

BUENAVENTURA OBANDO, PETITIONER, VS. URBANO REGIS, RESPONDENT.*G.R. No. L-32683. May 31, 1971*

Ponente: REYES, J.B.L., J.

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Direct appeal by Buenaventura Oando on questions of law from the decision of the Court of First Instance of Cebu, Branch I (judge Guillermo Villazor, presiding) rendered in Election Case No. R-10360, resolving the protest filed by Urbano Regis, candidate for Vice-Mayor, and Segundo Canonigo, Gilbert Repunte, Filemon Paunil, Demetrio Sayaang, Cornelio Patalinghug, Anastacio Cañalita, and Rodolfo Novales, candidates for councilors of Naga, Cebu, in the elections of November 14, 1967, against those proclaimed elected, appellants Buenaventura Urbano et al., and declaring protestant Urbano Regis as elected Vice-Mayor for having garnered 2,227 votes, against 2,051 for protestee Buenaventura Oando; and declaring councilors protestees as having obtained a majority against protestants.

In trying and deciding the protest, after the report of the Commissioners on the uncontested and contested ballots, the court a quo, adopted the procedure of requiring protestants and protestees to submit written statements enumerating the ballots objected to and claimed by each party in each of the disputed precincts, and the reply thereto. After the statements were submitted the Court proceeded to decide the case, establishing in the decision the principles allegedly applicable and then tabulated merely the number of con-tested ballots credited by it to each party in each precinct, without specifying or detailing which ballots were rejected or allowed, nor the reasons therefor. Then, after adding the contested ballots credited by it in each precinct to the number of uncontested ballots in the corresponding precincts for each party, the trial Court pro-claimed as elected those who obtained higher totals than their rivals.

To illustrate: after stating in his decision that there was "no sufficient showing to establish the claim that the election held on November 14, 1967, in the municipality of Naga, Cebu, was not fair nor honest, but the result of mass election frauds, cheating, illegal voting and rampant terrorism", nor that certain voters "were allowed to vote, notwithstanding that their applications were yet unprocessed and unapproved and unvalidated" (Record, pp. 204, 205), the trial judge proceeded to lay down its criteria for the validity of the contested ballots, saying:

"Regarding the charge of cheating supposedly com-mitted by the protestees, the Court found no evidence to indicate a pattern utilized as countersigns for mark-ing the ballot, with the exception perhaps of numerous ballots containing figures before or after the names of candidates for councilor voted upon. In this last mentioned instance, it is evident that the figures contained therein constituted as a distinguishing mark and, there-fore, should invalidate said ballots (Cacho vs. Abad, 62 Phil. 564; Rodriguez vs. Zambrano, 61 Phil. 77). However, those ballots wherein the candidates for councilor were voted upon with initials preceding their surnames, while the rest contained surnames only, do not necessarily indicate a pattern for mark-ing said ballots. Finally, all those votes for "Repunte" alone in the space for councilor were counted in favor of the protestant Gilbert Repunte, he being the re-electionist candidate (Sec. 149, No. 16, Revised Election Code)."

Thereafter, the decision merely summarized the result of applying such rules to the contested ballots, by tabulating the votes credited to each party, protestant and protestee, by precincts, thus:

"The votes garnered by the protestants and protestees after the court passed upon the ballots contested by both parties follow:

PRECINCT NUMBERS AND NUMBER OF VOTES

PROTESTANT : 1 : 3 : 4 : 5 : 6 : 7 : 8 : 9 : 10 : etc.

Urbano Regis : 17 : 17 : 13 : 23 : 46 : 17 : 15 : 32 : 51 : etc.

x x x x

x x x x : : : : : : : :

PROTESTEES:

Buenaventura

Obando : 59 : 50 : 70 : 33 : 36 : 23 : 23 : 33 : 29 : etc.

(See Decision, Record, page 256).

No specifications of ballots dealt with or reasons applied in rejecting or crediting them were given.

Protestee-appellant Buenaventura Obando filed a motion for reconsideration and new trial, objecting to the method followed by the Court as not enabling an interested party to identify the ballots objected to and to ascertain the correctness of the number of votes allocated in each precinct to each protestant or protestee; but the lower Court denied reconsideration, stating that -

"It is not necessary to enumerate one by one the finding on each ballot, for this will unnecessarily lengthen the decision." (Order of 1 July 1970; Petition, Annex L).

Thereupon, defeated candidate Obando resorted to this Court, reiterating his objections to the procedure followed by the Court below and claiming that it was contrary to law and to Section 1 of Rule 36 of the Revised Rules of Court, providing that:

"SECTION 1. Rendition of judgments. -- All judgments determining the merits of cases shall be in writing personally and directly prepared by the judge, stating clearly and distinctly the facts and the law on which it is based, signed by him, and filed with the clerk of court."

We agree with protestee-appellant that the decision under appeal fails to state clearly and distinctly the facts and the law on which it is based, as required by the rules. The decision does not permit the identification of the ballots admitted or rejected for each of the parties, nor does it specify the reasons for admitting or rejecting the particular ballots, for which reason the decision is incomplete and, therefore, inoperative.

While the trial court was not required to deal separately with each individual ballot of those offered and objected to, and could have grouped those to which a common resolution could be or was applied, it was essential, in justice to the parties, to specify the ballots to which a particular ruling applied, and what such ruling was, in each case. Otherwise, no party would be in a position to determine whether or not the Court's action thereon was correct, and acceptable, or erroneous or inconsistent and, therefore, to be included in a motion to reconsider the ruling or rulings; nor would an appellate court, without other details than a numerical result, be in a position to judge whether a particular ruling was conformable to law or jurisprudence, and should be sustained, or whether

the ruling was erroneous or inconsistent or contrary to the law and should be set aside. The method followed in the appealed decision made it in effect unreviewable by a higher tribunal.

The resulting delay in the disposition of the protest is regrettable, but We would be laying a pernicious precedent were We to stamp our approval on so deficient a decision.

WHEREFORE, the decision appealed from, being incomplete, is inoperative and should be returned to the Court of First Instance of origin, with instructions to complete the same in conformity with this opinion. No costs.

SO ORDERED.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

Ruiz Castro, J., took no part.

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