

PRISCOLO B. INTING, PETITIONER, VS. ZOILA L. CLARIN, RESPONDENT.

G.R. No. L-28206. December 28, 1967

Ponente: ANGELES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6f45a9b6e214/>

ANGELES, J.:

An appeal by writ of certiorari to review the decision of the Court of Appeals declaring the protestant-appellee, Zoila L. Clarin, elected Mayor of Loay, Bohol, in the general elections of November 12, 1963, with a plurality of twenty-six (26) votes over her opponent, Priscilo Inting protestee--appellant. In the lower court, the protestant was declared winner with a plurality of two (2) votes.

The case was elevated to this Court on October 26, 1967, and it was included in the agenda of cases for deliberation by court on November 6, 1967, on which date the Court resolved to give due course to the petition, and required the petitioner to deposit, within five days from notice, the docket and legal research fees. The legal fees were paid on November 8, 1967.

Notice was given to the respondent, Zoila L. Clarin, to file her memorandum within five (5) days from receipt of notice of the resolution; however, as no memorandum nor manifestation that the case is being submitted on the pleadings, notwithstanding the lapse of more than two weeks, had been received from the said respondent, the case was submitted for decision on December 6, 1967.

Assailed in the petition is the conclusion of the appellate court declaring invalid nine (9) ballots for the protestee-appellant (Inting) for the reason that an initial is written preceding the printed numerals on each of the ballots, while in the case of twenty-five (25) ballots for the protestant-appellee (Clarin) each of which also bears identical marking, the appellate court declared the ballots valid and counted them in favor of the protestant.

Here is presented a side-by-side comparison of the ballots referred to:

Ballots for the protestee invalidated by the appellate court -

Ballots for the pro-

testant invalidated

by the trial court,

reversed, and declared

valid by the appellate

court -

P3-CI-27, letter "F" preceding figure 4 (councilor);

P5-IC-27, word "Tome"

preceding figure 7

(senator);

P3-CI-29, letter "E" preceding figure 7 (councilor);

P5-IC-9, word "Esteban"

preceding figure 1

(councilor);

P3-CI-44, letter "G" and "A" preceding figures 2 and 3, respectively, (councilor);

P5-IC-17, prefix "Atty"

and "A" preceding

preceding figure 4

(senator);

P3-CI-71, letter "A" preceding figure 6 (councilor);

P5-IC-35, prefix and

word "Atty" and "Pepe"

preceding figure 2 (senator);

P3-CI-75, letter "C" preceding figure 2 (councilor);

P5-47, letter "V" pre?

ceding figure 4

(senator);

P3-CI-83, letter "F" preceding figure 4 (councilor);

P6-IC-9, name "Toney"

preceding figure 4

(senator);

P3-CI-96, letters "A" and "F" preceding figures 3 and 4, respectively (councilor);

P7-IC-38, word "Dart"

preceding figure 1

(senator);

P3-CI-114, letter "C" Preceding figure 1 (board member);

P7-IC-4, "CIB" preced?

ing figure 3 (senator);

P3-CI-125, letter "G" preceding figure 5 (councilor).

P7-IC-48 word "Piping"

preceding figure 6

(senator);

P9-IC-12, word "Rudolf"

preceding figure 3

(senator);

P10-IC-99, word "Peping"

preceding figure 7

(councilor);

P11-IC-40, word "Dodong"

preceding figure 2

(board member);

P11-IC-74, letter "A"

preceding figure 5

(senator);

P11-IC-42, prefix "SB"

preceding figure 4

(senator);

P15-IC-13, letter "V"

preceding figure 5

(senator);

P15-IC-56, word "Rudy"

preceding figure 5

(senator);

P19-IC-5, word "Artur"

preceding figure 2

(senator);

P19-IC-7, word "Arturo"

preceding figure 3

(senator);

P19-IC-90, word "Patang"

or "Pa-ang" preceding

figure 1 (councilor);

P20-IC-26, word "Sen"

preceding figure 2

(senator);

P20-IC-16, word "Sen"

preceding figure 2

(senator);

P20-IC-61, letter "C"

preceding figure 2

(senator);

P21-IC-98, letter "R"

preceding figure 4

(senator)

P21-IC-99, letters "V"

and "J" preceding

figures 6 and 7 (sena--

tor) but without name

of voted senator;

P22-IC-30, prefix "Atty"

preceding figure 3

(senator).

It is to be noted that the above-mentioned nine (9) ballots for the protestee invalidated by the appellate court, all came from one precinct, Precinct 3. This fact, taken together with the circumstances that the initials are written preceding the printed numbers on the ballots all of which correspond to the lines for councilor, impliedly suggest that the marking was a preconceived pattern designedly placed on the ballot to identify it thereafter. The ruling in-validating said nine (9) ballots as marked, is affirm-ed.

With regard to the twenty-five (25) ballots for the protestant contested by the protestee of which thirteen bear distinctive marks, thus P4-IC-27 (Tome), P5-IC-9 (Esteban), P5-IC-35 (Pepe), P6-IC-9 (Toney), P7-IC-4 (CIB), P7-IC-38 (Dart), P10-IC-99 (Peping), P11-IC-40 (Dodong), P15-IC-56 (Rudy), P19--IC-5 (Artur), P19-IC-7 (Arturo), P19-IC-90 (Patang or Pa-ang), P21-IC-99 (letters "V" and "J" before figures 6 and 7 [senator]), but without names of voted senator, these thirteen ballots are declared invalid because of the presence thereon of impertinent and irrelevant expressions. The remaining twelve (12) ballots are declared valid votes for the protestant because, albeit each of the said twelve (12) ballots contained the marking of an initial or a prefix preceding the printed number thereon, said marks appeared only in three or four ballots of each precinct, and there appears to be no indication that the superfluous mark or sign was placed on the ballot to identify its voter.

The next being assailed by the protestee-appel-lant is the conclusion of the appellate court declar-ing invalid eleven (11) ballots for protestee-appel-lant, for the reason that on each of said ballots there appears an initial preceding the printed numbers. Said ballots are - three (3) from Precinct 15; four (4) from Precinct 16; and, four (4) from Precinct 21.

Conformably with the ruling laid down with re-spect to the nine (9) and twenty-five (25) ballots hereinabove discussed, We hold that the aforementioned ballots, shall be, as they are hereby declared valid votes for the protestee. This is in keeping with the principle that a ballot which has been cast carries the presumption that it reflects the will of the voter, and hence, extreme caution should be observed before it is invalidated. (Cacho v. Abad, 62 Phil. 564; 566.)

We do not agree also with the Court of Appeals in considering as invalid some other eleven (11) bal-lots for the protestee-appellant, where on each bal-lot an initial or letter is written over the printed word for a position from Precincts 6, 7, 8, 9 and 22, for instance, in Exhibit P6-CI-65, the letter "C" is placed over the printed word "Vice Mayor" when on the other hand, the appellate court itself has considered as valid in favor of the protestant twenty-seven (27) ballots which have identical marks appearing also over the printed word of a position. Accordingly, the aforesaid eleven (11) ballots are counted as valid votes for Inting.

We have not passed upon the other errors assigned in the petition for the reason that they involve factual issues.

In recapitulation, out of the 1,798 votes de-clared by the Court of Appeals as legally garnered by the protestant, thirteen (13) should be deducted for being invalid votes; to the 1,772 votes declared in favor of protestee should be added twenty-two (22) more - which makes 1,785 votes for the former and 1,794 for the latter, and, therefore, the protestee has won with a plurality of nine (9) votes over the protestant.

IN VIEW OF THE FOREGOING, the decision of the Court of Appeals affirming that of the court a quo, declaring the protestant as the elected Mayor of Loay, Bohol, in the November 1963 elections, is hereby re-versed, with costs against the said protestant, herein respondent.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Fernando, J., did not take part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.