

ESTEBAN M. CORPUZ, PROTESTANT AND APPELLANT, VS. ISIDORO B. IBAY, PROTESTEE AND APPELEE.*G.R. No. L-2305. July 08, 1949*

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/744918ee98d8/>**OZAETA, J.:**

In the general elections held on November 11, 1947, five candidates were voted for the office of municipal mayor of Villasis, Pangasinan. Mr. Isidoro B. Ibay was proclaimed by the municipal board of canvassers mayor-elect with 1,332 votes. His closest rival, Mr. Esteban M. Corpuz, who according to the said board of canvassers obtained 1,328 votes, filed a motion of protest in due time. The other three candidates did not participate in the protest.

After a revision of the ballots cast in the precincts mentioned in the protest and counterprotest, His Honor Judge Eulogio F. de Guzman found that the protestant Esteban M. Corpuz obtained 1,331 votes and the protestee Isidoro B. Ibay, 1,333 votes, and proclaimed the latter duly elected with a plurality of 2 votes. The protestant appealed.

In his assignment of error the protestant-appellant questions the correctness of the trial court's appreciation of 16 ballots in favor of the protestee-appellee, while the latter in his counterassignments of error in turn impugns the trial court's appreciation of 8 ballots in favor of the protestant-appellant.

After a joint examination by the members of the Court of each of the contested ballots in relation to the assignment of error, the Court unanimously rejected ballots I-26 and I-33 as marked ballots, the first with "(2 potoc" written after the name of the second councilor voted for, and the second with the word "comconpiling" written at the foot of the ballot below the name of the eighth councilor voted for. These words are patently irrelevant or impertinent and appear to have been written for no other purpose than to identify the votes, and should have been rejected by the trial court. (*Lucero vs. De Guzman*, 45 Phil., 852, 854.)

The Court is unanimous in affirming the appreciation by the trial court of the following 12 ballots in favor of the protestee:

I-6—The name written for mayor, as the Court reads it, is "Mayor—Isidoi iBoy"; I-8—"Tuduro Ybai"; I-9—"Teodoro Ibay"; I-29—"teodoro Ebai"; I-55—"Tiodoro Ebay"; I-66—"Teodoro Ibay"; I-31—"Isidao B Ibay"; I-32—"Isidoro ipai"; I-35—"Sidoru Biay"; I-36—"isidara bay"; I-42—"Esedoro Eyava"; and I-67—"I. sidoro."

The Court believes that although in these contested ballots the voters exhibited lack of skill in calligraphy their intention to vote for the protestee Isidoro B. Ibay was sufficiently manifest to justify the trial court's appreciation of said votes in his favor. The Christian name Teodoro, Tudoro, or Tiodoro, followed by the surname Ibay, is sufficiently close or similar to the name Isidoro Ibay to justify the reading of the votes in favor of the appellee, there being no candidate named Teodoro.

The appellant also contends that I-49 is a marked ballot, and should have been rejected by the trial court, because the words "N Rapisa" appear on the first line provided for a member of the provincial board. It is alleged that N.

Rapisa corresponds to the name of former Assemblyman Nicomedes T. Rupisan, who was twice elected Member of the National Assembly representing the fourth district of Pangasinan, of which the town of Villasis forms part. Appellant cites as authority the case of Raymundo vs.. De Ungria, G.R. No. 43044, July 18, 1935, in which it was held:

"It is now a uniform rule in this jurisdiction that ballots with the names of conspicuous politicians or personages voted for offices for which they are not candidates and are not eligible for being nonresidents should invariably be considered as marked and void."

In the first place, it is not clear that the name N. Rapisa corresponds to that of a conspicuous personage. In the second place, even assuming that that name was intended, for former Assemblyman Nicomedes T. Rupisan, yet the latter was a resident of Pangasinan and could have been voted member of the provincial board of that province. Hence the case cited does not apply.

In his last assignment of error the appellant questions the validity of one vote cast in Clark Field, Pampanga, in favor of the appellee, telegraphic advice of which was received by the municipal treasurer of Villasis from Clark Field, Pampanga, on November 15, 1947, one day after the municipal board of canvassers had met and proclaimed the elected candidates. Said vote appears to have been cast under the provisions of section 17 of the Revised Election Code, which reads as follows:

"SEC. 17. Voting in Bases and Reservations.—On the day of voting said voters shall vote in the place or places designated at the base or reservation by the Commission on Elections and before the representative or representatives of said Commission, for which purpose said representative or representatives shall be in the said place or places at seven o'clock in the morning of that day to receive the votes of the voters, and, at six o'clock in the afternoon or as soon as the voters have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph immediately after the canvass, to the municipal treasurer concerned and to the Commission on Elections, so that it may be included in the final computation of the votes and at the same time the said representative or representatives shall send to said officers certified copies of the statement by rush and registered mail."

Appellant contends that the consideration of said vote devolved upon the municipal board of canvassers, "who had the ministerial duty to do it," and that the lower court had no jurisdiction to take cognizance of said vote. In other words, according to counsel for appellant, the protEste should have first instituted an action of mandamus against the municipal board of canvassers for the purpose of compelling the latter to include said vote in its canvass. There is no question that said vote was properly cast in accordance with law, as shown by the certificate Exhibit Y. The delay in giving immediate advice of said vote as required by section 17 was neither the fault of the voter nor the fault of the candidate voted for. The trial court held that once an election contest was properly filed, the court had Jurisdiction to try and pass upon all questions involved in said contest; that under the new election law it had jurisdiction to proclaim the winning candidate without the need of another canvass by the board of canvassers, it being guided only by the outcome of its findings. We sustain this ruling of the trial court as being in accordance with law.

It results from the foregoing consideration of appellant's assignments of error that only 2 of the 16 votes for the appellee which the said appellant impugns by his appeal should be rejected and deducted from appellee's total number of votes, thereby reducing it from 1,333 to 1,331. That would give him the same number of votes as that for the appellant, unless appellee's counterassignments of error, or at least one of them, should prosper. We shall now direct our attention to these counterassignments of error.

The Court is unanimous in the opinion that the first, second, third, and fifth counterassignments of error, referring to ballots E-1, E-17, E-31, E-2, E-13, and E-34, are devoid of merit.

The Court is likewise unanimously of the opinion that the fourth counterassignment of error is meritorious. This refers to ballots E-18 and E-19, both of which were cast for "Isidoro Corpus" and claimed by both appellant Esteban M. Corpus and appellee Isidoro B. Ibay but awarded to the former by the trial court under paragraph 1 of section 149 of the Revised Election Code. The statutory rule invoked by the trial court reads as follows:

"1. Any ballot where only the Christian name of candidate or only his surname appears is valid for such candidate, if there is no other candidate with the same name or surname for the same office; but when the word written in the ballot is at the same time the Christian name of a candidate and the surname of his opponent, the vote shall be counted in favor of the latter."

Note that the last clause of the above-quoted rule refers to one word which is at the same time the Christian name of the candidate and the surname of his opponent, in which case the vote shall be counted in favor of the candidate whose surname corresponds to the word in question. For instance, let us suppose that the names of the candidates for the same office are Luis Francisco and Francisco Hernandez. Should the voter write only the word "Francisco" the rule in question says that it should be counted in favor of Luis Francisco and not in that of Francisco Hernandez. This rule has no application to the case at hand, wherein the voter used two words, one corresponding to the Christian name of one candidate and the other to the surname of his opponent. In such a case the vote is invalid for either candidate because there is no way of determining the real intention of the voter.

It results, therefore, that these two votes E-18 and E-19 counted by the trial court in favor of the protestant-appellant should be deducted from the latter's total number of votes, thereby reducing it from 1,331 to 1,329, against appellee's total of 1,331 as hereinabove reduced.

The result is that the protestee-appellee's proclamation by the trial court as the duly elected municipal mayor of Villasis, Pangasinan, with a plurality of 2 votes must be, as it is hereby, affirmed, with costs against the appellant.

Moran, C.J., Paras, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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.