "Article VIII.

Sec. 60. Political party. - "Political party" or "party", when used in this Act, means an organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions. To acquire juridical personality, qualify it for subsequent accreditation, and to entitle it to the rights and privileges herein granted to political parties, a political party shall first be duly registered with the Commission. Any registered political party that, singly or in coalition with others, fails to obtain at least ten percent of the votes cast in the constituency in which it nominated and supported a candidate or candidates in the election next following its registration shall, after notice and hearing be deemed to have forfeited such status as a registered political party in such constituency.

Sec. 61. Registration. - Any organized group of persons seeking registration as a national or regional political party may file with the Commission a verified petition attaching thereto its constitution and by-laws, platform or program of government and such other relevant information as may be required by the Commission. The Commission shall, after due notice and hearing, resolve the petition within ten days from the date it is submitted for decision.

No religious sect shall be registered as a political party and no political party which seeks to achieve its goal through violence shall be entitled to accreditation.

Sec. 62. Publication of petition for registration or accreditation. - The Commission shall require publication of the petition for registration or accreditation in at least three newspapers of general circulation and shall, after due notice and hearing, resolve the petition within fifteen days from the date it is submitted for decision."

⁴ "Rule 32 - Registration of Political Parties or Organization

Section 1. Petition for Registration. - Any political party, organization or coalition of political parties seeking registration pursuant to Section 2 (5), Subdivision C of Article IX of the Constitution shall file with the Law Department of the Commission a petition duly verified by its President and Secretary -General, or any official duly authorized to do so under its Constitution and By-laws;

Sec. 2. Contents of Petition. - The petition for registration shall state the following:

(1) Full name of the political party, organization or coalition of political parties;

"1. In its 27 November 2006 Resolution, Annexes "A" & "A-1" hereof, the Honorable Commission (First Division) approved UNO's petition for registration as a coalition for purposes of the 2007 National and Local Elections. Now for purposes of the

(2) The principal headquarters and post office address for election purposes, including its branches and divisions, if any;

(3) The date and place of its organization;

(4) The date and manner of election or selection of its officers;

(5) The names and addresses of its organizers and officers, Executive Committee members, Directorate, or Party Convention delegates, if any;

(6) The extent of its constituency;

(7) Its program of government;

(8) That it is not a religious sect or denomination;

(9) That it shall not pursue its goals through violence or other unlawful means;

(10) That it shall uphold and adhere to the Constitution and shall obey all laws and legal orders promulgated by duly constituted authorities;

(11) That it is not supported by, nor does it accept financial contribution from any foreign government or their agencies; and

(12) Other information that may be material and relevant to the petition.

Sec. 3. Other Requirements. - The petitioner shall attach to the petition for registration ten (10) copies of its constitution and by-laws, party platform, organizational papers, declarations of political creed or code of political ethics and such other documents of similar or equivalent character.

Sec. 4. Verification. - Before taking action on the petition, the Commission shall first verify, through its field offices, the status and capacity of the petitioner and the veracity of the allegations in the petition and its enclosures. Not later than fifteen (15) days from notice of the Commission's instruction, the field office concerned shall submit its written report, in ten (10) copies, together with supporting documents or records, if any.

Sec. 5. Notice of Hearing. - Upon receipt of the reports from its field offices, the Commission shall immediately set the petition for hearing and shall send notices to the petitioner and other parties concerned.

Sec. 6. Publication of Petition and notice of Hearing. - On the day following the receipt of the notice of hearing, the petitioner shall cause the publication of the petition, together with the notice of hearing, in three (3) daily newspaper of general circulation, notifying in writing the Commission of such action.

Sec. 7. Certificate of Registration. - A certificate of registration shall be issued by the Commission upon approval of the petition, which shall be displayed in the main office and in all chapters of the petitioner.

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forthcoming 2010 National and Local Elections, UNO seeks once more the Honorable Commission's approval as a political coalition pursuant to Section 2 (5), Subdivision C of Article IX of the Philippine Constitution in relation to Article VIII of the Omnibus Election Code and Rule 32 of the Comelec Rules of Procedure.

2. At present, UNO holds and maintains its national office at the 8th Floor 409 Shaw Boulevard Mandaluyong City. But for purposes of this petition, UNO may be served with notices and processes of this Honorable Commission through undersigned counsel, ATTY. MARIA DONNAH GUIA C. LERONA-CAMITAN at 131 Panay Avenue, South Triangle, 1103 Quezon City.

3. In furtherance of their unified and common political intention, goals and aspirations and preparatory to their manifest desire to build their political forces and resources by re-registering as a political coalition, PDP-Laban and PMP make known their continuing recognition of the **Covenant of Unity** dated 04 August 2006, the same instrument they submitted to the Honorable Commission (First Division) as Exhibit "D" in SPP No. 06-025. This Covenant of Unity remains to be in full force and effect and is still regarded by both PDP-Laban and PMP as the embodiment of their continuing declaration and manifestation of complete solidarity and full unity as a political coalition. This is pursuant to paragraph 10 of the same which reads:

'10. Effectivity. This Covenant shall take effect immediately upon signing, and shall continue to remain effective unless sooner revoked by all the parties in the Coalition. The withdrawal from this Covenant by any party shall not in any manner prejudice the enforcement and implementation of the objectives of this Covenant by the remaining members of this coalition.'

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5. UNO's continuing intent and purpose is to form and unite their respective forces and resources in order to present a united front to the Filipino people that will serve as a decent and viable alternative in the forthcoming 2010 May National and Local Elections. In furtherance of such intent, PDP-Laban and PMP continue to recognize the **Declaration of Unity (Restoring Democracy, The Rule of Law & The Dignity of the Filipino)** they executed on 04 August 2006, the same Declaration they submitted before the Honorable Commission (First Division) as Exhibit "E" in SPP No. 06-025. Both parties manifested that they continue to fully subscribe to the ideals, principles, aims, goals and objectives of the UNO coalition.

6. For purposes of this re-registration, a copy of this UNO Declaration of Unity (Restoring Democracy, The Rule of Law & The Dignity of the Filipino), is attached hereto as Annex "C" and is also made an integral part of this Petition.

7. UNO coalition has adopted a common platform of government, based on their respective parties' aims, goals, objectives and aspirations expressed, declared and manifested in their respective Constitution and By-laws.

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9. Pursuant to their Covenant of Unity, petitioner UNO shall continue to have its highest governing and decision-making body the Coalition Coordinating Council ("CCC"), with **JEJOMAR C.**

BINAY of PDP-Laban as its President and Chairman and **HORACIO MORALES** of PMP as its Secretary General.

10. UNO coalition, being principally composed of two (2) duly registered political parties with national constituency, is capable of effectively participating in the forthcoming May 2010 elections, with the due competence and capability of fielding candidates, in all levels of the political spectrum--national, provincial, congressional and municipal.

11. As already determined by the Honorable Commission (First Division), in its 27 November 2006 Resolution in SPP No. 06-025, UNO coalition possesses all the qualifications and none of the disqualifications under Article IX-C, Section 2 (5) of the 1987 Philippine Constitution. At present, UNO continues to be not a religious sect nor denomination; it does not advocate violence nor unlawful means to seek its goals; it upholds and adheres to the Constitution and obeys all laws and legal orders promulgated by duly constituted authorities; it is not supported by, nor does it accept financial contribution from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties, for partisan election purposes; and it has not violated nor failed to comply with laws, rules or regulations relating to elections.

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Attached to the petition are the Certification⁵ from the Office of the Clerk of the Commission that the Petition for Registration of UNO for the May 2007 elections has been granted, the Resolution⁶ granting the said petition, the coalition's Covenant of Unity⁷ executed on August 4, 2006, UNO United Opposition DECLARATION⁸, Amended Constitution⁹ of the Partido Demokratiko Pilipino Lakas ng Bayan (PDP Laban) and the Amended Constitution and By-laws¹⁰ of the Puwersa ng Masang Pilipino.

An Order was issued on November 20, 2009 setting the instant petition for hearing on November 26, 2009 and at the same time directing the publication of the said petition together with the Order in three (3) newspapers of general circulation.

⁵ Rollo, page 9.
⁶ Rollo, page 10.
⁷ Rollo, page 15.
⁸ Rollo, page 19.
⁹ Rollo, page 22.
¹⁰ Rollo, page 49.

The Petition and the Order were published, as directed, in three (3) daily newspapers of general circulation, namely, "Daily Tribune"¹¹, "Business Mirror"¹², and "People's Tonight"¹³.

At the hearing of the case, petitioner, through its counsel, called on the witness stand the Chairman of the coalition, Jejomar C. Binay, who sufficiently substantiated the allegations in the petition and established the jurisdictional requirements.

Lastly, petitioner filed its Formal Offer of Exhibits¹⁴ on November 26, 2009.

We find merit in the Petition.

Based on the foregoing and the pertinent provisions of the law on registration of political parties, petitioner UNO has all the qualifications and none of the disqualifications for accreditation as a political coalition.

WHEREFORE, premises considered, this Petition is hereby **GRANTED**.

SO ORDERED.


NICODEMO T. FERRER
Presiding Commissioner


LUCENITO N. TAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner

¹¹ Rollo, page 80.
¹² Rollo, page 81.
¹³ Rollo, page 82.
¹⁴ Rollo, page 63.

CERTIFICATION

I hereby certify that the conclusions in the above resolution were reached in consultation among the members of the Commission before the case was assigned to the writer of the opinion for the Commission's Second Division.



NICODEMO T. FERRER
Presiding Commissioner