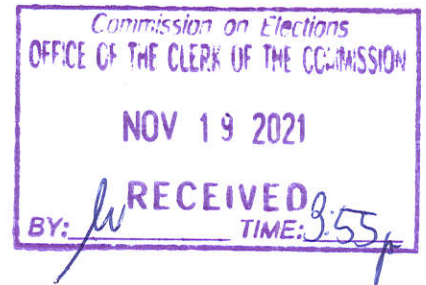


Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
 Manila

**SECOND DIVISION**

FR. CHRISTIAN B. BUENAFE,  
 FIDES M. LIM, MA. EDELIZA P.  
 HERNANDEZ, CELIA LAGMAN  
 SEVILLA, ROLAND C. VIBAL, AND  
 JOSEPHINE LASCANO,

*Petitioners,*



SPA NO. 21-156 (DC)

- versus -

FERDINAND ROMUALDEZ  
 MARCOS, JR.,

*Respondent.*

X ----- X

**ANSWER**  
**(WITH PRAYER FOR FACE TO FACE [FTF]**  
**ORAL ARGUMENTS)**

Respondent FERDINAND R. MARCOS, JR.  
 (hereinafter "**BBM**" for brevity), by counsel, most respectfully files this  
 Answer in compliance with the Honorable Commission's *Summons*  
 dated November 11, 2021, and states the following:

1. Under the Omnibus Election Code, the pertinent articles  
 for the cancellation of a candidate's Certificate of Candidacy are  
 Section 78 in relation to Section 74 which provide, as follows:

**SEC. 78. *Petition to deny due course to or cancel a certificate of candidacy.*** - A verified petition seeking to deny due course or to cancel a certificate of candidacy may be filed by the person exclusively **on the ground that any material representation contained therein as required under Section 74 hereof is false.\*** The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing, not later than fifteen days before the election.

X X X X X X X X X X

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\* Emphasis ours.

ANSWER (WITH PRAYER FOR ...)

*Fr. Christian B. Buenafe et al.*

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**SEC. 74. Contents of certificate of candidacy. -**

The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office stated therein and that he is eligible for said office; if for Member of the Batasang Pambansa, the province, including its component cities, highly urbanized city or district or sector which he seeks to represent; the political party to which he belongs; civil status; his date of birth; residence; his post office address for all election purposes; his profession or occupation; that he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities; that he is not a permanent resident or immigrant to a foreign country; that the obligation imposed by his oath is assumed voluntarily, without mental reservation or purpose of evasion; and that the facts stated in the certificate of candidacy are true to the best of his knowledge.

Unless a candidate has officially changed his name through a court approved proceeding, a certificate shall use in a certificate of candidacy the name by which he has been baptized, or if has not been baptized in any church or religion, the name registered in the office of the local civil registrar or any other name allowed under the provisions of existing law or, in the case of a Muslim, his Hadji name after performing the prescribed religious pilgrimage: Provided, That when there are two or more candidates for an office with the same name and surname, each candidate, upon being made aware or such fact, shall state his paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in his certificate of candidacy when he was elected. He may also include one nickname or stage name by which he is generally or popularly known in the locality.

The person filing a certificate of candidacy shall also affix his latest photograph, passport size; a statement in duplicate containing his bio-data and program of government not exceeding one hundred words, if he so desires.

2. A cursory reading of the Petition will show that the Petition is bereft of any specific allegation of a material representation required under Section 74 of the Omnibus Election Code.

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3. It is relevant and the Commission can take judicial notice,<sup>1</sup> that respondent had previously been elected to several elective positions in government specifically *inter alia* Provincial Governor of Ilocos Norte, Member of the House of Representatives and Member of the Philippine Senate. Upon the other hand, the Constitution provides the qualifications for President, as follows:

#### ARTICLE VII EXECUTIVE DEPARTMENT

SEC. 2. No person may be elected President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty years of age on the day of the election, and a resident of the Philippines for at least ten years immediately preceding such election.

4. Taking into account the qualifications of the various elective positions he has been elected to and occupied as above enumerated, it is of judicial notice that the respondent has all the qualifications of a President under Section 2, Article VII of the Constitution and consequently there can be no violation of Section 78 in relation to Section 74 of the Omnibus Election Code upon which a petition such as the one now before the Commission.

5. On the above basis alone, the petition merits outright dismissal.

6. In asking that BBM be disqualified, petitioners argued that BBM has committed a crime involving moral turpitude. They referred to the case entitled *The People of the Philippines vs. Ferdinand R. Marcos, Jr.*, CA-G.R. CR No. 18569, October 31, 1997, the dispositive portion of which reads, as follows:

---

<sup>1</sup> Section 1, Rule 129 of the Rules of Court.

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*vs. Ferdinand R. Marcos, Jr.*

SPA No. 21-156 (DC)

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WHEREFORE, the Decision of the trial court is hereby  
MODIFIED as follows:

1. **ACQUITTING\*** the accused-appellant of the charges of violation of Section 50 of the NIRC for non-payment of deficiency taxes for the taxable years 1982 to 1985 in Criminal Cases Nos. Q-92-29216, Q-92-29215, Q-92-29214 and Q-91-24390; and FINDING him guilty beyond reasonable doubt of violation of Section 45 of the NIRC for failure to file income tax returns for the taxable years 1982 to 1985 in Criminal Cases Nos. Q-91-24391, Q-92-29212, Q-92-29213 and Q-92-29217.

2. **Ordering\*** the appellant to pay to the BIR the deficiency income taxes due with interest at the legal rate until fully paid;

3. **Ordering\*** the appellant to pay a fine of P2,000.00 for each charge in Criminal Cases Nos. Q-92-29213, Q-92-29212 and Q-92-29217 for failure to file income tax returns for the years 1982, 1983 and 1984; and the fine of P30,000.00 in Criminal Case No. Q-91-24391 for failure to file income tax return for 1985, with surcharges.

SO ORDERED.

Paragraph 2 is unclear. It does not specify the particular deficiency income tax which appellant therein is required to pay with interest at the rate until fully paid. What is clear is that the defendant, BBM in the instant case, is in paragraph 3 "ordered to pay a fine of P2,000.00 for each charge in Criminal Cases Nos. Q-92-29213, Q-92-29212 and Q-92-29217 for failure to file income tax returns for the years 1982, 1983 and 1984; and the fine of P30,000.00 in Criminal Case No. Q-91-24391 for failure to file income tax return for 1985, with surcharges".

7. Beyond all these, what is clear and certainly beyond dispute is that the CA Decision does not, and no inference can be made from its Decision that the appellant, BBM in this case, has been found by the CA of committing a crime involving moral turpitude.

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**WHEREFORE**, it is respectfully prayed that the Petition be DISMISSED. On the matter of hearing the petition, considering that the petition refers to the highest elective position in government and calls for the participation of the people in general, that the petition be heard by face to face argument instead of a virtual or video conference.

Other just and equitable reliefs are likewise prayed for.

Makati City for the City of Manila, November 19, 2021.

  
**ESTELITO P. MENDOZA**

*Lead Counsel for respondent Ferdinand R. Marcos, Jr.*

Roll of Attorneys No. 4441

PTR No. 8530365, Makati City, 4 January 2021

IBP Lifetime No. 01652

MCLE Exemption No. VI-001158, 8 November 2018

Suite A, 18<sup>th</sup> Floor, Tower 6789

6789 Ayala Avenue, 1226 Makati City

Tel. Nos. (632) 8817-0016, 8817-0119

Fax No. 7501-5002

email: [emram@globelines.com.ph](mailto:emram@globelines.com.ph)

- and -

  
**MARGARET RAIZZA D. ANDAMAN**

Roll of Attorneys No. 58039

PTR No. 8530369, Makati City, 4 January 2021

IBP Lifetime No. 019048

MCLE Compliance No. VI-0020910, 26 March 2019

More



ANSWER (WITH PRAYER FOR ...)

*Fr. Christian B. Buenafe et al.*

*vs. Ferdinand R. Marcos, Jr.*

SPA No. 21-156 (DC)

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x ----- x

*In collaboration with :*

**M & ASSOCIATES**

*Collaborating Counsel for respondent Ferdinand R. Marcos, Jr.*

30/F Ore Central Tower  
31<sup>st</sup> Street corner 9<sup>th</sup> Avenue  
Bonifacio Global City  
Taguig 1634

Email : [inquiry@m-associates.com](mailto:inquiry@m-associates.com)

Telephone no. +63 (02) 8863 0601

By :

  
**PAOLO S. TESTON**

Roll of Attorneys No. 52114

PTR No. 6514508/ 01-06-21/Pasig City

Lifetime IBP No. 010292/RSM

MCLE Compliance No. VI- 0005372/1-12-2018

  
**AL A. BALJON**

Roll of Attorneys No. 66389

PTR No. 4596775/ 01-15-21/Mandaluyong City

Lifetime IBP No. 15065/Rizal

MCLE Compliance No. VI- 0020274/3-7-2019

  
**DRIXEL S. DABATOS**

Roll of Attorneys No. 75275

PTR No. 8536864 / 01-07-21 / Makati City

IBP Official Receipt No. 153865/01-19-21/QC

Admitted to the Bar in 2020

ANSWER (WITH PRAYER FOR ...)

*Fr. Christian B. Buenafe et al.*

*vs. Ferdinand R. Marcos, Jr.*

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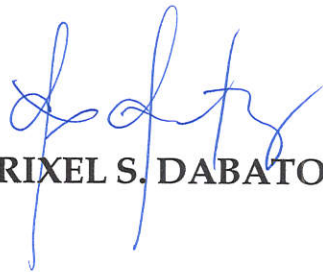
x ----- x

*Copy furnished :*

<b>ATTY. THEODORE O. TE</b> <i>Counsel for petitioners</i> 2 <sup>nd</sup> Floor, Eastside Building No. 77 Malakas Street, Diliman Quezon City	Registry Receipt No. : <u>RE 557 104 077 22</u> Date : 19 November 2021 Post Office: Market Market Taguig Post Office  LBC Tracking no. _____
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**EXPLANATION**

A copy of this *Answer* will be served on the above addressee by **registered mail** and/or **private courier** since personal service is impracticable due to distance, time and manpower constraints.

  
**DRIXEL S. DABATOS**

## VERIFICATION

I, **FERDINAND R. MARCOS, JR.**, Filipino, of legal age and with office address at G/F Sunset View Towers, 2230 Roxas Boulevard, Pasay City 1300, after having been duly sworn to in accordance with law, hereby depose and state the following :

1. I am the respondent in the case entitled "*Fr. Christian B. Buenafe et al. v. Ferdinand R. Marcos, Jr.*," filed before the Commission on Elections and docketed as SPA No. 21-156 (DC);

2. I have caused the preparation and filing of the foregoing *Answer*; and

3. I have read and understood the contents thereof and I attest that the allegations therein are true and correct based on my personal knowledge, available records and authentic documents on hand;

4. I attest that the foregoing *Answer* is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

5. I further attest that the factual allegations in the foregoing *Answer* have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;

6. I attest to the truth of the foregoing statements.

**IN WITNESS WHEREOF**, I have hereunto affixed my signature this 19<sup>th</sup> day of November 2021 in Taguig City.

  
**FERDINAND R. MARCOS, JR.**  
*Affiant*



**SUBSCRIBED AND SWORN** to before me this 19 November 2021 at Taguig City, affiant exhibiting to me his Philippine Passport No. P2450290B issued at DFA, Manila on 5 July 2019. *Affiant* is known to me to be the same person who executed the foregoing instrument and acknowledged to me that the same is his free act and deed.



*yo f*  
**PAUL JOSEPH V. MERCADO**  
Notary Public for and in Taguig City  
30<sup>th</sup> Floor, Ore Central Tower  
31<sup>st</sup> Street corner 9<sup>th</sup> Avenue  
Bonifacio Global City, Taguig 1634  
Application No. 25 (2021-2022)  
Attorney's Roll No. 65690  
PTR No. A-5075068 / 1-05-21/Taguig City  
IBP No. 153861/01-19-21/QC  
MCLE Compliance No. VI- 0025244/4-8-19

REPUBLIC OF THE PHILIPPINES )  
TAGUIG CITY ) SS.  
X-----X

AFFIDAVIT OF SERVICE

I, **JESSIE T. SALVADOR**, of legal age, Filipino, with office address at 30/F Ore Central Tower, 31<sup>st</sup> Street corner 9<sup>th</sup> Avenue, Bonifacio Global City, Taguig 1634, after having been sworn to in accordance with law, depose and state the following :

- 1. I am one of the liaison officers of **M & ASSOCIATES**, counsel for respondent *Ferdinand R. Marcos, Jr.*;
- 2. On 19 November 2021, I mailed one (1) copy of **Answer** in the case entitled *Fr. Christian B. Buenafe et al. v. Ferdinand R. Marcos, Jr.*, pending before the Commission on Elections, Manila by Registered Mail :

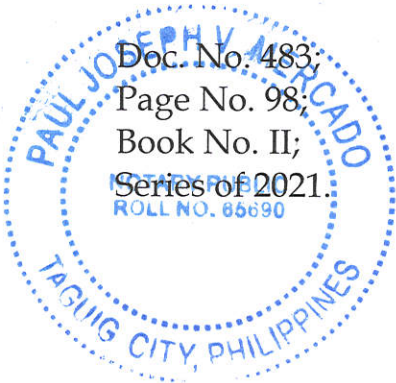
<b>ATTY. THEODORE O. TE</b> <i>Counsel for petitioners</i> 2 <sup>nd</sup> Floor, Eastside Building No. 77 Malakas Street, Diliman Quezon City	Registry Receipt No. <u>RE 557 104 077 22</u> Date : 19 November 2021 Post Office : Market Market Taguig Post Office
--	--


3. That the above service was done in Market-Market Taguig Post Office, as evidenced by the Registry Receipt hereto attached wherein the name of the addressee was indicated.

**IN WITNESS WHEREOF**, I have hereunto affixed my signature this 19<sup>th</sup> November 2021 in Taguig City.

  
**JESSIE T. SALVADOR**  
*Affiant*

**SUBSCRIBED AND SWORN** to before me this 19<sup>th</sup> November 2021 at Taguig City, affiant exhibiting to me his Tax Identification No. 230-188-418-000. Affiant is known to me to be the same person who executed the foregoing instrument and acknowledged to me that the same is his free act and deed.



  
**PAUL JOSEPH V. MERCADO**  
Notary Public for and in Taguig City  
30<sup>th</sup> Floor, Ore Central Tower  
31<sup>st</sup> Street corner 9<sup>th</sup> Avenue  
Bonifacio Global City, Taguig 1634  
Application No. 25 (2021-2022)  
Attorney's Roll No. 65690  
PTR No. A-5075068 / 1-05-21/Taguig City  
IBP No. 153861/01-19-21/QC  
MCLE Compliance No. VI-0025244/4-8-19

REPUBLIC OF THE PHILIPPINES)  
TAGUIG CITY ) SS.

**AFFIDAVIT OF SERVICE**

I, **DRIXEL S. DABATOS**, of legal age, Filipino, with office address at 30/F Ore Central Tower, 31<sup>st</sup> Street corner 9<sup>th</sup> Avenue, Bonifacio Global City, Taguig 1634, after having been sworn to in accordance with law, depose and state the following :

1. I am one of the Lawyers of **M & ASSOCIATES**, counsel for the respondent *Ferdinand R. Marcos, Jr.*;

2. On 19 November 2021 at 2:17 in the afternoon, I emailed to [clerkofthecommission@comelec.gov.ph](mailto:clerkofthecommission@comelec.gov.ph) a copy of the *Answer* dated 16 November 2021 in the case entitled *Fr. Christian B. Buenafe et al. v. Ferdinand R. Marcos, Jr.* with SPA No. 21-156 (DC), pending before the Commission on Elections, Manila;

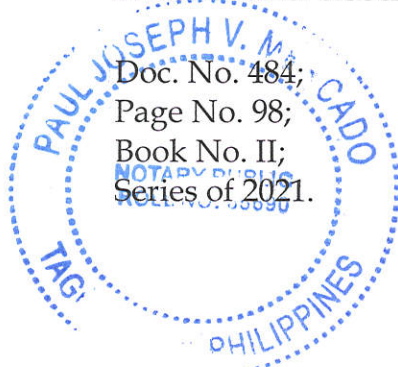
3. I took a screenshot of the email I sent to the above-mentioned party and printed the same as proof of transmittal; and


4. That I am executing this *Affidavit* to attest to the truth of the foregoing statement and for whatever legal purposes it may serve best.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19 November 2021 at Taguig City.

  
**DRIXEL S. DABATOS**  
Affiant

**SUBSCRIBED AND SWORN** to before me this 19 November 2021 at Taguig City, affiant exhibiting to me her IBP ID No. 75275. Affiant is known to me to be the same person who executed the foregoing instrument and acknowledged to me that the same is her free act and deed.



  
**PAUL JOSEPH V. MERCADO**  
Notary Public for and in Taguig City  
30<sup>th</sup> Floor, Ore Central Tower  
31<sup>st</sup> Street corner 9<sup>th</sup> Avenue  
Bonifacio Global City, Taguig 1634  
Application No. 25 (2021-2022)  
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PTR No. A-5075068 / 1-05-21/Taguig City  
IBP No. 153861/01-19-21  
MCLE Compliance No. VI-0025244/4-8-19



**From:** inquiry@m-associates.com  
**Sent:** Friday, November 19, 2021 2:17 PM  
**To:** 'clerkofthecommission@comelec.gov.ph'  
**Cc:** 'emram@globelines.com.ph'; inquiry@m-associates.com; 'vdrodriguez@bongbongmarcos.com'  
**Subject:** ANSWER - (Fr. Christian B. Buenafe et al. v. Ferdinand R. Marcos, Jr.) - SPA No. 21-156 (DC)  
**Attachments:** 1. Answer (with prayer for face to face [FTF] Oral Arguments) dated 19 November 2021.pdf; 2. Verification dated 19 November 2021.pdf; 3. Affidavit of Service by Registered Mail dated 19 November 2021.pdf; 4. Affidavit of Service by Electronic Mail dated 19 November 2021.pdf

19 November 2021

**COMMISSION ON ELECTIONS**

Palacio del Gobernador  
General Luna Street  
Intramuros, Manila 1002

Re : **ANSWER**  
**(Fr. Christian B. Buenafe et al. v. Ferdinand R. Marcos, Jr.) - SPA No. 21-156 (DC)**

Gentlemen :

For reference, attached please find the following documents in connection with the above-captioned matter :

1. *Answer (with prayer for face to face [FTF] Oral Arguments)* dated 19 November 2021;
2. *Verification* dated 19 November 2021;
3. *Affidavit of Service by Registered Mail* dated 19 November 2021;
4. *Affidavit of Service by Electronic Mail* dated 19 November 2021.

Other party was furnished with copies of the *Answer* by registered mail.

Kindly acknowledge receipt of this email.

Thank you and I look forward to your usual prompt action on this matter.

Kind regards,

Drixel Jann S. Dabatos  
Associate



30/F Ore Central Tower  
31<sup>st</sup> Street corner 9<sup>th</sup> Avenue  
Bonifacio Global City, Taguig 1634  
Philippines

Telephone : +63 (02) 8863 0601

[inquiry@m-associates.com](mailto:inquiry@m-associates.com)

<https://m-associates.com>

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