

****Title:**** Legarda vs. De Castro (Presidential Electoral Tribunal Case No. 003)

****Facts:****

1. On May 10, 2004, national elections were held in the Philippines, including the Vice-Presidential race.
2. On June 23, 2004, Congress, acting as the National Board of Canvassers (NBC), proclaimed Noli L. de Castro as the duly elected Vice-President, with 15,100,431 votes against Loren B. Legarda's 14,218,709 votes.
3. On July 23, 2004, Loren B. Legarda filed an electoral protest with the Presidential Electoral Tribunal (PET), asserting that there were manipulated and erroneous results in the canvassing of votes in multiple precincts.
4. The protest was bifurcated into two main aspects: (1) recomputation, recanvass, and retabulation of election returns for 9,007 precincts, and (2) revision of ballots in 124,404 precincts.
5. The PET confirmed its jurisdiction over the protest and denied De Castro's motion for dismissal due to lack of cause of action.
6. In March 2005, PET ruled the protest sufficient in form and substance to be pursued further.
7. Legarda was instructed to identify specific precincts best exemplifying her allegations. She named Lanao del Sur, Lanao del Norte, and Surigao del Sur as pilot areas.
8. On November 2, 2005, Legarda moved to withdraw the pilot aspects for Lanao del Norte and Surigao del Sur, leaving only Lanao del Sur.
9. Several hearings ensued, and testimonial and documentary evidence were presented, including witnesses such as COMEUC Chairman Benjamin Abalos and the General Manager of Ernest Printing Corporation.
10. In January 2006, while the case was sub judice, the Tribunal warned the parties against giving media statements related to the case.
11. In May 2007, after Legarda failed to remit additional required deposits for continuing the revision of ballots, PET dismissed the second aspect of the protest.
12. After considering the evidence submitted for the first aspect, the Hearing Commissioner recommended the dismissal of the protest, noting that Legarda's evidence was insufficient to establish that De Castro's proclamations should be annulled.

****Issues:****

1. ****Sufficiency of Evidence:**** Whether Legarda presented sufficient evidence to prove that

vote counts for vice-president were manipulated or erroneous to favor De Castro.

2. **Public Document Presumption:** Whether Congress-retrieved election returns (ERs) should be presumed regular and genuine.
3. **Applicability of `Dagdag-Bawas` Strategy:** Whether Legarda sufficiently demonstrated fraud through alleged vote-padding (`dagdag`) and vote-shaving (`bawas`) activities.
4. **Proof of Election Fraud:** Whether the discrepancies between Congress-retrieved ERs and other ER copies indicated deliberate fraud.
5. **Qualification of Election Returns:** Whether the discrepancies justify considering COMELEC/NAMFREL copies over Congress-retrieved copies.
6. **Effect of Assumption of Office:** Whether Legarda's assumption of the senatorial office constitutes abandonment of her protest.

Court's Decision:

1. **Sufficiency of Evidence:** PET held that Legarda failed to provide clear and convincing evidence to demonstrate election fraud that would sufficiently invalidate De Castro's winning margin. Evidence extracted from the pilot precincts was inadequate to establish systemic `dagdag-bawas`.
2. **Public Document Presumption:** PET ruled that Congress-retrieved ERs, being public documents, are presumed to be regular and genuine, and this presumption was not successfully rebutted by Legarda.
3. **Applicability of `Dagdag-Bawas` Strategy:** The court found the evidence provided by Legarda did not sufficiently prove the large-scale application of `dagdag-bawas`.
4. **Proof of Election Fraud:** PET found no conclusive evidence of break-ins or tampering at Congress, thus giving more weight to Congress-retrieved ERs.
5. **Qualification of Election Returns:** The PET ruled that Congress-retrieved ERs should not be disregarded without adequate proof of their spuriousness, which Legarda failed to provide.
6. **Effect of Assumption of Office:** Following precedent from *Defensor-Santiago v. Ramos*, PET concluded that Legarda's acceptance of her senatorial position was tantamount to abandoning her protest.

Doctrine:

1. **Presumption of Regularity:** Official electoral documents enjoy a presumption of regularity and authenticity.

2. **Burden of Proof:** The burden lies heavily on the protestant to provide convincing evidence to rebut this presumption.
3. **Mootness by Assumption of Office:** Pursuing a different public office during the pendency of an electoral protest can be deemed as abandonment of the protest.

Class Notes:

- **Presumption of Regularity:** Public documents are presumed regular unless proven otherwise (Rule 132, Sec. 19 (a), Rules of Court).
- **Burden of Proof:** The protestant must present clear and convincing evidence to overcome the presumption of regularity.
- **Electoral Protest Threshold:** Large-scale electoral fraud must be convincingly demonstrated across multiple precincts to sustain an electoral protest.
- **Abandonment Doctrine:** Taking a different elective office during an ongoing protest can be considered an abandonment of the protest.

Historical Background:

The case takes place in the context of the contentious 2004 national elections in the Philippines, which faced numerous allegations of electoral fraud and manipulation, especially in regions known for electoral volatility. This case highlights the judicial scrutiny electoral contests undergo and the legal thresholds necessary to overturn proclaimed results in the Philippine electoral system.