

ALFONSO C. BINCE, JR., PETITIONER, VS. THE COMMISSION ON ELECTIONS, PROVINCIAL BOARD OF CANVASSERS OF PANGASINAN AND EMILIANO MICU, RESPONDENTS.

G.R. No. 106291. February 09, 1993

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

This is a special civil action for certiorari under Section 7, Article IX-A of the 1987 Constitution, in relation to Section 1, Rule 39 of the COMELEC Rules of Procedure and Rule 65 of the Rules of Court, to set aside the 29 July 1992 Resolution promulgated by the Commission on Elections (COMELEC) en banc without prior notice and hearing in connection with Special Cases SPC No. 92-208 and SPC No. 92-384.

The challenged resolution annulled the proclamation of the petitioner as the second winning candidate for the Sangguniang Panlalawigan of the Province of Pangasinan, representing its Sixth Legislative District, in the synchronized elections of 11 May 1992.

The grounds relied upon by the petitioner are:

"4.1. THE ASSAILED RESOLUTION ('ANNEX A', supra) OF JULY 29, 1992 IS ULTRA VIRES AND VOID AB INITIO BECAUSE IT WAS ISSUED EX-PARTE, WITHOUT NOTICE AND OPPORTUNITY AFFORDED THE PETITIONER TO BE HEARD AND THEREFORE VIOLATIVE OF DUE PROCESS;

4.2. THE QUESTIONED RESOLUTION IS UNCONSTITUTIONAL AND VIOLATES THE COMMISSION'S OWN RULES OF PROCEDURE; AND FINALLY;

4.3. THE UNCONTESTED COCS LONG COMPLETED, FINAL AND ALREADY USED FOR THE PROCLAMATION OF OTHER PROVINCIAL CANDIDATES, CANNOT BE CORRECTED THRU A MERE PETITION, TWENTY-ONE DAYS THEREAFTER, BUT MAY BE A PROPER SUBJECT OF A REGULAR ELECTION PROTEST."[1]

In the Resolution of 11 August 1992,[2] this Court issued a Temporary Restraining Order (TRO) directing the respondent COMELEC to cease and desist from enforcing its 29 July 1992 Resolution and requiring the respondents to comment on the petition. After the filing of separate comments by the private and public respondents and the consolidated reply thereto by the petitioner, this Court gave due course to the petition, considered the separate comments of the public and private respondents as their answers thereto and declared the case submitted for decision.

The pleadings disclose the following uncontroverted facts:

Petitioner and private respondent were among the candidates in the synchronized elections of 11 May 1992 for the two (2) seats in the Sangguniang Panlalawigan of the Province of Pangasinan allotted to its Sixth Legislative District under COMELEC Resolution No. 2379 in relation to Section 3 of R.A. No. 7166.[3]

Ten (10) municipalities, including San Quintin, Tayug and San Manuel, comprise the said district.

During the canvassing, on 21 May 1992, by the Provincial Board of Canvassers (PBC) of the Certificates of Canvass (COCs) for these ten (10) Municipalities, private respondent objected to the inclusion of the COC for San Quintin. This was the only COC that was contested. Accordingly, the COCs for the remaining nine (9) municipalities were included in the canvass. The PBC thereafter overruled the objection, prompting the private respondent to appeal the ruling to the COMELEC, which docketed the same as SPC No. 92-208. On 6 June 1992, the COMELEC en banc promulgated therein a resolution which reads:

"Acting on the appeal filed by petitioner/appellant Atty. Emiliano S. Micu to the ruling of the Provincial Board of Canvassers of Pangasinan, dated May 21, 1992, the Commission en banc tabulated the votes obtained by candidates Atty. Emiliano S. Micu and Atty. Alfonso C. Bince for the position of Sangguniang Panlalawigan member of the province of Pangasinan, using as basis thereof the statement of votes by precinct submitted by the municipality of San Quintin, Pangasinan, as (sic) a result of said examination, the Commission rules, as follows:

1. That the actual number of votes obtained by candidate Alfonso C. Bince in the municipality of San Quintin, Pangasinan is 1,055 votes whereas petitioner/appellant Atty. Emiliano S. Micu obtained 1,535 votes for the same municipality.

Accordingly, the Provincial Board of Canvassers for the province of Pangasinan is directed to CREDIT in favor of petitioner/appellant Atty. Emiliano S. Micu with 1,535 votes and candidate Alfonso C. Bince with 1,055 votes in the municipality of San Quintin, Pangasinan."[4]

On 11 June 1992 -- or twenty-one (21) days after the canvass of the COCs for the nine (9) municipalities was completed -- private respondent and the Municipal Boards of Canvassers (MBCs) of Tayug and San Manuel simultaneously filed with the PBC petitions for the correction of the Statements of Votes (SOVs) earlier prepared for alleged manifest errors committed in the "addition" therein.[5]

On 18 June 1992, acting on the motion of the petitioner to implement the aforesaid 6 June 1992 Resolution, which was claimed to have become final, the PBC credited in favor of the petitioner and private respondent the votes for each as indicated in the said resolution. As of that date, on the basis of the COCs for San Quintin and the nine (9) other municipalities, petitioner had a total of 27,370 votes while the private respondent had 27,369 votes. Petitioner thus led the private respondent by a margin of one (1) vote. This notwithstanding, petitioner was not proclaimed winner because of the absence of authority from the COMELEC.

Accordingly, petitioner filed in SPC No. 92-208 a formal motion for such authority. It was, however, only on 29 June 1992 that the COMELEC en banc promulgated a Supplemental Order directing the PBC "to reconvene, continue with the provincial canvass and proclaim the winning candidates for the Sangguniang Panlalawigan for the Province of Pangasinan, and other candidates for provincial offices who have not been proclaimed as of this date."[6]

Meanwhile, on 24 June 1992, the PBC -- now headed by Director Felimon Asperin of the COMELEC who was designated to replace one Atty. Obsequio who had earlier returned to his station in Zamboanga City -- acting on the aforementioned petitions for correction of the SOVs of Tayug and San Manuel -- heard the testimonies of Nelly Valera and Bonita Vidal, Election Registrars and Chairpersons of the Municipal Boards of Canvassers of Tayug and San Manuel, respectively, and of Dr. Corazon Lagmay, Member of the MBC of Tayug, despite the objections of the petitioner who also asked, on grounds of bias and partiality for the disqualification of Atty. Asperin. Valera and Lagmay both testified that the total number of votes for the petitioner in Tayug should be 2,415 instead of the 2,486 reflected in the Statement of Votes. On the other hand, Bonita Vidal testified that the

total number of votes for the petitioner in San Manuel should be 2,179 instead of the 2,185 reported in the Statement of Votes, while that of the private respondent should be 2,888 instead of the 2,892 also stated in the said SOVs. It then ruled "to allow the Municipal Board of Canvassers of the municipalities of Tayug and San Manuel, Pangasinan, to correct the Statement of Votes and Certificates of Canvass." [7] Petitioner seasonably appealed this ruling to the COMELEC which docketed the appeal as SPC No. 92-384.

On 1 July 1992, Atty. Asperin prepared and submitted in SPC No. 92-384 (erroneously denominated by him as 92-3894) a "Report on the Appeal From The Ruling of the Provincial Board of Canvassing (sic) of Pangasinan" [8] stating therein that "the Board found the petitions for corrections meritorious and ruled to allow the MBCs of Tayug and San Manuel to correct their respective Statement of Votes and, subsequently, their Certificates of Canvass with respect to the votes" of the petitioner and private respondent. [9] The report also discloses that on that same date, the herein private respondent filed with the PBC a Motion To Continue Canvass and To Proclaim Winner. [10]

On 4 July 1992, the PBC reconvened and voted to refer the matter -- of whom to proclaim -- to the COMELEC. [11] The petition for that purpose was filed by Atty. Asperin, who represented to the Commission that "as per Order of the same Board there were corrections already made in a separate sheet of paper of the Statement of Votes and Certificates of Canvass of Tayug and San Manuel, Pangasinan which corrections if to be considered by the Board in its canvass and proclamation, candidate (sic) Emiliano Micu will win by 72 votes. On the other hand, if these corrections will not be considered, candidate Alfonso Bince, Jr. will win by one (1) vote." [12]

On 9 July 1992, the COMELEC en banc, describing the proceeding as "(Connected with SPC No. 92-208 and SPC No. 384)," and without assigning a specific docket number therefor, promulgated a resolution [13] the dispositive portion of which reads:

"x x x RESOLVED, as it hereby RESOLVES, to DIRECT the Provincial Board of Canvassers of Pangasinan, as follows:

“(1) To RECONVENE immediately and complete the canvass of the Certificate of Votes, as corrected, of the Municipal Boards of Canvassers of the municipalities comprising the 6th District of Pangasinan;

(2) To PROCLAIM the winning candidate for Member of the Provincial Board, 6th District of Pangasinan, on the basis of the completed and corrected Certificates of Canvass, aforesaid, in accordance with the law, the rules and guidelines on canvassing and proclamation." [14]

It is to be noted that the purported corrections in the SOVs and COCs are not actually incorporated in any of these documents; they appear on separate sheets of paper and were signed merely by the Election Registrar/Chairman of the MBC concerned. Thus, the document pertaining to the Municipality of Tayug reads:

"CORRECTION OF MANIFEST ERROR IN THE STATEMENT OF VOTES AND CERTIFICATE OF CANVASS

Total votes of Candidate Alfonso

Bince, Jr. in the Certificate of Canvass

and in the Statement of Votes of Tayug, Pangasinan 2,486

Total votes of Candidate Alfonso Bince, Jr. as corrected 2,415

CERTIFIED CORRECT:

July 6, 1992.

(SGD)
(TYP) NELLY M. VALERA
Election Registrar and
Chairman of the Municipal
Board of Canvassers
Tayug, Pangasinan"[15]

while that for the Municipality of San Manuel reads:

"CORRECTION OF MANIFEST ERROR IN THE STATEMENT OF VOTES AND CERTIFICATE OF CANVASS

Votes of Alfonso Bince, Jr., as it appears in the Statement of Votes. (page 3) 427 (sub-total); Corrected sub-total 421

Votes of Emiliano Micu as it appears in the Statement of Votes (page 3) 669 (sub-total); Corrected sub-total 665

Total votes of Candidate Alfonso Bince, Jr. as it appears in the Certificate of Canvass 2,185; Corrected total 2,179

Total votes of Candidate Emiliano Micu as it appears in the Certificate of Canvass 2,892; Corrected total 2,888

6 July 1992

CERTIFIED TRUE & CORRECT:

(SGD) BONITA C. VIDAL
(TYP) ELECTION REGISTRAR II
CHAIRMAN, MUN. BOARD OF
CANVASSERS
SAN MANUEL, PANGASINAN"[16]

On 21 July 1992, the PBC, with Atty. Asperin dissenting, promulgated a resolution[17] proclaiming herein petitioner as the second duly elected member of the Sangguniang Panlalawigan of the Province of Pangasinan, representing its Sixth Legislative District, with a lead of one (1) vote over the private respondent. It maintained that the completed and corrected COCs mentioned in the 9 July 1992 Resolution refer to the COCs of the nine (9) municipalities the canvass of which was completed on 21 May 1992, and the corrected COC of San Quintin duly accomplished pursuant to the resolution of respondent COMELEC of 6 June 1992 in SPC No. 92-208. It was also of the opinion that no correction could be made on the COCs of Tayug and San Manuel after the completion and finality of their canvass.

Consequently, petitioner took his oath of office before Governor Aguedo F. Agbayani on 21 July 1992[18] and, thereafter, assumed office.

Private respondent then filed with the COMELEC an Urgent Motion For Contempt and to Annul Proclamation alleging therein that the act of the majority of the PBC in proclaiming the petitioner was "an utter defiance, disregard and disobedience to a lawful order of" the COMELEC.[19] The order referred to is the 9 July 1992 Resolution earlier adverted to. He then prayed that (a) the two (2) PBC members who voted for the proclamation of the petitioner be punished for contempt for defying and disobeying the said resolution, (b) the proclamation of the petitioner be annulled for being void ab initio and (c) he, the herein private respondent, be proclaimed instead as the second winning candidate for the Sangguniang Panlalawigan of the Province of Pangasinan, representing its

Sixth Legislative district.

No copy of this motion was furnished to the petitioner. Neither did the respondent COMELEC set the same for hearing.[20]

On 29 July 1992, the respondent COMELEC en banc, by the affirmative vote of the Chairman and six (6) Members -- with Commissioner Dario C. Rama voting "to require candidate Bince and the respondent Provincial Board of Canvassers to comment on the motion to annul proclamation" -- promulgated a resolution[21] under no specific docket number but merely indicating the same as:

"(Connected with SPC No. 92-208 and SPC No. 92-384)"

The dispositive portion of the resolution reads:

"x x x the Commission RESOLVED, as it hereby RESOLVES:

1. To DIRECT Prosecutor Jose Antonio Guillermo and Supt. Primo Mina, vice-chairman and secretary, respectively, of the Provincial Board of Canvassers of Pangasinan, to show cause why they should not be declared in contempt for defying and disobeying the Resolution of this Commission dated 09 July 1992, directing them to RECONVENE immediately and complete the canvass of the Certificates of Votes as corrected, of the Municipal Boards of Canvassers of the Municipalities comprising the 6th District of Pangasinan; and to PROCLAIM the winning candidate of the Provincial Board, 6th District (sic) of Pangasinan, on the basis of the completed and corrected Certificates of Canvass, aforesaid, instead they excluded (sic) the corrected Certificates of Canvass of the Municipal Boards of Canvassers of Tayug and San Manuel, Pangasinan;
2. To ANNUL the proclamation dated 21 July 1992, by the said Provincial Board of Canvassers (dissented by (sic) Chairman Felimon Asperin), of candidate Alfonso Bince;
3. To DIRECT the Provincial Board of Canvassers to reconvene immediately and proclaim the winning candidate for the second position of the Provincial Board; 6th District of Pangasinan, on the basis of the completed and corrected Certificates of Canvass submitted by the Municipal Boards of Canvassers of all the municipalities in the 6th District of Pangasinan, in accordance with law."[22]

This is the resolution assailed in the instant petition.

It appears that on 13 August 1992, or after the respondent COMELEC received a copy of the TRO issued by this Court on 11 August 1992, the PBC, with Vice-Chairman Jose Antonio Guillermo dissenting, promulgated a resolution, allegedly pursuant to the aforesaid 29 July 1992 Resolution, proclaiming the private respondent as the second winning candidate for the Sangguniang Panlalawigan of the Province of Pangasinan for its Sixth Legislative District.[23]

We find merit in this petition and accordingly rule for the petitioner.

Respondent COMELEC acted without jurisdiction or with grave abuse of discretion in annulling the petitioner's proclamation without the requisite due notice and hearing, thereby depriving the latter of due process. Moreover, there was no valid correction of the SOVs and COCs for the municipalities of Tayug and San Manuel to warrant the annulment of the petitioner's proclamation.

1. Petitioner had been proclaimed, had taken his oath of office and had assumed the position as the second elected member of the Sangguniang Panlalawigan of the Province of Pangasinan for its Sixth Legislative District. Such proclamation enjoys the presumption of regularity and validity. The ruling of the majority of the PBC to proclaim the petitioner is based on its interpretation of the 9 July 1992 Resolution of respondent COMELEC which does

not expressly single out the corrected COCs of Tayug and San Manuel; since, as of that time, the only corrected COC which existed was that for San Quintin, which was made by the PBC on 18 June 1992, the majority of the PBC cannot be faulted for ruling the way it did. The 9 July 1992 Resolution[24] merely directed it:

"(1) To RECONVENE immediately and complete the canvass of the Certificates of Votes, as corrected, of the Municipal Boards of Canvassers of the municipalities comprising the 6th District of Pangasinan;

(2) To PROCLAIM the winning candidate for Member of the Provincial Board, 6th District of Pangasinan, on the basis of the completed and corrected Certificates of Canvass, aforesaid; in accordance with the law, the rules and guidelines on canvassing and proclamation." (Emphasis supplied)

The PBC thus had every reason to believe that the phrase "completed and corrected" COCs could only refer to the nine (9) COCs for the nine municipalities, the canvass for which was completed on 21 May 1992, and that of San Quintin, respectively. Verily, the above resolution is vague and ambiguous.

Petitioner cannot be deprived of his office without due process of law. Although public office is not property under Section 1 of the Bill of Rights of the Constitution,[25] and one cannot acquire a vested right to public office,[26] it is, nevertheless, a protected right.[27] Due process in proceedings before the respondent COMELEC, exercising its quasi-judicial functions, requires due notice and hearing, among others. Thus, although the COMELEC possesses, in appropriate cases, the power to annul or suspend the proclamation of any candidate,[28] We had ruled in *Fariñas vs. Commission on Elections*,[29] *Reyes vs. Commission on Elections*[30] and *Gallardo vs. Commission on Elections*[31] that the COMELEC is without power to partially or totally annul a proclamation or suspend the effects of a proclamation without notice and hearing.

In *Fariñas vs. COMELEC*, this Court further stated that:

"As aptly pointed out by the Solicitor General, 'to sanction the immediate annulment or even the suspension of the effects of a proclamation before the petition seeking such annulment or suspension of its effects shall have been heard would open the floodgates of (sic) unsubstantiated petitions after the results are known, considering the propensity of the losing candidates to put up all sorts of obstacles in an open display of unwillingness to accept defeat (*Guiao v. Comelec*, supra, or would encourage the filing of baseless petitions not only to the damage and prejudice of winning candidates but also to the frustration of the sovereign will of the electorate (*Singko v. Comelec*, 101 SCRA 420).'"

Commissioner Rama's recommendation to direct first the petitioner and the PBC to comment on the motion to annul was thus correctly and wisely entered for he precisely had in mind the due process requirement; without compliance with such requirement, the COMELEC's action would be fatally flawed.

Furthermore, the said motion to annul proclamation was treated by the respondent COMELEC as a Special Case (SPC) because its ruling therein was made in connection with SPC No. 92-208 and SPC No. 92-384. Special Cases under the COMELEC RULES OF PROCEDURE involve the pre-proclamation controversies.[32] We have categorically declared in *Sarmiento vs. Commission on Elections*[33] that pursuant to Section 3, Article IX-C of the 1987 Constitution, which reads:

"SEC. 3. The Commission on Elections may sit en banc or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in divisions, provided that motions for reconsideration of decisions shall be decided by the Commission en banc."

the Commission en banc does not have jurisdiction to hear and decide pre-proclamation cases at the first instance. Such cases should first be referred to a division.

Hence, the COMELEC en banc had no jurisdiction to decide on the aforesaid motion to annul the proclamation; consequently, its 29 July 1992 Resolution is null and void. For this reason too, the COMELEC en banc Resolution of 6 June 1992 in SPC No. 92-208 resolving the private respondent's appeal from the ruling of the PBC with respect to the COC of San Quintin is similarly void.

2. It is to be noted, as correctly stressed by the petitioner, that there are no valid corrected Statements of Votes and Certificates of Canvass for Tayug and San Manuel; thus, any reference to such would be clearly unfounded. While it may be true that on 24 June 1992, the PBC, acting on simultaneous petitions to correct the SOVs and COCs for Tayug and San Manuel, ordered the MBCs for these two (2) municipalities to make the appropriate corrections in the said SOVs and their corresponding COCs, none of the members of said Boards convened to actually implement the order. Such failure could have been due to the appeal seasonably interposed by the petitioner to the COMELEC or the fact that said members simply chose not to act thereon. As already adverted to, the so-called "corrected" Statements of Votes and Certificates of Canvass consist of sheets of paper signed by the respective Election Registrars of Tayug[34] and San Manuel.[35] These are not valid corrections because the Election Registrars, as Chairmen of the MBCs cannot, by themselves, act for their respective Boards. Section 225 of the Omnibus Election Code (B.P. Blg. 881) provides that "[A] majority vote of all the members of the board of canvassers shall be necessary to render a decision." That majority means at least two (2) of the three (3) members constituting the Board.[36] As to why the Election Registrars, in their capacities as Chairmen, were the only ones who prepared the so-called correction sheets, is beyond Us. There is no showing that the other members of the Boards were no longer available. Since they are from the Province of Pangasinan, they could have been easily summoned by the PBC to appear before it and effect the corrections on the Statements of Votes and Certificates of Canvass.

Besides, by no stretch of the imagination can these sheets of paper be considered as the corrected SOVs and COCs. Corrections in a Statement of Vote and a Certificate of Canvass could only be accomplished either by inserting the authorized corrections into the SOV and COC which were originally prepared and submitted by the MBC or by preparing a new SOV and COC incorporating therein the authorized corrections. Thus, the statement in the 29 July 1992 Resolution of the respondent COMELEC referring to "the corrected Certificates of Canvass of the Municipal Boards of Canvassers of Tayug and San Manuel,"[37] is palpably unfounded. The Commission could have been misled by Atty. Asperin's ambiguous reference to "corrections already made in separate sheets of paper of the Statements of Votes and Certificates of Canvass of Tayug and San Manuel, Pangasinan,"[38] in his petition asking the COMELEC to rule on who shall be proclaimed. However, if it only took the trouble to carefully examine what was held out to be as the corrected documents, respondent COMELEC should not have been misled.

Even if We are to assume for the sake of argument that these sheets of paper constitute sufficient corrections, they are, nevertheless, void and of no effect. At the time the Election Registrars prepared them -- on 6 July 1992 -- respondent COMELEC had not yet acted on the petitioner's appeal (SPC No. 92-384) from the 24 June 1992 ruling of the PBC authorizing the corrections. Petitioner maintains that until now, his appeal has not been resolved. The public respondent; on the other hand, through the Office of the Solicitor General, claims that the same had been:

"x x x resolved in the questioned resolution of July 29, 1992, where COMELEC affirmed respondents (sic) Board's correction that petitioner only received 2,415 votes in Tayug and 2,179 in San Manuel (see p. 2, Annex "A;" Petition)."[39]

On the same matter, the private respondent asserts that:

"This SPC-92-384, is however, deemed terminated and the ruling of the PBC is likewise deemed affirmed by

virtue of the 2nd par., Sec. 16, R.A. No. 7166, supra and Comelec en banc Resolution No. 2489, supra, dated June 29, 1992;"[40]

If We follow the respondent COMELEC's contention to its logical conclusion, it was only on 29 July 1992 that SPC No. 92-384 was resolved; consequently, the so-called "correction sheets" were still prematurely prepared. In any event, the COMELEC could not have validly ruled on such appeal in its 29 July 1992 Resolution because the same was promulgated to resolve the Urgent Motion For Contempt and to Annul Proclamation filed by the private respondent. Furthermore, before the resolution of SPC No. 92-384 on the abovementioned date, no hearing was set or conducted to resolve the pending motion. Therefore, on this ground alone, the 29 July 1992 Resolution, even if it was meant to resolve the appeal, is a patent nullity for having been issued in gross violation of the requirement of notice and hearing mandated by Section 246 of the Omnibus Election Code, in relation to Section 18 of R.A. No. 7166 and Section 6, Rule 27 of the COMELEC Rules of Procedure, and for having been resolved by the COMELEC en banc at the first instance. The case should have been referred first to a division pursuant to Section 3, Article IX-C of the 1987 Constitution and Our ruling in *Sarmiento vs. Commission on Elections*.^[41] Moreover, the COMELEC's claim that the questioned resolution affirmed the correction made by the Board is totally baseless. The PBC did not make any corrections. It merely ordered the Municipal Boards of Canvassers of Tayug and San Manuel to make such corrections. As earlier stated, however, the said MBCs did not convene to make these corrections. It was the Chairmen alone who signed the sheets of paper purporting to be corrections.

For being clearly inconsistent with the intention and official stand of respondent COMELEC, private respondent's theory of termination under the second paragraph of Section 16 of R.A. No. 7166, and the consequent affirmance of the ruling of the PBC ordering the correction of the number of votes, must necessarily fail.

The foregoing considered, the proclamation of the private respondent on 13 August 1992 by the Provincial Board of Canvassers of Pangasinan is null and void.

WHEREFORE, the instant petition is GRANTED. The challenged resolution of the respondent Commission on Elections of 29 July 1992 and the proclamation of the private respondent on 13 August 1992 as the second Member of the Sangguniang Panlalawigan of the Province of Pangasinan, representing its Sixth Legislative District, are hereby ANNULLED and SET ASIDE and respondent Commission on Elections is DIRECTED to resolve the pending incidents conformably with the foregoing disquisitions and pronouncements.

No costs.

SO ORDERED.

Narvasa, C.J., Cruz, Padilla, Bidin, Griño-Aquino, Regalado, Romero, Nocon, Bellosillo, Melo, and Campos, Jr., JJ., concur.

Feliciano, J., in the result.

Gutierrez, J., on terminal leave.

Quiason, J., no part.

[1] Rollo, 4.

[2] Id., 23.

[3] An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriation Therefor, and for Other Purposes.

[4] Annex "D" of Petition; Rollo, 20-21.

- [5] Id., 5; 64.
- [6] Annex "E" of Petition; Rollo, 22.
- [7] Annex "F" of Comment of private respondent; Rollo, 55.
- [8] Annex "G"; Id.; Id.; 58-61.
- [9] Id., 59-60.
- [10] Id., 61.
- [11] Id., 6.
- [12] Rollo, 50-51.
- [13] Annex "D" of Comment of private respondent; Id., 49-52.
- [14] Id., 51.
- [15] Annex "F-1" of Comment of private respondent; Rollo, 56; Also, Annex "A" of Consolidated Reply; Id., 99.
- [16] Annex "F-2" of Comment of private respondent; Rollo, 57; also, Annex "B" of Consolidated Reply; Id., 100.
- [17] Annex "B-1" of Petition; Id., 17-18.
- [18] Annex "C", Id., Id., 19.
- [19] Rollo, 13.
- [20] Id., 7.
- [21] Annex "A" of Petition; Id., 12-15.
- [22] Rollo, 14-15.
- [23] Annex "A" of Comment of private respondent; Rollo, 42-46.
- [24] Rollo, 51.
- [25] Article III, 1987 Constitution.
- [26] CRUZ, I.A., Constitutional Law, 1991 ed., 101.
- [27] BERNAS, J., The Constitution of the Republic of the Philippines, vol. I, 1987 ed., 40, citing *Segovia vs. Noel*, 47 Phil. 543 [1925] and *Borja vs. Agoncillo*, 46 Phil. 432 [1924].
- [28] Section 248, Omnibus Election Code (B.P. Blg. 881).
- [29] G.R. No. 81763, 3 March 1988.
- [30] G.R. No. 81856, 3 March 1988.
- [31] G.R. No. 85974, 2 May 1989.
- [32] Rule 27 in relation to Section 4(h), Rule 1 and Section 4, Rule 7.
- [33] G.R. No. 105628, and companion cases, 6 August 1992.
- [34] Annex "F-1" of Comment of private respondent; Annex "A" of Consolidated Reply of petitioner.

[35] Annex "F-2", Id.; Annex "B", Id.

[36] Section 20(c) of the Electoral Reforms Law of 1987 (R.A. No. 6646) provides that the “municipal board of canvassers shall be composed of the election registrar or a representative of the Commission, as chairman, the municipal treasurer, as vice-chairman, and the most senior district school supervisor or in his absence a principal of the school district or the elementary school, as members.”

[37] Last clause, paragraph 1 of the dispositive portion Annex “A” of Petition; Rollo, 15.

[38] Quoted in the Resolution of 9 July 1992; Id., 50-51.

[39] Rollo, 71.

[40] Id., 36.

[41] Supra., footnote No. 33.

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