

RECEIVED

DATE: 21 DEC 2021

BY: XARYI AND G. DESAÑIE JR.

12:11 pm



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

FIRST DIVISION

IN THE MATTER OF
DECLARATION OF NULLITY
OF CONA AND
DISQUALIFICATION OF
FERDINAND R. MARCOS, JR.,

ABUBAKAR M. MANGELEN,
Petitioner,

-versus-

SPA NO. 21-233 (DC)

FERDINAND ROMUALDEZ
MARCOS, JR.,

Respondent.

x-----x

SUMMONS
WITH NOTICE OF PRELIMINARY CONFERENCE

1. ABUBAKAR M. MANGELEN

Petitioner

B2A Lot 30, Ciudad Real,
San Jose Del Monte City, Bulacan
bernardnew07@gmail.com

2. FERDINAND ROMUALDEZ MARCOS, JR.

Respondent

10 Brgy. Lacub, Batac 2906
Ilocos Norte and/or

G/F Sunset View Tower
2330 Roxas Boulevard
Pasay City 1300

Pursuant to COMELEC Resolution No. 9523,¹ Respondent is hereby **DIRECTED** to file a verified Answer to the verified *Petition*² dated 01 December 2021, copy of which was already furnished by Petitioner through courier (LBC) on 02 December 2021, within a non-extendible period of five (5) days from receipt hereof, copy furnished Petitioner and with proof of receipt. By virtue of Section 1, Rule 2 of COMELEC Resolution No. 10673³ "*In Re: Guidelines on Electronic Filing, Conduct of Hearings/Investigations/Inquiries via Video Conference and Service*," the verified Answer must be filed through e-mail to the Clerk of the Commission (clerkofthecommission@comelec.gov.ph). Immediately after filing through e-mail, the same document shall be sent in four (4) hard copies to the Office of the Clerk of the Commission, 8th Floor, Palacio del Gobernador Bldg., General Luna St., Intramuros, Manila, through the fastest means available, including registered mail or any courier service.⁴ Failure to file a verified Answer within the reglementary period shall bar Respondent from submitting controverting evidence or from filing a Memorandum. A motion to dismiss shall not be admitted, but the grounds thereof may be raised as affirmative defenses.

Further, the parties are hereby **NOTIFIED** that the **PRELIMINARY CONFERENCE** of this case is set on **Friday, 07 January 2022 at 9 a.m.** *via* Video Conference⁵ to take up the following matters:

- (a) Production of a special power of attorney;
- (b) The comparison between the original/certified true copies of the documentary and physical evidence, and the electronic and physical copies of the submissions;
- (c) The simplification of issues;
- (d) The necessity or desirability of amendments to pleadings;
- (e) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;

¹ Promulgated on 25 September 2012.

² Petition filed on 02 December 2021 *via* e-mail; filing fees paid on 02 December 2021.

³ Promulgated on 25 June 2020.

⁴ *Ibid.*

⁵ Section 1, Rule 3, COMELEC Resolution No. 10673 "*In Re: Guidelines on Electronic Filing, Conduct of Hearings/Investigations/Inquiries via Video Conference and Service*."

- (f) Setting of the period to file the parties' respective memorandum, which shall not be later than three (03) days from the date of the conference; and
- (g) Such other matters as may aid in the prompt disposition of the action.

A summary of the documents, which includes documentary, real evidence and affidavits of witnesses as provided for in Resolution No. 9523 shall be submitted by the parties for comparison, *via* e-mail (clerkofthecommission@comelec.gov.ph), at least three (3) days before the scheduled conference. Four (4) hard copies of the same shall be immediately sent to the Office of the Clerk of the Commission after filing through e-mail.

Failure of Petitioner or his authorized counsel to appear shall be cause for the dismissal of the Petition. On the other hand, failure on the part of Respondent or his authorized counsel to appear shall render the case as deemed submitted for resolution.⁶

Issued this 20th day of December 2021, in the City of Manila, Philippines.

FOR THE DIVISION:


ATTY. GENESIS M. GATDULA
Clerk of the Commission 

⁶ Section 9, Resolution No. 10722, In the Matter of the Guidelines in the Conduct of Preliminary Conference Proceedings, Clarifying Resolution Nos. 9523 and 10673, promulgated on 06 October 2021.

Republic of the Philippines
COMMISSION ON ELECTIONS
Palacio del Gobernador
Intramuros, Manila

In The Matter Of:
DECLARATION OF NULLITY OF CONA,
AND DISQUALIFICATION OF
FERDINAND R. MARCOS, JR.

ABUBAKAR M. MANGELEN
Petitioner,

SPA CASE NO. _____

-versus-

FERDINAND R. MARCOS JR.,
Respondent.

X ----- X

P E T I T I O N

COMES NOW the undersigned petitioner in the above- entitled case
and unto the Honorable Commission, most respectfully states, **THAT:**

1. Petitioner is of legal age, Filipino, married and a resident of B2A Lot
30, Ciudad Real, San Jose Del Monte City, Bulacan;

2. Respondent is likewise of legal age, Filipino, married and a resident
of 10 Barangay Lacub, Batac 2906 Ilocos Norte, where summons, notices,
orders , resolutions and decision may be served;

3. Petitioner is the duly elected Chairman of the Partido Federal ng
Pilipinas (PFP). This is shown in PFP's Petition for Registration filed with the
Honorable Commission on Elections, a copy of which together with the
Annexes are hereto attached and made integral part hereof as **ANNEX "A"**
and series;

4. Respondent is a candidate for President in the 2022 National and
Local Elections. He filed his Certificate of Candidacy;

5. Respondent attached to his Certificate of Candidacy a Certificate of Nomination and Acceptance (CONA) purportedly issued by the Partido Federal ng Pilipinas (PFP) sans his knowledge, participation, concurrence and signature;

6. The matter of indorsement by some officers of PFP came as a big shock and surprise to petitioner and substantial number of officers and members of PFP. As a matter of fact, the party officers from Lanao del Norte and other areas who were not consulted nor notified like petitioner of any meeting or convention complained of their replacement as such officers without due process of law and in contravention of the pertinent provisions of PFP's Constitution and By-laws. In this regard, petitioner filed a letter complaint with the Law Department, COMELEC, Manila dated November 29, 2021, a copy of which is hereto attached and made integral part hereof as **ANNEX "B"**. Also, copies of the list of officers in various areas is hereto attached and made integral part hereof as **ANNEXES "C", "D", "E"**, and their respective series;

7. Thus, the CONA issued to respondent is unauthorized, defective, invalid and void. Moreso, PFP's supposed indorsement of him as the Party's presidential standard bearer is inoperative, void and non-existent;

8. By way of and as 2nd cause of action, petitioner, in his capacity as Chairman of PFP and as taxpayer- voter, seeks the disqualification of respondent on ground of ineligibility arising from a previous conviction of a crime involving moral turpitude, in line with and pursuant to **Sec. 12 of the Omnibus Election Code**, quoted hereunder as follows:

Sec. 12. Disqualifications. - Any person who has been declared by competent authority insane or incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen months, or for a crime involving moral turpitude, shall be disqualified to be a candidate and to hold any office, unless he has been given

9. On July 27, 1995, respondent was convicted at the Regional Trial Court, Quezon City for violating Sections 45 and 50 of the National Internal Revenue Code of 1977, as amended. The court decision rendered two six-month and two three-year sentences against him for failure to file and pay income-tax returns for the years 1982, 1983, 1984 and 1985. The same decision also ordered Marcos to pay the corresponding taxes, penalties, interests and surcharges due the Bureau of Internal Revenue;

10. On appeal, the Court of Appeals, affirmed with modification the RTC Decision. It deleted the penalty of imprisonment;

11. It is the well-considered view of petitioner that the crime for which respondent was convicted involves moral turpitude that carries with it the accessory penalty of perpetual disqualification to hold public office. As defined:

Moral turpitude has been defined as everything which is done contrary to justice, modesty, or good morals; an act of baseness, vileness or depravity in the private and social duties which a man owes his fellowmen, or to society in general.

WHEREFORE, IN THE LIGHT OF THE FOREGOING, it is most respectfully prayed of the Honorable Commission that the CONA issued to respondent be declared null and void and of no force and binding effect, and that respondent be disqualified as candidate and to hold public office.

Other reliefs or remedies just and equitable in the premises are also prayed for.

Quezon City, Philippines, December 1, 2021.



ABUBAKAR M. MANGELEN

Petitioner

Driver's License N0290126448

VERIFICATION:

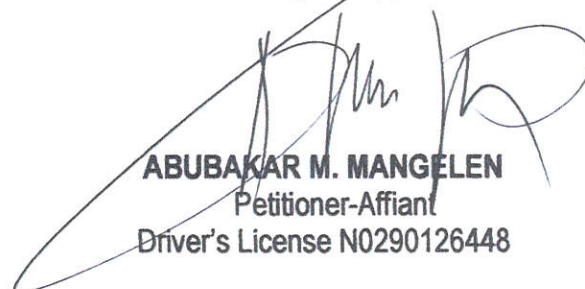
I, the undersigned, under oath, depose and state THAT:

I am the Petitioner in the above-entitled case;

I have caused the preparation and filing of the foregoing Petition;

I have read its contents and the same are true and correct of my own personal knowledge and based on authentic documents/records.


IN WITNESS WHEREOF, I have hereunto affixed my signature this 1st day of December 2021 at Quezon City, Philippines.


ABUBAKAR M. MANGELEN
Petitioner-Affiant
Driver's License N0290126448

SUBSCRIBED and SWORN to before me this 1st day of December 2021 in Quezon City, Philippines.

Doc. No. 392 ;
Page No. 30 ;
Book No. 15 ;
Series of 2021.

Notary Public


ATTY. MARY CATHERINE A. DAMIAN
Notary Public for Quezon City until December 31, 2022
per Adm. Matter No. NP-176 (2021-2022)
Unit 9 Bldg. 2, Acacia Support Area, Laurel Avenue, UP Diliman, Quezon City
IBP No. AR21794119; Quezon City Chapter, 01-07-2021 for 2021 and
IBP No. AR934307; 01-08-2021 for 2022
PTR No. 05957420; Quezon City; 01-07-2021
Roll No. 43243; MCLE Compliance No. VI-0023344; 04-11-2010; Pasig City