Republic of the Philippines
House of Representatives Electoral Tribunal
Electoral Tribunal Building
Commonwealth Avenue, Quezon City

JOSEPHINE VERONIQUE R. LACSON-NOEL,
Protestant,

-versus-

ALVIN S. SANDOVAL,
Protestee.
x - x

HRET Case No. 07-017
Lone District of Malabon-Navotas

Promulgated:

September 24, 2009

D E C I S I O N

In the synchronized National and Local Elections of 14 May 2007, protestant Josephine Veronique R. Lacson-Noel (Lacson-Noel) and protestee Alvin S. Sandoval (Sandoval), together with two others, namely, Maritoni Z. Francisco and Roberto T. Cinco, filed their respective Certificates of Candidacy for the position of Member of the House of Representatives for the Lone Legislative District of Malabon City-Navotas.

On 19 May 2007, after the canvass of votes, as evidenced by the *Certificate of Canvass of Votes and Proclamation of the Winning Candidates for the Member of the House of Representatives*,[1] the Board of Canvassers of the Legislative District of Malabon City-Navotas proclaimed

---

[1] Annex "A" of the Petition; *rollo*, p. 11-A.

protestee Sandoval the winning candidate for the Office of the Member of the House of Representatives with ***Seventy-one Thousand Four Hundred Ninety*** (***71,490***) votes[2] as against protestant Lacson-Noel who obtained the second highest number of votes with **Seventy Thousand Three Hundred Thirty-One** (**70,331**) votes[3]; or a winning margin of **One Thousand One Hundred Fifty-Nine** (**1,159**) votes. Per the Summary Statement of Votes,[4] the distribution of all votes legally cast in the district is as follows:

SANDOVAL, Alvin S.	-	71,490
LACSON-NOEL, Josephine Veronique R.	-	70,331
FRANCISCO, Maritoni Z.	-	35,634
CINCO, Roberto T.	-	412

Refusing to concede defeat, protestant Lacson-Noel filed the instant *Petition of Protest*[5] on 29 May 2007, and alleged in substance that "the results [of the election] do not reflect the true will of the voters as they are but products of various fraudulent and illegal acts, schemes and machinations employed by [protestee] Sandoval, his agents and supporters, with the connivance or conspiracy of the Board of Election Inspectors (BEIs), which defrauded and deprived [her] of lawful votes cast at the precinct level."[6] Specifically, protestant Lacson-Noel assails the results of election in **623 precincts** (***441 from Malabon City*** and ***182 from Navotas***) out of the 1,437 total number of precincts in the Lone Legislative District of Malabon City-Navotas on the following grounds:

> a. Misreading, miscounting and/or miscrediting of votes [in favor of protestee Sandoval and/or ballots intended for protestant Lacson-Noel were not counted in her favor] x x x.

---

2 Id.
3 Summary of Statement of Votes, Member, House of Representatives; Annex "D" of the Petition; Id. at 18.
4 Id.
5 Id. at 1-29.
6 Petition, p. 4; id. at 4.

> b. Misappreciation of ballots in violation of Section 211 of the Omnibus Election Code and case law [such as the non-counting of protestant Lacson-Noel's maiden surname "Lacson" in her favor] x x x.
>
> c. x x x written-by-One ballots, in pairs or in groups of ballots [were counted in favor of protestee].
>
> d. The use of either fake, spurious ballots or genuine but manufactured ballots to increase protestee Sandoval's votes. x x x.
>
> e. The use of manufactured election returns which are prepared x x x prior to the start of voting and/or counting.
>
> f. Manipulation, alteration and falsification of the votes and related data in the election returns and/or vote padding in favor of protestee Sandoval and vote-shaving from protestant Lacson-Noel's votes.[7]

Protestant Lacson-Noel claims that she would have obtained a greater number of votes if not for the fraud and irregularities that marred the election. She posits that "[t]here is a need for a recount, revision and due appreciation of the ballots and examination or scrutiny of election documents in the [623] protested precincts,"[8] as the result thereof "will affect the presumptive results of the congressional elections in the Malabon City-Navotas Legislative District in a very substantial degree as to overcome protestee Sandoval's presumptive lead."[9] Consequently, protestant Lacson-Noel prays that, after the revision and appreciation of ballots and due hearing, judgment be rendered annulling the proclamation of protestee Sandoval; and declaring her the duly elected Representative of the Lone Legislative District of Malabon City-Navotas.

On 25 June 2007, protestee Sandoval filed his *Answer* (with counter-protest, motion for preliminary hearing on Affirmative Defenses and counter claim)[10] wherein he specifically denied the material allegations of the protest

---

7 Id. at 7-8.
8 Id.
9 Id.
10 Id. at 32-65.

regarding the number of contested precincts, grounds for protest, commission of frauds and irregularities, and the necessity of recount and revision, for being self-serving and unsupported by evidence. By way of *Special* and *Affirmative Defenses*, protestee Sandoval contends that it is protestant Lacson-Noel who is guilty of violating "election laws, rules and regulations x x x [committed to benefit her], and which, on the other hand, resulted to (sic) the loss of legal and valid votes in [his] favor."[11] He narrates that during the crucial hours of voting, counting, recording of the votes cast and transmittal of the records of the votes cast, most of his poll watchers were unable to effectively keep an eye on the proceedings and secure his votes because the latter were supposedly prevented from entering the Navotas polling precincts unlike protestant Lacson-Noel's poll watchers who were readily accommodated. As a result of the illegal schemes and machinations employed by protestant Lacson-Noel and her supporters, protestee Sandoval maintains that protestant Lacson-Noel "was able to garner a substantial number of illegal and undeserved votes from the Municipality of Navotas."[12] With respect to Malabon City, protestee Sandoval similarly claims that "massive fraud and illegal electoral practices were committed" all through the election process which tarnished the results of several identified precincts in Malabon City.

By way of counter-protest, protestee Sandoval questions the results of the voting in **1,006 precincts** (***393 from Malabon City*** and ***613 from Navotas***) in Malabon City-Navotas on the allegation that, thereat, he was deprived of votes cast in his favor and where protestant Lacson-Noel was illegitimately benefited with votes meant for him. The bases for protestee Sandoval's counter-protest are: (1) the loss of legal votes in his favor; (2) the counting of illegal, marked and stray votes for him in favor of protestant

---

11 Answer, p. 26; id. at 57.
12 Answer, p. 27; id. at 58.

Lacson-Noel; (3) the use of manufactured or falsified election returns to favor protestant Lacson-Noel; (4) the padding of election returns to increase the votes of protestant Lacson-Noel and to reduce his (protestee Sandoval's) votes; and (5) the commission of electoral fraud and irregularities by protestant Lacson-Noel and her supporters in connivance with the Board of Election Inspectors (BEI).

On 29 June 2007, protestee Sandoval filed an *Ex Parte Motion to Withdraw Counterclaim* (for damages representing his attorney's fees and litigation expenses).[13] This was granted by the Tribunal in its *Resolution No. 07-074* dated 12 July 2007.[14]

On 31 July 2007, after the issues were joined, the Tribunal ordered the City/Municipal Treasurers and Election Officers of Malabon City and Navotas to release to the duly authorized representatives of the Tribunal the following: (1) protested and counter-protested ballot boxes with their keys; (2) the lists of voters with voting records; (3) books of voters; and (4) other election documents and paraphernalia pertaining to the protested and counter-protested precincts.[15]

The Tribunal set the preliminary conference of the instant election protest case on 23 August 2007.[16]

On 6 September 2007, the Tribunal issued the *Preliminary Conference Order* stating, *inter alia*, (1) the parties Admissions and Stipulation of Facts, to wit:

---

13 Id. at 67-70.
14 Id. at 88.
15 Order dated 31 July 2007; id. at 115-121.
16 Resolution No. 07-122; id. at 124.

I. Admission and Stipulation of Facts

The parties agreed and stipulated on the following facts:

1. Protestant Josephine Veronique R. Lacson-Noel and Alvin S. Sandoval were among the four (4) registered candidates for Representative, who were voted upon by the electorates of Malabon-Navotas District during the May 14, 2007 elections. The two (2) other candidates were Maritoni Z. Francisco and Roberto T. Cinco.

2. The Registered nickname of protestant is "Jaye" and the registered nickname of protestee is "Alvin" as indicated in their respective certificates of candidacy.

3. Based on the results of canvass of election returns and proclamation, protestee received seventy-one thousand four hundred ninety (71,490) votes while protestant garnered seventy thousand three hundred thirty-one (70,331) votes; or a winning margin of one thousand one hundred fifty-nine (1,159) votes in favor of protestee Sandoval.

4. Protestee Sandoval was proclaimed on May 19, 2007 as the winning candidate in the said congressional election.

5. There were one thousand four hundred thirty-seven (1,437) single/clustered precincts in the said congressional district that functioned during the May 14, 2007 elections, comprising of 824 precincts from Malabon City and 613 precincts from Navotas.

6. Protestant is contesting the results of election in 623 precincts, consisting of 441 in Malabon and 182 in Navotas. On the other hand, protestee is counter-protesting the election results in 393 precincts from Malabon and 613 precincts from Navotas, or a total of 1,006 precincts.

7. The existence and authenticity of the *Certificate of Canvass of Votes and Proclamation of the Winning Candidate for Member of the House of Representatives* proclaiming protestee Sandoval as the winning candidate.

8. The existence and authenticity of the respective *Certificates of Candidacy* of protestant and protestee.

9. The existence and authenticity of the over-all Summary of Statement of Votes, the Summary of Statement of Votes supporting the Certificate of Canvass of Votes (COC) of Malabon City and Navotas, indicating the over-all congressional votes.

10. The existence and authenticity of the City Certificate of Canvass of Votes (COC) with supporting Summary of Statement of Votes covering the over-all congressional votes of the parties.[17]

---

[17] Id. at 169-170.

and; (2) the concerned precincts to undergo revision, *viz*:

> II. Precincts Subject of Revision
>
> A. For Protestant [Lacson-Noel]
>
> Since the contested precincts of 623 (or 43.35%) does not exceed more than 50% of the total number of precincts (1,437), protestant is entitled to a 100% revision of all 623 protested precincts pursuant to Rule 88 of the 2004 HRET Rules.
>
> B. For Protestee [Sandoval]
>
> Considering the margin of votes between the protestant and the protestee, which is only 1,159 votes, counsel for protestant agreed to the proposal that there is no necessity to submit a (sic) pilot precincts in order to expeditiously resolved (sic) this case. Thus, the revision of ballots in this case will be conducted over all of the 1,006 protested precincts.[18]

And as agreed to by the parties, the issues for resolution are: (1) whether or not the recount, revision, and re-appreciation of ballots, including election documents, from the protested and counter-protested precincts will affect the results of the election in the Lone District of Malabon City-Navotas; and (2) whether or not protestant Lacson-Noel and protestee Sandoval each committed electoral frauds and irregularities to cause the nullification of the votes counted in their favor.

On 2 October 2007, the employees of the Tribunal were able to collect the ballot boxes and election documents and paraphernalias of **822 protested and counter-protested precincts** from the City Treasurer of Malabon City. On 11 December 2008, the ballot boxes from **613 protested and counter-protested precincts** in Navotas were collected from the custody of the Regional Trial Court (RTC), Branch 170 of Malabon City-Navotas, as the same had been previously transferred thereto in connection

---

[18] Id. at 170.

with an election protest concerning the position of Mayor in the Municipality of Navotas.[19]

On 21 February 2008, the Tribunal ordered the revision of ballots from the protested and counter-protested precincts after finally collecting and taking custody of the concerned ballot boxes.[20]

On 4 March 2008, both parties filed their respective motions[21] to photocopy their objected and claimed ballots, as well as the Minutes of Voting. In an *Order*[22] dated 5 March 2008, the Tribunal granted said motions but subject to several guidelines and conditions to ensure the integrity of the ballots and Minutes of Voting and maintenance of order during the revision.

On 11 March 2008, the revision of ballots from the **1,434 protested and/or counter-protested precincts**[23] commenced and continued until terminated on 21 April 2008.

In the interregnum, however, protestee Sandoval moved to photocopy the *front* and *dorsal* portions of all ballots subject of the revision "for purposes of authentication and verification, x x x to check the signatures [of the BEI] appearing at the back of the ballots."[24] He alleged that, "upon examination, of the ballots obtained from the protested precincts (sic) the ballot boxes of which have so far been opened, strong indications exist that

---

19 Election Protest Case No. EP7-01-MN, entitled "*Federico Sandoval II v. Tobias M. Tiangco*"; *rollo*, p. 140.

20 HRET Resolution No. 08-056; *rollo*, p. 286.

21 Protestant Lacson-Noel's *Motion to Photocopy Ballots and Minutes of Voting*; *rollo*, pp. 292-294; Protestee Sandoval's *Manifestation and Motion*; id. at 295-299.

22 Id. at 305-306.

23 The 623 protested precincts from Navotas actually involved only 621 single/clustered precincts. The ballots were found in separate ballot box for precinct No. 399A from Malabon City.

24 Protestee Sandoval's *Motion for the Photocopying of Both the Front and Dorsal Sides of Ballots*, p. 1; *rollo*, pp. 315-317.

the ballots retrieved are not genuine."[25] In an *Order*[26] dated 24 March 2008, the Tribunal partially granted protestee Sandoval's prayer, to wit:

> WHEREFORE, protestee Sandoval's *Motion for the Photocopying of Both the Front and Dorsal Sides of Ballots* is partially GRANTED insofar as the ballots that are not yet revised and photocopied are concerned. With respect to the ballots that were already revised and photocopied, protestee is DIRECTED to specify within five (5) days from receipt of the Order, the ballots containing questionable signatures of the BEI chairpersons, as recorded in the revision reports that should be photocopied on the dorsal sides.

In compliance with the foregoing Order, protestee Sandoval identified and submitted the list of the precincts[27] that had already been revised but where the dorsal portion of ballots therefrom was not photocopied.[28]

On 21 April 2008, upon conclusion of the revision of ballots, the physical count thereof yielded the following results: **70,530** ballots were counted for protestant Lacson-Noel, while **69,939** votes cast were for protestee Sandoval.

On 12 May 2008, or twenty-one (21) days after the termination of the revision of ballots, protestee Sandoval filed a *Motion for Technical Examination*[29] of "ballots and election documents obtained from the ballot boxes from no less than twenty-eight (28) precincts in the City of Malabon"[30] where manifest irregularities were noticed. Protestee Sandoval basically contends that the ballot boxes from the identified twenty-eight (28) precincts: (1) are missing padlocks and/or inner/outer metal seals; and (2)

---

25 Id.
26 Id. at 319-320.
27 Precinct Nos. 296A, 298A/299A, 308/309A and 310A of Barangay Santulan, Malabon City; 314A, 315A, 321B, 321C, 321D, 322B, 322C, 322D, 323B, 325A, 325B, 329A/329B, 335A, 335B, 336B and 337A/B of Barangay Catmon, Malabon City; and 345A, 347A, 348A, 349A/350B, 350A, 355A, 359B and 360A of Barangay Maysilo, Malabon City; id. at 322-323.
28 Protestee Sandoval's *Compliance*; id. at 322-324.
29 Id. at 338-345.
30 Id. at 338.

contain fake or spurious ballots. He reports that the examination of the contents of said ballot boxes revealed that there are substantial discrepancies between the number of votes cast and counted as against the number of ballots physically counted during revision.

On 22 May 2008, the Tribunal issued *Resolution No. 08-174*[31] noting the protestee Sandoval's aforestated *Motion for Technical Examination*. In the same resolution, the Tribunal directed protestant Lacson-Noel to comment thereon within five (5) days from notice.

In the meantime, on 27 May 2008, protestant Lacson-Noel started presenting and marking her evidence before the designated hearing commissioner, Atty. Michael D. Villaret.

On 10 June 2008, protestant Lacson-Noel filed her opposition to protestee Sandoval's prayer for technical examination of specific ballots. She contends that the Tribunal is competent to determine the validity of contested ballots, including fake or spurious ones; and that it had already developed an expertise in verifying the claims of alleged tampering of ballots and in identifying valid from invalid ballots.[32]

On 20 June 2008, in *Resolution No. 08-216*,[33] the Tribunal denied protestee Sandoval's *Motion for Technical Examination* of ballots in twenty-eight (28) precincts on the ground that:

> When the matters which the parties seek to be examined are those which are well within the judicial determination of the Tribunal without resorting to technical examination, the Tribunal itself, in the course of the appreciation of ballots and other election documents involved, can

---

31 Id. at 368-369.
32 *Comment/Opposition (To Motion for Technical Examination)*; id at 383-389.
33 Id. at 599-602.

> determine whether pair or groups of ballots are written by one or two persons.

The Tribunal further noted that Hon. Resureccion Z. Borra, then Acting Chairman of the COMELEC, already testified on the various security features of an official ballot used during the 14 May 2007 synchronized National and Local Elections. Hence, resort to technical examination is no longer necessary to determine the authenticity of ballots.[34]

On 23 June 2008, protestant Lacson-Noel formally offered the following documentary evidence[35]:

> 1. Exhibits "A" to "V" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 178 protested precincts from District 1, Malabon City.
>
> 2. Exhibits "W" to "Y" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 263 protested precincts from District 2, Malabon City.
>
> 3. Exhibits "Z" to "C" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 134 protested precincts from District 1, Navotas City.
>
> 4. Exhibits "D" to "W" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 46 protested precincts from District 2, Navotas City.
>
> 5. Exhibits "X" to "I" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 220 counter-protested precincts from District 1, Malabon City.
>
> 6. Exhibits "J" to "M" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 160 counter-protested precincts from District 2, Malabon City.
>
> 7. Exhibits "N" to "F" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq.,

---

34 Id. at 599-602.
35 Id. at 404-422.

referring to the 201 counter-protested precincts from District 2, Navotas City.

8. Exhibits "G" to "D" – certified photocopies of the Reports on Revision of Ballots and their corresponding Annexes "A," et. seq., referring to the 232 counter-protested precincts from District 2, Navotas City.

These revision reports in the contested precincts are being offered to prove: (a) the fact of revision of ballots and election documents from the protested and counter-protested precincts from Malabon City and Navotas City; (b) votes credited to the parties per election returns/tally boards and per physical count of ballots during the revision; (c) the objections and claims of parties to the ballots as revised; (d) the objections and claims of protestant to the ballots as revised are based on proper and valid grounds; (e) as primary evidence of ballot-related frauds or anomalies pleaded by protestant, particularly the presence of invalid ballots for protestee, such as written-by-one (WBO), written-by-two (WBT) and marked ballots (MB); (f) as repository of other significant findings or observation uncovered during the revision; and (g) as source of material data for analysis in the over-all evaluation of ballots and evidence.

9. Exhibits "E" to "M" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 165 of 178 protested precincts from District 1, Malabon City. The ballot boxes of the following precincts: 133A, 169A, 178A/B, 181A, 192A, 195A, 245A, 251A, 255A, 267A, 316B, 327A, and 368A do not have the ballot box copy of the minutes of voting, or that the copies thereof were wet and indiscernible, thus cannot be photocopied anymore.

10. Exhibits "N" to "B" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 249 of 263 protested precincts from District 2, Malabon City. The ballot boxes of the following precincts: 397D, 411B, 421B, 455D, 477B, 599A, 637A, 661B, 664B, 675/676A, 718A/719A, 722A, 726B, and 479A do not have the ballot box copy of the minutes of voting, or that the copies thereof were wet and indiscernible, thus cannot be photocopied anymore.

11. Exhibits "C" to "A" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 129 of 134 protested precincts from District 1, Navotas City. The ballot boxes of precincts 514A, 571A/572A, 575A, 578A/579A, and 637A do not have the ballot box copy of the minutes of voting.

12. Exhibits "B" to "U" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 46 protested precincts from District 2, Navotas City.

13. Exhibits "V" to "B" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 215 of 220 counter-protested precincts from District 1, Malabon City. The

> ballot boxes of precincts 102A, 111A, 227A/229A, 264A, and 293A do not have the ballot box copy of the minutes of voting, or that the copies thereof were wet and indiscernible, thus cannot be photocopied anymore.
>
> 14. Exhibits "C" to "B" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 156 of 160 counter-protested precincts from District 2, Malabon City. The ballot boxes of precincts 392A, 494A, 570A/B, and 616A do not have the ballot box copy of the minutes of voting, or that the copies thereof were wet and indiscernible, thus cannot be photocopied anymore.
>
> 15. Exhibits "C" to "T" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 200 of 201 counter-protested precincts from District 1, Navotas City. The ballot box of precinct 703A does not have the ballot box-copy of the minutes of voting.
>
> 16. Exhibits "U" to "N" – certified photocopies of the Minutes of Voting and Counting of Votes (C.E. Form No. 11) pertaining to the 228 of 232 counter-protested precincts 84A, 231A/232A, 282A/B, and 310A/311A do not have the ballot box-copy of the minutes of voting.

On 8 July 2008, protestee Sandoval filed his *Comment/Opposition* to protestant Lacson-Noel's formal offer of evidence.

On 24 July 2008, in *Resolution No. 08-244*,[36] the Tribunal admitted all documentary exhibits formally offered by protestant Lacson-Noel for the specific purpose/s for which they were being offered and for whatever evidentiary value and weight they might be worth to be determined later in the course of the Tribunal's deliberation of the totality of the parties' evidence, on which occasion protestee Sandoval's comment or opposition thereto shall also be duly considered.

On 14 August 2008, the hearing for the presentation of protestee Sandoval's evidence was set on 2, 15, 18, 23 and 25 September 2008.[37]

---

[36] Id. at 722-729.

[37] Minutes of Hearing dated 14 August 2008; id. at 732.

On 2 September 2008, protestee Sandoval presented for authentication photocopies of three hundred eleven ***Revision Reports*** (pre-marked as Exhibits "1" to "12" with sub-markings) relative to the protested and counter-protested precincts of twelve (12) barangays in Malabon City, namely, (1) San Agustin; (2) Tañong; (3) Ibaba; (4) Concepcion; (5) Baritan; (6) Bayan-Bayanan; (7) Flores; (8) Muzon; (9) Hulong Duhat; (10) Dampalit; (11) Panghulo; and (12) Santolan.[38] Photocopies of the Minutes of Voting of the precincts pertaining to the last four (4) barangays identified were likewise presented for authentication.

On 15 September 2008, protestee Sandoval presented for authentication photocopies of additional ***Revision Reports*** (Exhibits "13" to "24" and sub-markings) of ballots from protested and counter-protested precincts in the following barangays in Malabon City: (1) Catmon – 52 precincts; (2) Mayilo – 25 precincts; (3) Ningan – 14 precincts; (4) Tonsuya – 73 precincts; (5) Longos – 104 precincts; (6) Tugatog – 65 precincts; (7) Acacia – 27 precincts; (8) Tinajeros – 52 precincts; (9) Potrero – 102 precincts; (10) Sipak Almacin, Navotas – 31 precincts; (11) San Jose, Navotas – 68 precincts; and (12) Daang Hari, Navotas – 41 precincts.[39]

Again, on 18 September 2008, protestee Sandoval presented photocopies of more ***Revision Reports*** for authentication (Exhibits "25" to "35" and sub-markings) of protested and counter-protested precincts from the following barangays in the Municipality of Navotas: (1) San Roque – 47 precincts; (2) Tangos – 77 precincts; (3) Tanza – 45 precincts; (4) Navotas West – 23 precincts; (5) Navotas East – 8 precincts; (6) Bagumbayan North – 9 precincts; (7) Bagumbayan South – 12 precincts; (8) Bankulasi – 22

---

[38] Minutes of Hearing dated 3 September 2008; id. at 736.
[39] Minutes of Hearing dated 16 September 2008, id. at 738.

precincts; (9) North Bay Boulevard-North – 34 precincts; (10) North Bay Boulevard-South – 183 precincts; and (11) San Rafael – 13 precincts.[40]

The scheduled hearing on 23 September 2008 was cancelled upon the motion of protestee Sandoval.[41]

During the hearing conducted on 25 September 2008, protestee Sandoval presented photocopies of various election documents, *i.e.*, "(1) Exhibits '36' to '36-Z' – 28 Minutes of Voting (MOV) from Barangays Santulan, Catmon and Maysilo; (2) Exhibits '37' to '37-Z' – list of election paraphernalia of said 28 precincts; (3) Exhibit '38' – Certificate of Canvass of Votes and Proclamation of the Winning Candidate; (4) Exhibit '39' – Certificate of Canvass of Votes for protestee Sandoval; (5) Exhibit '40' – Certificate of Canvass of Votes for protestant Lacson-Noel; (6) Exhibits '41' and '41.1' – Certificate of Candidacy of protestee Sandoval and his nickname, respectively; (7) Exhibits '42' and '42.1' – Certificate of Candidacy of protestant Lacson-Noel and her nickname, respectively; (8) Exhibit '43' – Certificate of Candidacy of protestant Lacson-Noel; (9) Exhibit '44' and '44.1' – List of Candidates from Congressman down to local positions for the Lone District of Malabon City-Navotas; (10) Exhibits '45' and '45-A' – Project of Precincts for Malabon City and Navotas; (11) Exhibits '46' and '46-A' – Election Returns on unreadable data on precincts with no election returns as well as tampered ballots; (12) Exhibits '47' to '47-A' – Statistical Result of Revision with Summary; (13) Exhibits '48' to '48-A' – Categorization Result of Revision with Summary; (14) Exhibit '50' – Statistical Result for 28 tampered precincts; and (15) Exhibits '51' to '51-B' – Preliminary Appreciation of tampered precincts."[42]

---

40 Minutes of Hearing dated 23 September 2008; id. at 741.
41 Id.
42 Minutes of Hearing dated 25 September 2008; id. at 742.

On 29 September 2008, the Hearing Commissioner of the instant case set additional hearing dates for the reception of protestee Sandoval's evidence – 2, 13, 27, 28, 29 and 31 October 2008[43] and on 3 November 2008.[44]

From the record of the case, though, except for the hearing scheduled on 3 November 2008, it appears that no hearings were held on the dates aforestated in view of the unavailability of the counsel of protestee Sandoval. Particularly, protestee Sandoval asked that the hearing scheduled on 27 and 28 October 2008 be cancelled because of an "apparent conflict in the schedule"[45] of his witnesses (party-revisors) in view of the supposed appearance before the Senate Electoral Tribunal (SET) relative to another case. Again, on 29 October 2008, in a written motion, *Manifestation and Urgent Motion*,[46] protestee Sandoval prayed the cancellation of the day's hearing for the reason that the same witnesses still remained "unavailable due to an equally urgent engagement as the party-revisors in the electoral protest case in the SET involving Senator Juan Miguel Zubiri."[47] The motion to reset the hearing was denied by the Hearing Officer, who, instead, ruled that the same shall continue on the next scheduled hearing date on 3 November 2008.[48]

Worth noting at this point is the fact that on the hearing of 29 October 2008, in response to the aforesaid motion, counsel for protestant Lacson-Noel manifested that being one of the counsels of record of the only case before the SET, she knew for a fact that no hearings were scheduled on 27 and 28 October 2008.

---

43 Notice of Additional Hearing dated 29 September 2008; id. at 743.
44 Notice of Additional Hearing dated 14 October 2008; id. at 746.
45 TSN, 27 October 2008 Hearing, p. 4; id. at 989.
46 Id. at 749-757.
47 Id. at 749.
48 TSN, 29 October 2008 hearing, p. 4; id. at 1000.

On 3 and 11 November 2008, the hearings resumed and protestee Sandoval was able to present fourteen (14) party revisors – (1) Osmundo Abuyuan; (2) Marilyn M. Poblete; (3) Gloria Nismal; (4) Violeta Rocero; (5) Gerard Paul Paras; (6) Delia Rodriguez; (7) Grace F. de Guzman; (8) Irene Gaddi; (9) Eufrocina Canlas; (10) Mary Dorie dela Cruz; (11) Wenceslao Flores, Jr.; (12) Oliver Rañeses; (13) Roberto del Rosario; and (14) Sonny Valmocena.[49] The witnesses all testified on the results of the conduct of the revision of ballots and their observations pertaining to certain ballot boxes said to contain spurious ballots.

On the last scheduled hearing, or on 11 November 2008, protestee Sandoval filed another motion – *Motion for Leave (to Present Additional Witnesses) with Request for Subpoena*.[50] Protestee Sandoval wanted to present expert witnesses, *i.e.*, Director Estrella P. de Mesa, Vice-Chairperson, Committee on Printing, COMELEC; Mr. Henry Young, Sales Representative, LAMCO Paper Products; Ms. Florencia Reyes, Acting Chief, Photolithographic Division, National Printing Office (NPO); and the Chief of Canvass Board Service, HRET – who will testify on the issue of the authenticity of ballots.

On 12 November 2008, protestant Lacson-Noel opposed[51] the preceding motion on the ground that the same was merely another dilatory move to delay the resolution of the instant election protest case. She argued that per HRET Rules, protestee Sandoval had already used up the time allocated him and that he "squandered the time given him to present his evidence" by presenting party revisors as witnesses whose opinions on the authenticity of the subject ballots allegedly bear no evidentiary weight.

---

49 Affidavits; id. at 754 -757, 773-776, 799-801, 816-818, 825-827, 843-845, 853-855, 863-865, 883-886, 900-901, 908-910, 917-918, 926-928, and 936-940.

50 Id. at 967-975.

51 Protestant Lacson-Noel's *Comment/Opposition*; id. at 976-985.

Further, she contended that (1) the period of two months to be reckoned from 2 September 2008 within which the presentation of protestee Sandoval's evidence must be concluded, including the filing of his [*Formal Offer of Evidence*], had already expired on 3 November 2008; (2) four of the 13 hearing dates set by the Hearing Commissioner were cancelled upon the instance of protestee Sandoval; and (3) the presentation of additional evidence beyond 3 November 2008 is in direct contravention of Rule 59 of the 2004 HRET Rule of Procedure providing for a period of only two months, from inception, to conclude the presentation of a party's evidence.

Despite the opposition, in *Resolution No. 08-342*[52] issued on 24 November 2008, the Tribunal resolved to grant protestee Sandoval's motion **with the necessary warning that no further extension shall be given**. Accordingly, an additional period of ten (10) days was set within which to present his additional evidence. In granting the prayer for additional time, the Tribunal took into consideration the provision of the HRET Rules where, in the interest of justice and meritorious grounds, it may grant an extension of ten (10) days for a party to present his evidence. The Tribunal further directed the Hearing Commissioner assigned to the present case to set successive dates, not to exceed ten (10) days, for the presentation of protestee Sandoval's additional evidence and to issue the corresponding subpoena *duces tecum* and *ad testificandum* to the witnesses concerned.[53]

In compliance to the foregoing, on 25 November 2008, the Hearing Commissioner notified the parties herein that further hearings will be conducted on 10 and 11 December 2008.[54]

---

52 Id. at 1017-1019.
53 Id. at 1018.
54 Notice of Hearing dated 25 November 2008; id. at 1025.

On 10 December 2008, protestee Sandoval presented as witnesses: (1) Director Estrella P. de Mesa, Vice-Chairperson, Committee on Printing of the COMELEC; and (2) Mr. Henry Young, Sales Representative of LAMCO Paper, the exclusive supplier of the security paper used by the COMELEC. Dir. De Mesa testified that she is not knowledgeable about the actual security features of a genuine ballot unlike other members of the COMELEC Committee on Printing. Mr. Young, on the other hand, ably testified on the security features of the paper used for official ballots. He narrated that the security features were introduced during the production/milling of the paper. According to him, the security paper manufactured by LAMCO Paper bear the following security features: (1) presence of watermark presenting the COMELEC logo (the main security mark), which can be seen by tilting the paper from a certain angle in order to reflect said mark; (2) it is solvent-reactive to bleach resulting in yellowish or brownish stain on the paper; or to acetone producing a bluish shade on the paper; and (3) existence of "afterglow dots" seen when the security paper is exposed to ultraviolet light.[55]

On 11 December 2008, Ms. Ma. Gracia L. Enriquez, Assistant Chief of Printing Operation, Photolithographic Division, NPO, testified as witness for protestee Sandoval. In addition to the security marks disclosed by Mr. Young, Ms. Enriquez stated that the NPO incorporated microprint features in the Party List line. Microscopic grouping of letters (**MAY142007 NATIONALANDLOCALELECTIONS**) is printed to appear as the line for Party List, which could be read only by the use of a magnifying lens.[56]

On 18 December 2008, despite the warning issued by the Tribunal that "no further extensions will be given," protestee Sandoval once more

---

55 TSN, December 10, 2008, pp. 17-18.
56 TSN, December 11, 2008, pp. 7-9.

prayed for leave to present an additional expert witness. In his *Manifestation and Motion (with Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence)*,[57] he explained that he needed to present another member of the COMELEC Committee on Printing in view of Dir. De Mesa's admission on her lack of knowledge on the matter she was supposed to be testifying to. In line with his aforementioned request, protestee Sandoval moved for the suspension of the period for filing his *Formal Offer of Evidence* until he had completed the presentation of his evidence.

As expected, protestant Lacson-Noel opposed the above; and asked the Tribunal to deny the same and declare that protestee Sandoval to have waived the filing of his formal offer of evidence.[58] Protestee Lacson-Noel reasoned that "protestee Sandoval had ten (10) working days (from 10 December 2008) or until 24 December 2008 to complete the presentation of his additional evidence and to submit his [*Formal Offer of Exhibits*] [but] x x x no formal offer was filed on [said date] or on the next working day after the intervening holidays."

On 22 January 2009, in *Resolution No. 09-009*,[59] the Tribunal denied protestee Sandoval's motion for suspension of the period to file formal offer of evidence, and considered him to have waived the completion of the presentation of his evidence,[60] to wit:

> WHEREFORE, the Tribunal (1) DENIES protestee's *Manifestation and Motion [With Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence]*; (2) CONSIDERS protestee to have waived the completion of the presentation of his evidence; and (3)

---

57 *Rollo*, pp. 1036-1041.

58 Protestant Lacson-Noel's *Opposition (to Protestee Sandoval's Manifestation and Motion [with Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence])*; id. at 1044-1050.

59 Id. at 1056-1060.

60 Id.

> DIRECTS protestant and protestee to submit their respective Memoranda within ten (10) days from notice.

The Tribunal opined that:

> Despite the lapse of more than three (3) months reckoned from September 2, 2008, protestee has not completed the presentation of his evidence. In its Resolution No. 08-342 x x x, the Tribunal granted protestee, on his motion, an extension of ten (10) days to present additional evidence, with warning that no further extension shall be allowed. The Hearing Commissioner having set the presentation of protestee's additional evidence on December 10 and 11, 2008, protestee had until December 23, 2008 to complete the presentation of his evidence including the formal offer thereof. Protestee having, however, failed to complete the presentation of his evidence within the extended period he is deemed to have waived the same.
>
> In its Order dated March 24, 2008, the Tribunal discussed the various security features of the ballots x x x.
>
> It bears noting that Hon. Resurreccion Z. Borra, former Acting Chairman of the COMELEC, testified, during his appearance before the Members of the Tribunal on August 30, 2007, on the various security features found in an official ballot used in the May 14, 2007 elections. The testimony of another member of the Committee on Printing of the Commission on Elections may thus no longer be necessary to determine whether the questioned ballots have genuine security features.

Protestant Lacson-Noel[61] and protestee Sandoval[62] filed their respective Memoranda on 11 and 16 February 2009, respectively.

On the same day he filed his *Memorandum*, or on 16 February 2009, protestee Sandoval also filed a *Manifestation and Motion for Partial Reconsideration.*[63] Essentially, he moved that he "be allowed to formally offer his documentary pieces of evidence"[64] based on the argument that, "to prevent [him] from formally offering his documentary pieces of evidence would be tantamount to depriving him of the right to due process as this

---

61 *Protestant's Memorandum*; id. at 1062-1101.
62 *Memorandum for the Protestee (Ad Cautelam)*; id. at 1102-1209.
63 Id. at 1210-1219.
64 Id. at 1217.

would in effect strip him of all the necessary documentary pieces of evidence, leaving him with nothing to amplify his cause."

Protestant Lacson-Noel filed an *Opposition (to [the] Manifestation and Motion for Partial Reconsideration)*[65] on 18 February 2009.

On 13 March 2009, the Tribunal issued *Resolution No. 09-046* dated 26 February 2009, the dispositive of which reads:

> WHEREFORE, the Tribunal DENIES protestee's *Manifestation and Motion for Partial Reconsideration.* [66]

Based on the *Preliminary Conference Order*,[67] the parties herein are in agreement that the present electoral protest and counter-protest will rise or fall on the resolution of the following issues, to wit:

> I.
>
> Whether or not protestant Lacson-Noel and protestee Sandoval each committed electoral fraud and irregularities which will nullify the votes counted and canvassed in their favor; and
>
> II.
>
> Whether or not the recount, revision, and re-appreciation of ballots, including election documents, from the protested and counter-protested precincts, will affect the results of the election in the Lone Legislative District of Malabon City-Navotas.

---

65 Id. at 1220-1225.
66 Id. at 1229-1231.
67 Id. at 171.

Failure to complete the presentation of evidence and file Formal Offer of Documentary Evidence.

Before resolving the issues raised by the parties relating to the substantive merit of this electoral protest, the Tribunal finds it of great import to first deal with the procedural *faux pas* of protestee Sandoval, that is, his failure to conclude the presentation of his evidence and to file his *Formal Offer of Documentary Evidence*.

On this, protestee Sandoval argues that his filing of the *Manifestation and Motion [with Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence]* on 18 December 2008, at the very least, suspended the period for the filing of his *Formal Offer of Evidence*; that, although the denial thereof would compel him to file said *Formal Offer*, he received a copy of the Tribunal's Resolution No. 09-009 denying his motion for partial reconsideration only on 6 February 2009, way beyond the last day to file the subject pleading which was supposedly on 23 December 2008; that the two-month period to complete the presentation of his evidence should not be strictly reckoned from 2 September 2008; that, in light of the discovery of fake/spurious ballots for protestant Lacson-Noel during the revision, his eagerness to substantiate his claim should not be taken against him, as he would be deprived of due process and the opportunity to have vital pieces of evidence admitted by the Tribunal to reinforce the evidence he had already presented.

Conversely, protestant Lacson-Noel refutes the claim of denial of due process. She maintains that protestee Sandoval was given every occasion to be heard, even beyond the period of time allotted for him to present his evidence. She insists that the required period to complete the presentation of

a party's evidence and to formally offer the same pursuant to Rule 59 of the 2004 Rules of the HRET extends to the additional ten-day period granted to a party. Moreover, she counters that it is of no moment that protestee Sandoval received the denial of his motion for partial reconsideration after the expiration of the period to formally offer his evidence because a party presenting evidence need not wait for a directive from the Tribunal to submit his/her *Formal Offer of Evidence*; and that the filing of the *Manifestation and Motion [with Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence]* did not suspend the running of the period to complete the presentation of his evidence under Rule 59 of the rules of the Tribunal. In view of the failure of protestee Sandoval to make a formal offer of his documentary evidence, particularly the Revision Reports and the concerned ballots, protestant Lacson-Noel demands, that "the pieces of evidence not formally offered by [protestee Sandoval be not] considered in deciding the instant protest."[68]

Protestant Lacson-Noel's contentions are well taken.

From the recital of facts above, protestee Sandoval was deemed to have waived the completion of the presentation of the rest of his evidence for disregarding the mandate of Rule 59 of the 2004 Rules of the HRET, which reads in part:

> RULE 59. *Time Limit for Presentation of Evidence*. - Each party is given a period of twenty (20) working days, preferably successive, to complete the presentation of his evidence, including the formal offer thereof. Unless provided otherwise, this period is terminated within two (2) months, which shall begin to run from the first date set for the presentation of the party's evidence, either before the Tribunal or before a Hearing Commissioner. Once commenced, presentation of the evidence-in-chief shall continue every working day until completed or until the period granted for such purpose is exhausted. Upon motion based on

---

[68] *Protestant's Memorandum*, p. 16; *rollo*, p. 1077.

> meritorious grounds, the Tribunal may grant a ten-day extension of the period herein fixed.
>
> The hearing for any particular day or days may be postponed or cancelled upon the request of the party presenting evidence, *provided, however;* that the delay caused by such postponement or cancellation shall be charged to said party's period for presenting evidence.

And evidence not formally presented and offered shall have the following effect under Rule 60 of the same rules, to wit:

> RULE 60. *Evidence Not Formally Presented*. – Evidence not formally presented shall be deemed waived and shall not be considered by the Tribunal in deciding the case.

The foregoing rule is similar to Sections (Secs.) 34 and 35 of the Revised Rules of Court which Rule 101 of the Rules of the HRET applies suppletorily. Specifically, Secs. 34 and 35 of the Revised Rules of Court dictate that:

> Sec. 34. *Offer of evidence.* – The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.
>
> Sec. 35. *When to make offer*. – As regards the testimony of a witness, the offer must be made at the time the witness is to testify.
>
> Documentary and object evidence shall be offered after the presentation the presentation of a party's testimonial evidence. Such offer shall be done orally unless allowed by the court to be done in writing.

The offer of evidence referred to above means the introduction or presentation of evidence by the proponent. It is not the statement by the proponent what he expects to prove by such evidence; and the identification of the document before it is marked as an exhibit does not constitute formal offer of the document as evidence for the party presenting it. What really matters is the objection to the document at the time it is formally offered as

an exhibit.[69] As explained in the Decisions of the Supreme Court and Electoral Tribunals, judges are mandated to rest their findings of facts and their judgment only and strictly upon the evidence offered by the parties at the trial.[70] Its function is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence.[71] And the rationale for the necessity of a formal offer of exhibit is to allow the adverse party an opportunity to examine and to object to the evidence that his opponent decides to offer in support of his cause.

Likewise, jurisprudence dictates that courts are constrained to take no notice of the evidence [not formally offered] even if it has been marked and identified[72] for the same has no evidentiary value. Unless and until admitted by the court in evidence for the purpose or purposes for which such document is offered, the same is merely a scrap of paper barren of probative weight.

Stated otherwise, mere identification of documents and the markings thereof as exhibits do not confer any evidentiary weight on documents unless formally offered.[73]

In the case at bar, due to his negligence and disregard of the rules of the Tribunal, protestee Sandoval, waived completion of presentation of the rest of his evidence, and more importantly, he failed to formally offer all his documentary evidence consisting, in part, of the Revision Reports and the ballots subject thereof. In *Mitra vs. Molintas*, Electoral Case No. 63, the

---

69 *Interpacific Transit, Inc. v. Aviles*, G.R. No. 8602, 6 June 1990, 186 SCRA 385, 388-389.

70 *Heirs of Pedro Pasag v. Parocha*, G.R. No. 155483, 27 April 2007, 522 SCRA 410, 416; citing *Parel v. Prudencio*, G.R. No. 146556, 19 April 2006, 487 SCRA 405, 413; *Katigbak v. Sandiganbayan*, 453 Phil. 515, 535-536 (2003); *Sps. Ong v. Court of Appeals*, 361 Phil. 338, 350-351(1999).

71 *People v. Alicante*, 388 Phil. 233, 244-245 (2000).

72 Francisco, The Revised Rules of Court in the Philippines 392 (1998), Vol. VII, citing 5 Ency. of Evidence, p. 469.

73 *Landingin v. Republic*, G.R. No. 164948, 27 June 2006, 493 SCRA 415, 430.

Tribunal held that the "ballots and the report of revision [not formally offered] could not be taken into consideration in the determination of this case."

In *Mitra,* as well as is *Dimaporo vs. Alonto*, Electoral Case No. 96, the Tribunal had the occasion to declare that Revision Reports do not form part of the record of the case, unless formally presented in evidence by the parties. The Tribunal further held that the failure of a party to present the same in evidence has the effect of waiver and thus annuls all the proceedings during the revisions of ballots; and even the ballots and election documents contained therein shall not considered by the Tribunal.

Having failed to formally offer as evidence ballots which he is claiming and objecting to, including the Revision Reports covering the same, and other pertinent election documents, how will protestee Sandoval's counter-protest be affected?

The effect of such failure, in simple terms, is that, without the ballots, which are the best evidence of the voters' will, and the Revision Reports, which contain the best evidence of a party's claims and objections on the ballots, the Tribunal has no evidence on record in respect to what ballots protestee Sandoval is objecting to or claiming, and, worse, no ballots to evaluate.

The evidentiary value of the Revision Reports and the ballots was succinctly explained by the Supreme Court when it affirmed[74] the decision of this Tribunal in *Lacdao v. Recto*.[75] In dismissing the said election protest for failure to comply with the rules of the Tribunal and to properly present evidence in support of the protest, the Tribunal ruled that:

---

74 G.R. No. 109082, *En Banc* Resolution dated March 23, 1993.
75 3 HRET Reports 159 (1993).

> Revision Reports and ballots are two kinds of documents which complement each other in an election Protest Proper, for without one, the other will become useless. Without the ballots there will be no basis of the claims and objections in Revision Reports, and vice-versa, that is without the Revision Reports there will [be] no easy means of knowing what are the grounds for the claims and objections of the parties- in fact we would not know what ballots are claimed and objected to.

In an election protest case, both parties seek the annulment of the votes cast in favor of each other, thus, they must offer as part of their evidence, the Revision Reports, the corresponding ballots subject thereof and other pertinent elections documents that would warrant judicial cognizance of their objections and claims to the ballots and elections. Otherwise, it is as if said party made no claims or objections. Herein, protestee Sandoval miserably failed to discharge this duty despite the extended period granted to him; hence, must endure the ramification of his disregard of the rules of procedure of the Tribunal.

If protestee Sandoval truly believed in his case, nothing could have prevented him from making an offer of proof, or tender of excluded evidence, under Sec. 40, Rule 132 of the Revised Rules of Court; or, a partial offer of his documentary evidence had he wanted to obviate the application of Rule 60 of the 2004 Rules of the HRET. To date, however, the fruit of his so-called earnest desire and effort is yet to be seen. Consequently, the Revision Reports of ballots he is claiming and objecting to, as well as the ballots subject thereof, and other pertinent election documents, in so far as the Tribunal is concerned, are non-existent for the simple reason that he did not formally offer them as evidence.

The foregoing may be a harsh reality. But it must be remembered that an election protest is a serious charge which, if true, could unseat party-protestee as Representative of his/her district. And that is why procedural

rules in election cases were designed to achieve not only a correct but also an **expeditious determination** of the popular will of the electorate.[76]

Regrettably, protestee Sandoval saw fit not to take seriously the rules of procedure of the Tribunal. His insistence on extending the period within which he is to present his evidence beyond what the 2004 Rules of the HRET allowed prolonged the termination of the instant election protest case and proved fatal to his cause. As quoted above, Rule 59 of the 2004 Rules of the HRET is clear in that each party is allotted 20 days for the presentation of his evidence. No interpretation is needed to understand that said rule gives each party a limited period of 20 days within which to present his/her evidence, including making the formal offer thereof. The limited period in the presentation of evidence is prompted by the nature of election contest, which should be decided as soon as practicable. The period of 20 days given to each of the parties may be extended by the Tribunal, but only upon meritorious grounds and on motion of the party concerned. The time limit prescribed by the Rules in the presentation of evidence contemplates not only actual period spent in presenting before the Tribunal, but also the period used in the taking of deposition of the witnesses under Rule 61 of the same rules.

The Tribunal is not unmindful of the rule/principle that govern election contests which must be liberally construed to the end that the will of the electorate in the choice of public officials may not be defeated by technical infirmities. In fact in *San Buenaventura v. Baguio*,[77] the Tribunal relaxed the rigid application of the rules of procedure and considered evidence not formally presented in resolving the electoral protest therein.

---

[76] *Gementiza v. Commission on Elections*, 406 Phil. 292, 302 (2001).
[77] 4 HRET Reports 575 (1994).

Celso O. Baguio was the protestee in *San Buenaventura*. In the course of the presentation of his evidence, protestee Baguio waived presentation of the Revision Reports for the 81 counter-presented precincts, including the ballots subject thereof. Thereafter, he filed his *Formal Offer of Evidence*, minus the aforesaid documentary evidence; although not formally presented in evidence by protestee Baguio, the Revision Reports and ballots subject thereof were nevertheless examined and/or appreciated by the Tribunal, *provided*, the relevant Revision Reports were formally offered by protestant San Buenaventura. In so doing, the Tribunal ratiocinated that:

> To consider only the ballots objected to and claimed by Protestant San Buenaventura, and to disregard those objected to and claimed by Protestee Baguio (which were not formally offered by the latter) would lead to a substantial injustice or one-sidedness based on purely technical grounds.

San Buenaventura, however, presents an entirely different factual milieu from the present case. In the former, there is no question that protestee Baguio presented his evidence and formally offered his documentary support all in due time. That the Revision Reports of the 81 counter-protested precincts and the ballots subject thereof were not presented was made by choice; not due to any contravention of the Tribunal's procedural rules or, worse, the intentional delaying of the resolution of the case. In contrast, protestee Sandoval in this case unashamedly frittered away the period afforded him under Rule 59; failed to appreciate the liberality of the Tribunal in granting his plea for additional time; and defiantly disregarded the warning that he will no longer be given further extension.

Protestee Sandoval was initially given 14 hearing dates[78] in the span of three (3) months from the date of the inception of his presentation of evidence within which to present his evidence and make his case. The following material antecedents, guided the Tribunal in resolving the subject procedural issue:

a. *2 September 2008* – Protestee Sandoval commenced the presentation of his evidence before the designated hearing commission;

b. *15 and 18 September 2008* – Protestee Sandoval continued presenting his evidence;

c. *23 September 2008* – Protestee moved to cancel and reset the scheduled hearing on this date;

d. *25 September 2008* – Protestee Sandoval resumed presenting his evidence;

e. *29 September 2008* – The hearing commissioner of this case set additional six (6) hearing dates for the reception protestee Sandoval's evidence (2, 13, 27, 28, 29 and 31 October 2008, and, 3 and 11 November 2008);

f. *2*, *13*, *27*, *28*, and *29 October 2008* – Protestee Sandoval moved for the cancellation of the hearings on this dates in view of the supposed unavailability of his counsel and/or witnesses;

g. *3 and 11 November 2008* – The hearings resumed and protestee Sandoval was able to present his witnesses;

h. *11 November 2008* – Protestee Sandoval filed a *Motion for Leave (to Present Additional Witnesses) with Request for Subpoena* in order to four (4) additional witnesses;

i. *24 November 2008* – The Tribunal granted protestee Sandoval's motion and extended to him an additional 10-day period within which to conclude the presentation of his evidence including the formal offer of all his documentary evidence – note that said extension carried an express warning that "no further extension shall be given";

j. *10 December 2008* – The 10-day extension period began with protestee Sandoval presenting three (3) witnesses;

---

[78] 2, 15, 18, 23 & 25 September 2008; 2, 13, 27, 28, 29 & 31 October 2008; 3 & 11 November 2008; and 10 & 11 December 2008.

k. *11 December 2008* – Protestee Sandoval presented the fourth witness;

l. 18 December 2008 – Protestee Sandoval filed a *Manifestation and Motion (with Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence)* to present another witness;

m. *23 December 2008* – The 10-day extension period granted by the Tribunal ended on this date; and

n. *22 January 2008* – The Tribunal denied protestee Sandoval's manifestation and motion, and deemed him to have waived the completion of the presentation of his evidence.

Under the preceding chronology, protestee Sandoval has the effrontery to ask the Tribunal for liberality; arguing that his manifestation and motion suspended the period for filing his *Formal Offer of Evidence*, and that the two-month period provided under Rule 59 of the rules of procedure of the Tribunal be *not* strictly reckoned from 2 September 2008.

Protestee Sandoval's plea for liberality is misplaced. The circumstances of this case evince that he had already stretched the Tribunal's tolerance to the limit – out of the 14 hearing dates initially set for the presentation of his evidence, six (6) settings were postponed or cancelled at his instance; no hearing was conducted during the whole month of October in view of various reasons, *i.e.*, unavailability of his witnesses and/or counsel, insufficiency of testimony, etc.; and despite numerous postponements he was given, an additional 10-day extension, within which to formally present his evidence. In fact, conformably with the liberal interpretation of Rule 59 of the 2004 Rules of the HRET, protestee Sandoval had close to four (4) months, reckoned from 2 September 2008, within which to present his evidence.

Despite the Tribunal's tolerance, as well as the warning aforequoted, protestee Sandoval not just asked for another period to present one more

witness, but he moved for the suspension of the period within which to file his formal offer of evidence. This is obviously a patent attempt at delaying the resolution of the present case, considering that the evidence sought to be elicited from the proposed witness, a COMELEC official assigned to the Committee on Printing, appears to be just a reiteration of the information already shared by former Acting COMELEC Chairman Resurreccion Z. Borra who testified before the Members of the Tribunal on 30 August 2007, on the various security features found in an official ballot used in the 14 May 2007 elections. Accordingly, the testimony of another member of the Committee on Printing of the COMELEC would only be superfluous.

The Tribunal cannot help but feel that the numerous motions filed by protestee Sandoval had but one purpose – **to delay the resolution of the present case in order to perpetuate his stay in office and render moot the election protest**. And the Tribunal takes exception to the duplicitous representation of protestee Sandoval's counsels in claiming that the revisors to be presented as witnesses in this case had a prior scheduled hearing before the SET when in fact there was none.

Though there are instances where courts have relaxed the rigid application of rules of procedure, the present case will not be one of them. To do so would only reward protestant Sandoval's **wanton disregard of the rules and causing needless delay in this case as well**. The numerous opportunities the Tribunal accorded protestee Sandoval to present his evidence and formally offer the same and his apparent disrespect and indifference to our orders are, to our mind, unacceptable reasons for relaxing the observance of the subject rules. As significant as the tenet regarding liberal construction of procedural rules, the opposing precept is just as essential especially in election cases where time is of the essence – **that the liberal application of rules of procedure cannot be invoked if it will**

result in the wanton disregard of the rules or cause needless delay in the administration of justice. Because equally settled is the principle that, **save for the most persuasive of reasons, strict compliance (to procedural rules) is enjoined to facilitate the orderly administration of justice**.[79]

In *Fortich v. Corona*,[80] the Supreme Court declared that:

> Procedural rules, we must stress, should be treated with utmost respect and due regard since they are designed to facilitate the adjudication of cases to remedy the worsening problem of delay in the resolution of rival claims and in the administration of justice. The requirement is in pursuance to the bill of rights inscribed in the Constitution which guarantees that "all persons shall have a right to the speedy disposition of their before all judicial, quasi-judicial and administrative bodies," the adjudicatory bodies and the parties to a case are thus enjoined to abide strictly by the rules. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice. **There have been some instances wherein this Court allowed a relaxation in the application of the rules, but this flexibility was "never intended to forge a bastion for erring litigants to violate the rules with impunity."** A liberal interpretation and application of the rules of procedure can be resorted to only in proper cases and under justifiable causes and circumstances. (Emphasis supplied)

As emphasized above, exceptional circumstances or compelling reasons may have existed in the past when courts either suspended the operation of the rules of procedure or exempted a particular case from their application.[81] But, these instances were the exceptions rather than the rule, and courts invariably took this course of action only upon a meritorious plea for the liberal construction of procedural rules based on attendant exceptional circumstances. The uncommon exceptions allowed the courts to maintain the stability of its rulings, while allowing for the unusual cases when the dictates of justice demand a correspondingly different treatment.

---

79 Spouses *Ortiz v. Court of Appeals*, 360 Phil. 95, 101 (1998).
80 359 Phil. 210, 220 (1998).
81 *Ponciano v. Laguna Lake Development Authority*, G.R. No. 1745636, October 29, 2008, 570 SCRA 207, 220-221.

A party invoking for the suspension of procedural rules has the heavy burden of proving that he deserves to be accorded exceptional treatment. Every plea for a liberal construction of the Rules must at least be accompanied by an explanation of why the party-litigant failed to comply with the rules and by a justification for the requested liberal construction.[82]

Significantly, protestee Sandoval presented no exceptional circumstance or any compelling reason to warrant the non-application of Rules 59 and 60 to the present electoral case. Other than his plea for exemption, he did not explain why the Tribunal should act as he advocates and excuse his negligence. To grant his pleas and relax the application of the procedural rules of the Tribunal on the ground of substantial justice would only render inutile the Tribunal and make a mockery of its edicts; make worthless the import of the provisions of its rules of procedure; and disregard the nature of election cases. As held by the Supreme Court in *Baltazar v. Commission on Elections*,[83] cited in the case of *Hofer v. HRET*[84]:

> By their very nature and given the public interest involved in the determination of the results of an election, the controversies arising from the canvass must be resolved *speedily*, otherwise the will of the electorate would be frustrated. And the delay brought about by the tactics resorted to by petitioner is precisely the very evil sought to be prevented by election statutes and controlling case law on the matter.

Additionally, Protestee Sandoval harks on the violation of his right to due process if he was proscribed from filing his *Formal Offer of Evidence.*

On this point, the Tribunal is equally unmoved. From the facts of this case, the last thing that protestee Sandoval can claim is a denial of his right

---

82 *Prudential Guarantee and Assurance, Inc. v. Court of Appeals*, 480 Phil. 134, 140 (2004).
83 403 Phil. 444, 454 (2001).
84 G.R. No. 158833, 12 May 2004, 428 SCRA 383, 387.

to due process. True, the right to due process safeguards the opportunity to be heard and to submit any evidence one may have in support of his claim or defense.[85] Nonetheless, it has been held time and again that where the opportunity to be heard, either through verbal arguments or pleadings, is accorded, and the party can "present its side" or defend its "interest in due course," there is no denial of due process.[86] What the law proscribes is the lack of opportunity to be heard.[87] Protestee Sandoval had ample opportunity to present his case and claim the relief he seeks. But he misused such occasion through inadvertence and lack of circumspect.

In sum, the Tribunal cannot just turn a blind eye and tolerate the contravention of the very tools designed to breathe life into election cases. The provisions of the 2004 Rules of the HRET cannot, and should not, be set aside at the whim and caprice of a party; or at the mere invocation of substantial justice, for the rule on formal offer of evidence is not a trivial matter. For reasons already discussed, the Tribunal is disinclined to suspend the rules to come to the rescue of protestee Sandoval and his counsels. In *Lapid v. Laurea*,[88] the Supreme Court reminds that:

> **Members of the bar are reminded that their first duty is to comply with the rules of procedure, rather than seek exceptions as loopholes**. Technical rules of procedure are not designed to frustrate the ends of justice. These are provided to effect the prompt, proper and orderly disposition of cases and, thus, effectively prevent the clogging of court dockets. **Utter disregard of these rules cannot justly be rationalized by harking on the policy of liberal construction**.

And, as succinctly put in *Lozano, et al. v. Nograles,*[89] "liberality does not signify an unbridled exercise of discretion. It has its limits; to serve its

---

85 *Azucena v. Foreign Manpower Services*, 484 Phil. 316, 329 (2004).
86 *Air Philippines Corporation v. International Business Aviation Services Phils., Inc.*, G.R. No. 151963, September 9, 2004, 438 SCRA 51, 67.
87 *Herrera-Felix v. Court of Appeals*, 479 Phil. 727, 736 (2004)
88 439 Phil. 887, 897 (2002)
89 G.R. Nos. 187883 and 187910, June 16, 2009,

purpose and to preserve its true worth, it must be exercised only in the most appropriate cases."

Under the foregoing circumstances, the Tribunal has no other recourse but to strictly follow the mandate of Rule 60 of HRET Rules and Section 34 of the Revised Rules of Court. The language of these rules is clear and emphatic – to the point of being obligatory – and that the Tribunal is simply reaffirming the basic rules on evidence that "evidence not formally presented shall be deemed waived and shall not be considered by the Tribunal in deciding the case."

Nullification of election results in view of electoral fraud and irregularities supposedly committed by the parties.

Parties in this case accuse each other of employing electoral fraud and irregularities during the voting and counting of the votes and/or in the canvass of the election returns in order to manipulate the results of the election. A perusal of the *Petition of Protest* and *Answer* of protestant Lacson-Noel and protestee Sandoval, respectively, as well as the entire record of the case, however, reveals that both parties, though making specific mention of the precincts where supposed widespread election fraud and irregularities occurred, failed to substantiate their allegation of any illegal behavior. No witness was presented by parties to testify on where and how the occurrences took place. In other words, the records do not disclose any evidence *aliunde* in support of the subject allegation.

This is fatal error.

Unless parties can both show with specificity and clear and convincing proof, the fact that electoral fraud and irregularities indeed occurred; that the conduct thereof vitiated or affected the votes cast by the electorate; and that the vitiated votes comprised more than 50% of the total number of votes in the precinct,[90] the exercise of the power to annul an election should be exercised with care as it involves the free and fair expression of the popular will.[91]

In this case, with the protest and counter-protest focusing only on the accuracy of the count and crediting of the parties' respective votes, the Tribunal can only rely on the count and appreciation of the ballots in order to determine the true will and choice of the electorate in the Lone Legislative District of Malabon City-Navotas.

Results of the Revision and Appreciation of Ballots.

The Lone Legislative District of Malabon City-Navotas was originally composed of **1,437 single/clustered precincts**.[92] According to the *Certificate of Canvass of Votes* for Malabon City[93] and the Municipality of Navotas,[94] however, only **1,436 precincts** (***824 for Malabon City*** and ***612 clustered for Navotas***) functioned during the 2007 National and Local Elections.

In her *Petition of Protest*, protestant Lacson-Noel impugns the election results in **623**[95] **precincts**,[96] Protestee Sandoval, in contrast,

---

90 *Nograles v. Dureza*, 1 HRET Reports 138, 170 (1989).
91 *Arroyo v. HRET*, 316 Phil. 464, 494 (1995).
92 Based on the *Project of Precincts* issued by the Commission on Elections.
93 Consisting of 824 Precincts, Annex "E" of *Petition of Protest*; *rollo*, p. 17
94 Consisting of 612 out of 613 Precincts, Annex "F" of *Petition of Protest*; *rollo*, p. 21.
95 As clarified by petitioner Lacson-Noel in her memorandum, instead of the original number of 623 precincts, only 621 precincts are the subject of the present election protest for the reason that

identified **1,006 precincts**[97] as the subject of his *Counter-Protest*. However, an examination of the lists of protested and counter-protested precincts reveal that **189 precincts** appear to be commonly contested.

Thus, out of the total 1,436 precincts of the subject legislative district, the election results in **1,434 precincts** are subject of the protest and counter-protest of parties in this case – **822 precincts from Malabon City** and **612 precincts from the Municipality of Navotas.** Only **2 precincts** (165B and 484B both from Malabon City) remain unchallenged.

I. REVISION OF BALLOTS

In the Election Returns (ER) and/or Tally Sheets (TS) in **1,434** contested precincts, protestant Lacson-Noel obtained a total of **70,565** votes as against **71,830** votes for protestee Sandoval; or a margin of **1,159** in favor of the latter.

Upon termination of physical count of ballots conducted during revision, however, there were only **70,530** ballots counted for protestant Lacson-Noel, while **69,939** votes were found to have been cast for protestee Sandoval, *viz*:

Table A
Summary of Revision Results

Protested Precincts			
		Protestant	**Protestee**

Precinct No. 461 from Malabon City is not included in the Project Precincts. Its inclusion was mere typographical error that does not go into the substance of the instant petition.

96 *440* of which come from Malabon City, and *181* precincts from the Municipality of Navotas.

97 1,006 precincts are composed of *393* precincts from Malabon City and *613* precincts from the Municipality of Navotas.

City	Prec.	*Per ER/TS*	Per Revision Report	Diff.	*Per ER/TS*	Per Revision Report	Diff.
Malabon	441	17,684	18,491	**807**	*26,127*	*24,780*	***(1,347)***
Navotas	180	7,260	7,165	**(95)**	*11,069*	*10,927*	***(142)***
Sub-total	621	24,944	25,656	**712**	*37,196*	*35,707*	***(1,489)***
Counter-Protested Precincts							
Malabon	380	19,964	19,650	**(314)**	*16,352*	*16,183*	***(169)***
Navotas	433	25,657	25,224	**(433)**	*18,282*	*18,049*	***(233)***
Sub-total	813	45,621	44,874	**(747)**	*34,634*	*34,232*	***(402)***
Grand total	**1,434**	**70,565**	**70,530**	**(35)**	***71,830***	***69,939***	***(1,891)***

Based on the figures above shown, protestant Lacson-Noel's votes decreased by only **35** and protestee Sandoval's votes likewise went down as far as **1,891**. Deducting the difference of her votes from that of protestee Sandoval's, the winning margin now reversed in favor of protestant Lacson-Noel with a lead of **591** votes. It appears that protestant Lacson-Noel, after deducting her missing/lost ballots from that of protestee Sandoval, had a "total net gain" of **1,856** votes based on the physical count of ballots.

II. APPRECIATION OF BALLOTS

Note that protestee Sandoval had waived the completion of the presentation of his evidence and failed to file his Formal Offer of Evidence. That being the case, the Tribunal cannot take cognizance of either the ballots he is claiming or objecting to; or the revision reports of the same. Accordingly, only those ballots objected to and claimed by protestant Lacson-Noel and the *Reports on Revision of Ballots* – stating the grounds for

her objections[98] or claims[99] to specific ballots – which were both formally offered as evidence,[100] are the bases of the following appreciation report.

A ballot represents the will of the voter. The law does not require that the name of candidates voted for should be nicely or accurately written on the ballot.[101] The ballots should be read in light of the circumstances surrounding the election and the voter. Hence, the entries on the ballots should be liberally construed to make the votes effective rather than ineffective on some technical grounds.[102]

In ruling on the objections and claims to the ballots, the Tribunal adopted the following rules and guidelines in the examination and appreciation of ballots:

Ballots Objected to by the Parties

i. Multiple Ballots Written By One Person (WBO)

Under Section 195 of the Omnibus Election Code, each registered voter is allotted only one ballot to fill up by writing in the proper space for each position the name of candidates being voted for. In certain instances, however, the law allows voting by an assistor for registered illiterate and physically disabled voters. This mode of voting may be determined from the

---

98 (1) ballots were written by one person; (2) each ballot were written by two persons; (3) marked ballots; (4) spurious/substituted ballots; (5) miscellaneous grounds; and (6) combination of the various grounds for objection.

99 (1) neighborhood rule; (2) intent rule; (3) *idem sonans* rule; (4) combination of neighborhood, intent and *idem sonans* rules; and (5) other miscellaneous grounds.

100 Ballots objected to and claimed by protestant were marked with exhibit numbers preceded by letters "LN."

101 Section 195 of *Batas Pambansa Bilang* 881, otherwise known as the "Omnibus Election Code."

102 See *Batuhan v. Cuenco*, HRET Case No. 01-032, 22 January 2004, citing several cases; *Sangki v. Matalam*, HRET Case No. 01-042, 18 March 2004; *Romero v. Macias*, HRET Case No. 01-009, 26 February 2004.

Minutes of Voting and Counting of Votes (C.E. Form No. 11).[103] Where the presence of assisted voting was recorded in the minutes of voting or registration records, it is presumed that identically written ballots was prepared by the assistor: one for himself and one for the assisted illiterate or physically disabled voter. Nevertheless, the ballots should be considered invalid if the identical handwritings on a pair or group of ballots were not similar to the signature or handwriting of assistor as reflected on the minutes of voting. Except for members of the board of election inspectors, each assistor is allowed only three (3) assisted voters.[104] In the absence of the minutes of voting, the Computerized Voter's List (CVL) or the Voter Registration Record (VRR) may be used to verify the presence of illiterate or physically handicapped voters.[105]

In *Sangki v. Matalam*,[106] this Tribunal annulled written-by-one ballots even if the parties failed to object to them during the revision, as the ballots were plainly invalid.

The Tribunal admitted **45,842** ballots for protestee Sandoval which were objected to by protestant Lacson-Noel, while it sustained protestant Lacson-Noel's objections to **269** ballots for protestee Sandoval.[107] The admitted and rejected ballots are specified in Annexes "A" and "A-1" of this decision.

ii. Each Ballot Written by Two or More Persons (WBT)

---

103 Section 196 of the Omnibus Election Code.
104 Id.
105 *Batuhan v. Cuenco*, supra note 102.
106 Supra note 102.
107 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots objected to by him and the respective revision report thereof.

Under Section 211 of the Omnibus Election Code, a ballot written by two persons before it was deposited into the ballot box during the voting is void.[108] In the absence of evidence *aliunde* that the second handwriting was placed on the ballot after it was deposited into the ballot box, it is presumed that the entries on such ballot were written before the casting of the ballot.[109]

To determine whether the entries on the ballot were written by two or more persons, the following writing characteristics were considered, such as: (1) size of the letters; (2) features and uniqueness; (3) terminal spur and strokes; (4) proportion of letters; (5) connecting strokes; (6) pen lifts and hesitations; (7) letter spacing, slants and line quality; and (8) punctuation and other markings.[110] However, if the handwriting on the ballot was clearly distinct from other handwriting therein, the ballot should be rejected.[111]

Similarly, the ballot was not considered written by two persons even if the ballot contained the following: (1) names of candidate written in big printed letters and the other names in ordinary script – this manner of voting was merely used to emphasize the vote in favor of some candidates; (2) names of candidate were written in a manner different from the other candidates voted for; (3) used of different strokes, style or manner of writings, or different inks or colors of ink, unless they were being used to identify the ballot; and (4) there was no clear disparity or dissimilarity between the handwriting in one part of the ballot and the handwriting in another part.[112] Thus, even if some entries on the ballot were written or erased by another person without the consent of the voter, such ballot was admitted for a candidate if his name was clearly written on the line for Representative.

---

108 Rule 23.
109 *Sangki v. Matalam*, supra note 102.
110 Id.
111 Id.
112 Id.

The Tribunal admitted **9,330** ballots for protestee Sandoval which were objected to by protestant Lacson-Noel, while it sustained protestant Lacson-Noel's objections to **94** ballots for protestee Sandoval.[113] The admitted and rejected ballots are specified in Annexes "B" and "B-1" of this decision.

iii. Marked Ballots (MB)

A ballot should not be rejected as marked ballot unless there is sufficient reason to justify the action. In case of doubt, it should be resolved in favor of validity of the ballot.[114] Marked ballots are considered illegal ballots because they contained words, names of persons other than candidates, writings, and drawings, which serve to identify the ballots.[115]

In the present case, the Tribunal nullified several ballots containing markings, to wit:

> (1) Impertinent, derogatory remark, irrelevant and unnecessary words, phrases or expressions, such as "Straight G.O," "Opposition Solid," "Team Unity," "God is watching," "Putang Ina Nyo," "PLANCOREVOLT," "Revolt," "Tagay Muna," among others, written on the ballots.
>
> (2) Names of candidates written three (3) or more times on the ballots.
>
> (3) Signatures or initials of the voters written on the ballots. The Tribunal used the Election Day Computerized Voter's List (EDCVL) and the Voter Registration Record (VRR) to determine if the name written was voter's name.

---

113 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots objected to by him and the respective revision report thereof.

114 *Batuhan v. Cuenco*, supra note 102.

115 Id.

(4) Words or names written on space not intended for voting, like the upper, lower and dorsal portion of the ballot.

(5) Names of non-candidates who are known personalities, such as: "Fidel Ramos," "Erap," "FPJ," among others, written on the ballots.

(6) Numeric figures such as: "48" written on line for Councilors (S24; pp; 475A); "9-0" written on lines 8 to 11 for Senators (LN50; pp; 489A); "1-7 ok 8-12 walong" written above line 1 for Senators (S57;pp;700A/701A); "13-Makulit" written on line for Party-List (S38;pp;726A); among other things.

(7) Names of non-candidates (as verified from the list of candidates) written on space not intended for voting, like the upper left side or portion of the ballot, and the voters appeared to be literate.

(8) Names of political parties like "LDP," "LABAN," "KAMPI," "LIBERAL," "LAKAS-CMD," and other parties written after names of candidates and on line/space not intended for Party List candidate.

(9) Stickers containing names of candidates or political parties pasted on the ballots.

On the other hand, the Tribunal brushed aside the following marks, signs, or words appearing on the ballots, such as:

(1) Erasures, retracing, superimpositions, crossed-out words, heavy writing, or alterations of letters in the names of candidates, which were regarded as attempts by voters to correct what they had originally written.

(2) Circles, crosses, lines, and "x" marks on spaces in which the voter did not write the name of any candidate. These marks showed desistance in voting for any candidate.

(3) Checks, crosses, asterisks, and other similar marks written before or after the names of candidates. The BEIs were presumed to have placed them in the course of counting the ballots.

(4) Commas, dots, lines, hyphens, or other similar marks between the first name and surname of a candidate or in other parts of the ballot.

(5) Stains, smudges, ink or carbon markings, where the presence of such marks did not appear to have been deliberately done or placed by the voters.

(6) Mere similar sequencing of the names of candidates or uniformity of entries. Some voters probably copied the candidates' names from similar sample ballots because of numerous candidates to be voted for.

(7) Prefixes or suffixes written before or after the names of candidates.

(8) Use of registered nickname or stagename.

(9) Use of registered nicknames and appellations of affection and friendship, if accompanied by the first name or surname of candidate.

(10) Ballots with entries written in crayon, lead pencil, or ink, wholly or in part.

(11) The use of different inks or colors of ink.

(12) The use of two kinds of writing, like the combination of script and block or printed style.

(13) Ballots with undetached upper or lower coupons.

(14) Ballots not completely filled up.

(15) Torn ballots, in the absence of any showing that the voter intentionally tore them for purposes of marking.

(16) Unintelligible words written on the ballots.

(17) Names of candidates written two times on the ballot.

The Tribunal admitted **8,218** ballots for protestee Sandoval which were objected to by protestant Lacson-Noel, while it sustained protestant Lacson-Noel's objections to **619** ballots for protestee Sandoval.[116] The admitted and rejected ballots are specified in Annexes "C" and "C-1" of this decision.

iv. Spurious Ballots (SB)

---

116 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots objected to by him and the respective revision report thereof.

It is noteworthy that Mr. Henry Young, Liaison Officer of LAMCO Paper, the manufacturer and supplier of the security paper used for the Official Ballots, testified that the security paper contained the following features: (1) the watermark consisting of COMELEC logo, which can be seen by tilting the paper into a certain angle; (2) it is solvent-reactive to bleach resulting in yellowish or brownish stain, or to acetone to produce a bluish shade on paper; and (3) the ballot contained "afterglow dots" which can be seen through ultraviolet light.[117]

In examining the genuineness of the ballots used in the May 14, 2007 elections, the Tribunal considered the following main authenticating marks:

> (1) The watermark embedded on the ballot consisting of **official seal** of the Commission on Elections and the word **"COMELEC".**
>
> (2) The microscopic words **"MAY142007 NATIONALANDLOCALELECTIONS",** printed and appearing as the line for Party List, which could be read only by the use of magnifying lens.
>
> (3) The **serial numbers of ballots** as allocated by the Commission on Elections for every legislative district, province, city and municipality.

The signature or initial of the BEI chairperson at the back of the ballot was also considered as an authenticating mark. However, the absence of the same did not invalidate the ballot as long as it contained any other authenticating marks.

---

117 TSN, 10 December 2008, pp. 17-18.

The Tribunal admitted **155** ballots for protestee Sandoval which were objected to by protestant Lacson-Noel.[118] The admitted ballots are specified in Annex "D" of this decision.

v. Combination of Grounds for Objection (COMB)

The Tribunal admitted **1,808** ballots for protestee Sandoval which were objected to by protestant Lacson-Noel, while it sustained protestant Lacson-Noel's objections to **31** ballots for protestee Sandoval.[119] The admitted and rejected ballots are specified in Annexes "E" and "E-1" of this decision.

vi. Miscellaneous Grounds (MISC)

In resolving the objections by parties on miscellaneous grounds, the Tribunal considered the following entries on the ballots:

> (1) Where the name of candidate for another position was written on the line for Representative, the vote was not counted for any congressional candidate.
>
> (2) Where the name of congressional candidate was written above another congressional candidate on the line for Representative, the vote was not counted for any candidate.
>
> (3) Where the name of congressional candidate was written on the line for Representative, but another congressional candidate was also written on other line with an arrow pointing to the line for Representative, the vote was not counted for any candidate.
>
> (4) When the ballot contained wrong first name followed by a correct surname, or a correct first name followed by a wrong surname, the vote was not counted for any congressional candidate even if there was no candidate bearing the same first name or surname.

---

118 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots objected to by him and the respective revision report thereof.

119 Id.

> (5) A vote in favor of a candidate who has withdrawn his certificate of candidacy was considered stray vote.
>
> (6) It is the duty of the board of election inspectors, *not the voters*, to remove the upper or lower detachable coupons from the ballots. Thus, ballots with undetached coupons or ballots cut by sharp object were admitted.
>
> (7) A ballot was counted for a candidate where his name or surname was incorrectly written, which when read, has a sound similar to the name or surname of candidate when correctly written.
>
> (8) A ballot containing initials only, or whose entries were not legible or sufficient to identify the candidate for whom it was intended was considered stray.
>
> (9) When only the first name or only the surname of congressional candidate was written on the ballot, the vote for such candidate was valid, provided there was no other congressional candidate bearing the same first name or surname.
>
> (10) When the name of candidate was erased and another name was clearly written, the vote was considered valid for the latter.

The Tribunal admitted **7** ballots for protestee Sandoval which were objected to by protestant Lacson-Noel, while it sustained protestant Lacson-Noel's objections to **2** ballots for protestee Sandoval.[120] The admitted and rejected ballots are specified in Annexes "F" and "F-1" of this decision.

vii. Ballots Without Stated Grounds for Objection

The Tribunal may review the ballots objected to by the parties although no grounds for their objections were stated.

As shown in Annex "G" hereof, the Tribunal admitted **2** ballots for protestee Sandoval.[121]

---

120 Id.
121 Id.

Total Ballots Objected to by Protestant Lacson-Noel

In sum, out of the 66,377 ballots in favor of protestee Sandoval objected to by protestant Lacson-Noel, the Tribunal admitted only **65,362**. On the other hand, it sustained the objections of protestant Lacson-Noel with respect to **1,015** ballots originally counted for protestee Sandoval. These are shown in the respective tables below:

Ballots for PROTESTEE SANDOVAL objected to by protestant Lacson-Noel:

	Objected Ballots	**Admitted**	**Rejected**
Protest	32,898	32,396	502
Counter-Protest	33,479	32,966	513
Total	**66,377**	**65,362**	**1,015**

Ballots Claimed By the Parties

The general rule is that a vote for a congressional candidate is considered stray if his or her name is not written on the space for Representative. Or put simply, only the name of a candidate written on the line for Representative is counted for the candidate voted.[122]

But like any other general rules, there are exceptions to the above in order to give effect to the intention of the voter. In the past, the Tribunal has admitted certain ballots although the candidate's name was not written on the line for Representative. Such misplaced name may be admitted for a candidate if the requisites are satisfied in any of the following: (1) Neighborhood Rule; (2) Intent Rule *([a] Evident Intent Rule* or *[b] Correct*

---

122 *Batuhan v. Cuenco, supra note 102.*

Sequence Rule); (3) *Idem Sonans* Rule; and (4) combination of the foregoing rules. In this case, the Tribunal still applied the foregoing standard.

i. Neighborhood Rule (NR)

In the appreciation of ballots, the Tribunal has ascertained the voter's intention to vote for a congressional candidate whose name does not appear on the space or line for Representative.[123] The mistake of voter is probably due to his confusion in filling up numerous positions during the national and local elections. In crediting such misplaced name of candidate, the Tribunal noted that some voters appeared to be poor writers or relatively unlettered persons based on their penmanship, handwriting strokes and styles, and manner of writing.[124]

Under this rule, the misplaced name was counted for a congressional candidate where his name was found written on the following line or space, thus:

> (1) A vote written on any line for Senators provided that: (a) the line for Representative is blank; (b) the intervening lines are blank; (c) there is no other congressional candidate written on the ballot; and (d) the misplaced vote is not intended to identify the ballot.
>
> (2) A vote written on line for Party List provided that: (a) the line for Representative is blank; (b) there is no other congressional candidate written on the ballot; and (c) the misplaced vote is not intended to identify the ballot.
>
> (3) A vote written on line for City Mayor, Vice Mayor, or any line for City Councilors, provided that: (a) the line for Representative is blank; (b) the intervening lines are blank; (c) there is no other congressional candidate written on the ballot; and (d) the misplaced vote is not intended to identify the ballot.

---

123 Id.
124 Id.

The Tribunal admitted only **88** ballots claimed by protestant Lacson-Noel, but denied **74**. Annexes "1" and "1-A" show the admitted and the denied ballots.[125]

ii. Intent Rule (IR)

1. Evident Intent Rule

The Tribunal also noted the same reasons for the mistakes of voters in filling up the ballots admitted under the neighborhood rule. A vote was also admitted for a congressional candidate where his name was written accompanied by words or signs, such as:

> (1) The word "Congressman" or "Representative" was written on space before or after the name of candidate;
>
> (2) The word "Congressman" or "Representative" was written on space above or below the name of candidate; or
>
> (3) The name of candidate was accompanied by an arrow, or line pointing to the space for Representative;

Provided, further that (a) the line for Representative was blank or filled up with a candidate's name connected by a line pointing to the proper space; (b) there was no congressional candidate written on the ballot; and (c) the misplaced vote was not intended to identify the ballot.

2. Correct Sequence Rule (CSR)

---

125 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots claimed by him and the respective revision report thereof.

A misplaced name of congressional candidate was also admitted where the sequence of entries written on the ballot showed that the voter intended to vote for such candidate. In the present case, several ballots were admitted with the following correct sequence of votes and their requisites, thus:

(1) Senator and
Representative

(2) Representative and
Party List

(3) Party List and
Representative

(4) Representative and
City Mayor

Provided, further that (a) the line for Representative was blank, or if filled up, the voter appeared to be semi-literate; (b) there was no other congressional candidate written on the ballot; and (c) the misplaced vote was not intended to identify the ballot.

The Tribunal admitted **75** ballots claimed by protestant Lacson-Noel, but denied **232**.[126] These ballots are specified in Annexes "2" and "2-A."

c. *Idem Sonans* Rule (IS)

Under Section 211 of the Omnibus Election Code, a ballot may be counted for a candidate where his name or surname is incorrectly written,

---

126 Id.

which when read, has a sound similar to the name or surname of candidate when correctly written. The same rule was applied where the incorrectly written names were claimed under the neighborhood and intent rules.

The Tribunal admitted **834** votes for protestant Lacson-Noel written as "Lacnon," "Lacsa," "Jeye Locson," "Lason" and others of similar sound and her registered nickname "Jaye" spelled as "Jayne," "Jade," "Jale" and the like. However, the Tribunal denied **19** ballots for protestant Lacson-Noel.[127] The lists of admitted and denied ballots are detailed in Annex "3" and Annex "3-A" of this decision.

d. Claims based on Combination of the Rules

This Tribunal may admit ballots based on a combination of the neighborhood rule, intent rule, and *idem sonans* rule. Thus, it admitted **50** ballots for protestant Lacson-Noel but denied **217** ballots claimed by protestant Lacson-Noel.[128] These ballots are specified in Annexes "4" and "4-A."

e. Claims based on Miscellaneous Grounds

The Tribunal denied **3** ballots claimed by protestant Lacson-Noel as shown in Annex "5" hereof.[129]

f. Claims on Spoiled and Marked Ballots

A ballot classified by the board of election inspectors as spoiled or marked ballot was considered invalid.[130] The existence of spoiled ballot

---

127 Id.
128 Id.
129 Id.

should be indicated in the minutes of voting and authenticated in such ballot by election inspectors. The Tribunal held that ballots originally declared spoiled by election inspectors, but showed no signs of "spoiled" character must be admitted as long as the valid votes matched the total number of actual voters if such spoiled ballots were to be included as valid ballots.[131]

The Tribunal admitted **8** ballots for protestant Lacson-Noel while it denied **19** ballots for protestant Lacson-Noel.[132] The lists of ballots are shown in Annexes "7" and "7-A" of this decision.

Total Ballots Claimed by Protestant Lacson-Noel

The summary of the claimed ballots and the ballots admitted and denied for the parties are as follows:

Ballots claimed by PROTESTANT LACSON-NOEL

	Claimed Ballots	**Admitted**	**Denied**
Protest	519	281	238
Counter-Protest	1,100	774	326
Total	**1,619**	**1,055**	**564**

III. TAMPERED BALLOT BOXES WITH FAKE BALLOTS

A party who alleges a fact has the burden of proving it and that mere allegation is not considered evidence.[133] In election cases, the duty to establish the grounds with respect to the protest rests on protestant and, as

---

130 *Batuhan v. Cuenco*, supra note 102.

131 Id.

132 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots claimed by him and the respective revision report thereof.

133 *Batuhan v. Cuenco*, supra note 102; *Sangki v. Matalam*, supra note 102.

regards the counter-protest, on protestee. Where a party alleges that certain illegal ballots were cast in favor of a candidate, the rule is for such party to present evidence establishing the identity of the illegal ballots, and the testimony of voters who prepared them.[134]

To reiterate, both parties in this case failed to present clear and convincing evidence of mutual allegations of election fraud and irregularities. It appears that they relied mainly on the theory that upon opening the ballot boxes of the contested precincts, the ballots found therein will be the best evidence of the true results of election.

After the examination of the ballots, election returns, and minutes of voting and counting, the revision reports showed unusual discrepancies of votes obtained by the parties.

The results per election returns showed that protestant Lacson-Noel received 1,182 votes as against 1,755 for protestee Sandoval. However, the physical count of ballots showed only **676** votes for protestee Sandoval, but protestant Lacson-Noel's votes increased to **2,164**.

The *Minutes of Voting and Counting* (ballot box copy) in the 28 precincts, particularly the space for "C. Incidents/Irregularities" showed no record of irregularity during the voting and counting of votes at the precinct level. The space for "F. Record of Protests" did not contain incidents of misreading and miscounting of ballots at the precinct level. The official minutes of the conduct of elections as recorded in the MOV were never contradicted by both parties. Moreover, they also failed to present evidence to overcome the presumption of due execution and authenticity of the ballot box copy of Minutes of Voting and the data recorded therein.

---

134 *Sangki v. Matalam*, supra note 102.

The *Election Returns* (ballot box copy) in these precincts showed no signs of alterations. No evidence *aliunde* was presented by either party, except the disputed ballots, to impeach the authenticity of election returns found inside the ballot boxes of the 28 precincts; or to contradict the presumption of due execution and authenticity of the same. In the present case, the presumption that the official duty has been regularly performed – that the election inspectors correctly counted in the polling places the votes and ascertained the results of election as recorded in the election returns – has not been disputed; and, thus, stands.

As discussed above, protestee Sandoval failed to complete the presentation of his evidence and make a formal offer thereof. Nevertheless, he stands in the same footing as protestant Lacson-Noel who did not offer any evidence, except the ballots, to prove the allegations of misreading and miscounting of votes. The claims of both parties of irregularity on the conduct of elections are serious and require more than mere allegations to prove the same, particularly, where the minutes of voting at the precinct level and at the canvassing of election returns reported the presence of the parties' watchers, supporters of various candidates, concerned citizens, and accredited COMELEC watchdog.

The foregoing observation notwithstanding, during the conduct of the revision and appreciation of the ballots, distinctively in the identified 28 precincts, the Tribunal observed that the subject ballots are without the indispensable security feature: the *COMELEC logo watermark* imbedded on the ballot. Further, said ballots do not also bear the required BEI signature at the dorsal side. The subject ballots look new, feel crisp, and surprisingly devoid of ink stains, finger smudges and other marks of use that are characteristics of other ballots cast during the day of election. Thus, the

Tribunal finds the ballots contained in the ballot boxes of the subject 28 precincts to be fake or spurious.

As these fake or spurious ballots no longer represent the will of the voters, they cannot be used to set aside the results of election as properly recorded on the election returns or tally sheets. Accordingly, the votes of protestant Lacson-Noel and protestee Sandoval in these 28 precincts should be drawn from the election returns or tally sheets found inside the ballot boxes.

IV. BALLOT BOXES WITHOUT BALLOTS AND/OR ELECTION RETURNS

The revision reports prepared by the parties' revisors showed that the ballot boxes of fifty-one (**51)** precincts contained wet and rotten ballots and/or election returns. The reports further indicated that several ballot boxes contain no ballots but only election returns and tally sheets.

The contents of these **51** ballot boxes were examined and verified during the appreciation of ballots in this case. In the absence of the ballots, the election returns, if not tampered or falsified, shall constitute the best evidence of the true results of elections. In this case, considering that both parties did not question the accuracy of the election returns and tally sheets found inside the subject ballot boxes, then the votes of protestant Lacson-Noel and protestee Sandoval shall be based on said documents, thus:

Table C

Precincts Without Readable Ballots			
Malabon City	**Protested Precincts**		
Precinct No.	**Protestant**	**Protestee**	**Findings**
181A	29	*43*	wet and rotten ballots (WRB)

Precincts Without Readable Ballots			
192A	48	*68*	wet, rotten ballots, and election returns (WRBER)
195A	41	*66*	WRBER
245A	41	*59*	WRB
255A	47	*70*	WRB
267A	34	*70*	WRBER
316B	49	*42*	WRB
323A	22	*68*	WRB
330A	56	*36*	WRB
336A	51	*37*	WRB
352A/B	66	*83*	Without ballots (WB)
397D	37	*72*	WRBER
421B	29	*45*	WRB
421C/422A	53	*88*	Unreadable ER (UER), WRB
425C	38	*59*	WRB
442A	32	*49*	WRB
445D	19	*36*	WRBER
446B	12	*30*	WRBER
448C	46	*36*	WRB
477B	22	*52*	WRB
479A	14	*63*	WRB
481A	22	*62*	WRB
483A	30	*47*	WB
575B	30	*110*	UER, WRB
599A	43	*63*	WRB
635B/636A	89	*87*	WRB
664B	26	*29*	WRB
684A/685A	38	*109*	WRB
718A/719A	34	*85*	WRB
722A	54	*45*	WRBER
Navotas City			
444A	46	*53*	WB
575A	28	*47*	WB
	Counter-Protested Precincts		
Malabon City			
18B	47	*48*	WB
65A	41	*49*	WRB
68A	47	*47*	WRB
94A	48	*38*	WRB

Precincts Without Readable Ballots			
102A	41	*45*	WRBER & TS
109A	39	*37*	WRB
163A	77	*29*	WRB, UER
227A/229A	77	*55*	WRB
264A	40	*47*	WRBER
392A	35	*32*	WRB
406B/C	54	*45*	WRB
543A	43	*33*	WRBER & TS
616A	46	*29*	WRB
Navotas City			
390A	62	*32*	WB
689A/690	31	*29*	WB
73A	81	*37*	WB
101A	79	*36*	WB
105A	61	*53*	WB
310A/311A	61	*33*	WB, ER without data
51 Precincts	**2,236**	***2,663***	

V. BALLOTS UNOBJECTED AND UNCLAIMED BY PARTIES

Lest it be forgotten, the authority of the Tribunal in a judicial recount is co-extensive with the number of protested and counter-protested precincts. It can rule on the validity of unobjected ballots in contested precincts even if the parties failed to object or to claim the ballots during the revision. Except for unobjected ballots from Precinct No. 334A that underwent appreciation of ballots, the results of election in three (3) precincts were based on election returns considering that the ballots found inside the ballot boxes were wet and rotten. Thus, the results show that:

Unobjected Ballots (Malabon City)		
Precinct No.	**Protestant**	**Protestee**
1. 334A	38	*34*
2. 634E/635A	54	*91*
3. 637A	44	*55*

4. 648A/B	46	*47*
Total	**182**	***227***

As regards unclaimed ballots by parties, the Tribunal admitted two (**3**) ballots for protestant Lacson-Noel and eight (**8**) ballots for protestee Sandoval. Also admitted is one (**1**) ballot without recorded objection in favor of protestant Lacson-Noel. These are shown in Annexes "6" and "8" of this decision.

SUMMARY

All told, the parties' total votes as recounted, appreciated and submitted in evidence are as follows:

Table D
Over-all Summary of Votes

	Protestant	**Protestee**
Total votes in **1,436** precincts in the congressional district per Summary of Statement of Votes for Malabon-Navotas District[135] and Certificate of Canvass of Votes.	**70,331**	**71,490**
Votes in **1,434** contested precincts per Election Returns or Tally Sheets.	**70,565**	**71,830**
Votes in **two (2)** uncontested precincts per Election Returns.[136]	**49**	**99**

Accordingly, after the recount and appreciation of the ballots by the Tribunal, the parties received the following votes, to wit:

---

135 Annex "D" of *Petition of Protest*; *rollo*, p. 16.

136 Certified true copy of Election Returns for Precinct 165B (Lacson-Noel-35, Sandoval-56) and Precinct 484B (Lacson-Noel-14, Sandoval-41).

	Protestant	**Protestee**
Votes per physical count of ballots in **1,351**[137] revised contested precincts that were subjected to appreciation of ballots.	**65,948**	**66,376**
Deduct:		
Objected ballots sustained by the Tribunal.	**(0)**[138]	**(1,015)**[139]
Add:		
1) Claimed ballots admitted by the Tribunal.	**1,055**[140]	**0**[141]
2) Unclaimed[142] ballots admitted by the Tribunal.	**3**	**8**
3) Unobjected ballots admitted by the Tribunal in four **(4)** protested precincts.[143]	**182**	**227**
4) Votes in twenty-eight **(28)** precincts with tampered ballots.	**1,182**	**1,755**
5) Votes in fifty-one **(51)** precincts without ballots, or with wet and rotten ballots.[144]	**2,236**	**2,663**
Equals:		
Total votes in **1,434** contested precincts	**70,606**	**70,014**
Add:		
Votes in two **(2)** uncontested precincts.	**49**	**99**
Equals:		
Total votes in **1,436** precincts that functioned in the congressional district.	**70,655**	**70,113**
Winning margin of protesant Lacson-Noel	**542**	

137 Of the 1,434 contested precincts, seventy-nine (79) were based on Election Returns: 51 precincts due to the absence of readable ballots; 28 precincts due to tampered ballots.

138 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots objected to by him and the respective revision report thereof.

139 See Table at p. 50.

140 See Table at p. 55.

141 In view of protestee Sandoval's waiver to complete the presentation of his evidence and failure to file his *Formal Offer of Evidence*, the Tribunal did not take cognizance of ballots claimed by him and the respective revision report thereof.

142 Annex "8."

143 See Table at p. 61.

144 See Table C at pp. 58-60.

The foregoing results of the recount and appreciation of ballots showed that protestee Sandoval's proclamation lead has been overcome by **542** votes in favor of protestant Lacson-Noel.

WHEREFORE, premises considered, the Tribunal hereby DECLARES that protestant Josephine Veronique R. Lacson-Noel is the duly elected Representative of the Lone Legislative District of Malabon City-Navotas in the election held on 14 May 2007, with a winning margin of **Five Hundred Forty-Two** (**542**) votes, with the right to assume the duties of her office. Consequently, protestee Alvin Sandoval is hereby declared unseated.

As soon as this Decision becomes final, let notices be sent to the President of the Philippines, the House of Representatives through the Speaker, and the Commission on Audit through its Chairman.

SO ORDERED.

CONSUELO YNARES-SANTIAGO
Associate Justice, Supreme Court
Chairperson

RENATO C. CORONA
Associate Justice, Supreme Court
Member

MINITA V. CHICO-NAZARIO
Associate Justice, Supreme Court
Member

MAURICIO G. DOMOGAN
Representative

FREDENIL H. CASTRO
Representative

Lone District, Baguio City
Member

First District, Capiz
Member

ROBERTO C. CAJES
Representative
Second District, Bohol
Member

SOLOMON R. CHUNGALAO
Representative
Lone District, Ifugao
Member

FLORENCIO T. MIRAFLORES
Representative
Lone District, Aklan
Member

JUSTIN MARC SB. CHIPECO
Representative
Second District, Laguna
Member

CERTIFICATION

Pursuant to Rule 91 of the Rules of the House of Representatives Electoral Tribunal, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to a Member for writing the above Decision of this Tribunal.

CONSUELO YNARES-SANTIAGO
Chairperson, HRET

Copy furnished:

Atty. Maria Donnah Guia C. Lerona-Camitan
Counsel for Protestant
131 Panay Avenue, South Triangle
Quezon City 1103

Jaromay Laurente Pamaos Law Offices
Counsel for Protestee
Unit 6C, One Joroma Place
Congressional Avenue cor. San Beda Street
Quezon City 1106