

ERNESTO M. PUNZALAN, PETITIONER, VS. COMMISSION ON ELECTIONS AND FERDINAND D. MENESES, RESPONDENTS.

G.R. No. 126669. April 27, 1998

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Danilo Manalastas, Ferdinand Meneses and Ernesto Punzalan were among the four (4) candidates for mayor of the municipality of Mexico, Pampanga during the May 8, 1995 elections.

On May 24, 1995, the Municipal Board of Canvassers (MBC) proclaimed Ferdinand Meneses as the duly elected mayor, having garnered a total of 10,301 votes against Danilo Manalastas' 9,317 votes and Ernesto Punzalan's 8,612 votes.

On May 30, 1995, Danilo Manalastas filed an election protest docketed as Election Case No. E-005-95 before the Regional Trial Court of San Fernando, Pampanga, challenging the results of the elections in the municipality's forty-seven (47) precincts.[1] In due time, Ferdinand Meneses filed his answer with counter protest impugning the results in twenty-one (21) precincts[2] of the 47 protested by Manalastas.

On June 2, 1995, Ernesto Punzalan filed his own election protest docketed as Election Case No. E-006-95, also before the RTC in San Fernando, Pampanga, questioning the results of the elections in one hundred and fifty seven (157) precincts.[3] Meneses, on his part, filed an answer with counter-protest with respect to ninety-six (96) precincts[4] of the 157 protested by Punzalan.

Since the two (2) election protests involved the same parties and subject matter, they were ordered consolidated and were jointly tried by the RTC of San Fernando, Pampanga, Branch 44.

Succinctly, the election contests sought the nullification of the election of Meneses allegedly due to massive fraud, irregularities and other illegal electoral practices during the registration and the voting as well as during the counting of votes such as:

- a. the registration of flying voters;
- b. the preparation of ballots by persons other than the registered electors concerned;
- c. the use of electoral fraudulent practice such as the 'lansadera';
- d. false reading of votes for the petitioner/protestant;
- e. the counting of illegal and marked ballots and stray votes as votes for the respondent/protestee;
- f. switching of ballots in favor of respondent/protestee;
- g. tampering with the ballots for the petitioner/protestant after having been cast, so as to annul the same or to substitute therefor illegal votes for respondent/protestee;

- h. the adding of more votes to those actually counted for the respondent/protestee and the reducing of the votes actually counted for the petitioner/protestant in the preparation of the corresponding election return;
- i. groups of two or more ballots for the respondent/protestee were written each group, by only one (1) person;
- j. one (1) ballot for the respondent/protestee written by two or more persons.[5]

By way of counter-protest to the two (2) election protests, Meneses alleged that he, too, was a victim of massive fraud and illegal electoral practices such as:

- a. The preparation of the ballots by persons other than the registered electors concerned;
- b. The use of electoral fraudulent practice known as the 'lansadera';
- c. False reading of votes for the protestee;
- d. The counting of illegal and marked ballots and stray votes for the protestant;
- e. Switching of ballots in favor of of protestant;
- f. Tampering with the ballots for the Protestee after having been cast, so as to annul the same or to substitute therefor illegal votes for the protestant;
- g. The adding of more votes to those actually counted for the protestant and the reducing of the votes actually counted for the protestee in the preparation of the corresponding election returns;
- h. Group of two (2) or more ballots for protestant were written, each group, by only one (1) person;
- i. One (1) ballot for the protestant written by two (2) or more persons.[6]

Finding the protests and counter-protests sufficient in form and substance, the trial court ordered a revision of the ballots. The result of said physical count coincided with the figures reflected in the election returns, thus: Meneses - 10,301 votes; Manalastas - 9,317 votes; and Punzalan - 8,612 votes.

After hearing the election protests, the trial court rendered judgment on September 23, 1996 with the following findings, viz: that massive fraud, illegal electoral practices and serious anomalies marred the May 8, 1995 elections; that ballots, election returns and tally sheets pertaining to Precinct Nos. 8, 20, 41, 53, 68, 68-A and 70 "disappeared under mysterious circumstances;" and that filled-up ballots with undetached lower stubs and groups of ballots with stubs cut out with scissors were found inside ballot boxes. Because of these irregularities, the trial court was constrained to examine the contested ballots and the handwritings appearing thereon and came up with the declaration that Punzalan was the winner in the elections. The dispositive portion of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

1. In EPC No. E-005-95 – declaring Ferdinand D. Meneses as having garnered 7,719 votes or 33 votes more than the 7,686 votes received by Danilo D. Manalastas and dismissing the instant protest.
2. In EPC No. E-006-95 – declaring Ernesto M. Punzalan as the duly elected Municipal Mayor of Mexico, Pampanga. Protestee Ferdinand D. Meneses is hereby ordered to vacate his position and to cease and desist from further discharging the duties and functions officially vested in the Office of the Municipal Mayor of Mexico, Pampanga which now and henceforth, unless otherwise disqualified by law, are conferred unto and in favor of Ernesto M. Punzalan, who is hereby ordered to act, perform and discharge the duties, functions and responsibilities and all incidents appertaining to and in connection with the Office of the Municipal Mayor of Mexico, Pampanga, immediately and after he shall have taken his oath of office as such.

3. The counterclaims interposed by Ferdinand D. Meneses in both cases are hereby dismissed.

The authorities concerned are hereby ordered to enforce, implement and assist in the enforcement and implementation of this Decision immediately after Ernesto M. Punzalan shall have had taken his oath of office.

As soon as this Decision becomes final, let notice thereof be sent to the Commission on Elections, Department of Interior and Local Governments and Commission on Audit.

Without pronouncement as to costs.

SO ORDERED.[7]

Immediately thereafter, Meneses filed a notice of appeal from the aforesaid decision declaring Punzalan as the duly elected mayor of Mexico, Pampanga. The case was docketed as EAC No. 48-96 by the COMELEC. Manalastas did not appeal from the said decision.

On October 1, 1996, Punzalan filed a motion for execution pending appeal with the RTC in San Fernando, Pampanga. On the same day, the COMELEC issued an order directing the RTC to elevate the entire records of the case.

On October 10, 1996, the RTC issued an order which granted Punzalan's motion for execution pending appeal. On the same date, Meneses filed before the COMELEC a petition for certiorari and prohibition with prayer for the issuance of temporary restraining order (TRO) and/or preliminary injunction, docketed as SPR No. 47-96, seeking the nullification of the RTC's order of execution pending appeal.

On October 11, 1996, the COMELEC issued a TRO enjoining the RTC from enforcing its Order dated October 10, 1996.

On October 22, 1996, Meneses filed with the COMELEC a motion for contempt against Punzalan, alleging that the latter was holding the office of mayor of Mexico, Pampanga in violation of the TRO issued by the COMELEC.

On October 28, 1996, Punzalan filed before this Court a petition for certiorari, prohibition and declaratory relief with application for a writ of preliminary injunction and temporary restraining order, docketed as G.R. No. 126669, to set aside the COMELEC's TRO issued on October 11, 1996.

On November 7, 1996, the COMELEC issued two (2) orders, one which submitted for resolution Meneses' application for a writ of preliminary injunction and motion for contempt and another which granted a writ of preliminary injunction enjoining the enforcement of the RTC's order of execution dated October 10, 1996.

On November 12, 1996, this Court issued a TRO directing the COMELEC to cease and desist from enforcing the TRO it issued on October 11, 1996 in SPR No. 47-96.

On November 21, 1996, Punzalan filed before this Court a supplement to the petition seeking to declare as void the COMELEC's preliminary prohibitory and mandatory injunction and to declare Meneses in contempt of court.

On January 9, 1997, the COMELEC issued an order which dispositively read as follows:

Considering that the 7 November 1996 preliminary injunction of the Commission was pursuant to its 11 October 1996 temporary restraining order, which was specifically covered by the Supreme Court's temporary restraining order, the Commission will respect and abide by the order of the Supreme Court. Considering, however, that the temporary restraining order of the Supreme Court relates only to the implementation of the order of execution of judgment pending appeal of the Regional Trial Court, the Commission finds no legal impediment to proceed with

the resolution of the main action for certiorari pending before it and shall act accordingly.

On January 30, 1997, the COMELEC issued an order stating that: 1) it need not act on Meneses' motion reiterating the prayer to suspend pendente lite the implementation of the Order dated January 9, 1997, and 2) the Order dated January 9, 1997 shall take effect thirty (30) days from notice thereof to the parties.

On February 10, 1997, Meneses filed with this Court a petition for certiorari with prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction, docketed as G.R. No. 127900, which sought to set aside the COMELEC Orders dated January 9 and 30, 1997.

On April 24, 1997, the COMELEC issued a resolution granting the petition of Meneses to set aside the RTC's order of execution pending appeal and allowing Meneses to continue to discharge the duties and functions of municipal mayor of Mexico, Pampanga, without prejudice to the resolution of his pending appeal from the RTC's decision.

On April 28, 1997, Punzalan filed with this Court a petition for certiorari, docketed as G.R. No. 128000, which sought to nullify the COMELEC's Resolution dated April 24, 1997.

On December 8, 1997, the COMELEC promulgated a resolution in EAC No. 48-96 setting aside the trial court's decision and affirming the proclamation of Meneses by the MBC as the duly elected mayor of Mexico, Pampanga, thusly:

WHEREFORE, premises considered, the decision of the court a quo in Election Protest Case No. E-006-95 declaring protestant-appellee Ernesto M. Punzalan as the duly elected Mayor of the Municipality of Mexico, Pampanga in the May 8, 1995 local elections is hereby ANNULLED and SET-ASIDE.

ACCORDINGLY, the Commission [First Division] hereby AFFIRMS the proclamation of protestee-appellant Ferdinand D. Meneses by the Municipal Board of Canvassers as the duly elected Mayor of Mexico, Pampanga but with the modification that protestee-appellant received only 9,864 votes, or a deduction of 437 votes from his original 10,301 votes. Further, this Commission [First Division] hereby COMMANDS protestant-appellee Ernesto M. Punzalan to RELINQUISH his post in favor of protestee-appellant Ferdinand Meneses immediately upon finality of this Resolution.[8]

Punzalan filed a motion for reconsideration of the aforesaid resolution. In its Resolution dated February 13, 1998, the COMELEC denied said motion for lack of merit.

Hence, this petition for certiorari with preliminary injunction and a prayer for the issuance of a temporary restraining order, filed on February 16, 1998 and docketed as G.R. No. 132435, to set aside the COMELEC's resolutions of December 8, 1997 and February 13, 1998. Thus, petitioner alleges:

1. that the decision (resolution) in question is tainted with grave abuse of discretion amounting to lack of jurisdiction;
2. that it was rendered in disregard of law and the evidence;
3. that the decision (resolution) in question is a 'prejudged decision;' and
4. that the decision (resolution) in question is the culmination of a series of acts of the public respondent favoring the private respondent.[9]

First, Punzalan maintains that the COMELEC acted with grave abuse of discretion in declaring as valid the ballots credited to Meneses which did not bear the signature of the BEI chairman at the back thereof, invoking the ruling of this Court in *Bautista v. Castro*[10] wherein it was held that the absence of the signature of the BEI chairman in

the ballot given to a voter as required by law and the rules as proof of the authenticity of said ballot is fatal.

This contention is not meritorious.

While Section 24[11] of Republic Act No. 7166, otherwise known as “An Act Providing For Synchronized National and Local Elections and For Electoral Reforms,” requires the BEI chairman to affix his signature at the back of the ballot, the mere failure to do so does not invalidate the same although it may constitute an election offense imputable to said BEI chairman. Nowhere in said provision does it state that the votes contained therein shall be nullified. It is a well-settled rule that the failure of the BEI chairman or any of the members of the board to comply with their mandated administrative responsibility, i.e., signing, authenticating and thumbmarking of ballots, should not penalize the voter with disenfranchisement, thereby frustrating the will of the people.[12]

In the recent case of *Marcelino C. Libanan v. House of Representatives Electoral Tribunal and Jose T. Ramirez*,[13] this Court affirmed the ruling of the Tribunal in *Libanan v. Ramirez*[14] to the effect that a ballot without BEI chairman’s signature at the back is valid and not spurious, provided that it bears any one of these other authenticating marks, to wit: (a) the COMELEC watermark; and (b) in those cases where the COMELEC watermarks are blurred or not readily apparent, the presence of red and blue fibers in the ballots. The Court explained in this wise:

What should, instead, be given weight is the consistent rule laid down by the HRET that a ballot is considered valid and genuine for as long as it bears any one of these authenticating marks, to wit: (a) the COMELEC watermark, or (b) the signature or initials, or thumbprint of the Chairman of the BEI; and (c) in those cases where the COMELEC watermarks are blurred or not readily apparent to the naked eye, the presence of red or blue fibers in the ballots. It is only when none of these marks appears extant that the ballot can be considered spurious and subject to rejection.

Similarly, Section 211 of *Batas Pambansa Blg. 881*, otherwise known as the “Omnibus Election Code of the Philippines” provides that in the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is a clear and good reason to justify its rejection. Certainly, the inefficiency of an election officer in failing to affix his signature at the back of the ballot does not constitute as a good and clear reason to justify the rejection of a ballot.

Second, Punzalan contends that the COMELEC committed grave abuse of discretion in declaring valid (a) the ballots wherein the signatures of the BEI chairmen were different from their respective signatures appearing on several COMELEC documents, (b) those group of ballots allegedly written by one (1) hand and (c) a number of single ballots written by two (2) persons. He argues that the trial court’s findings on the authenticity of said handwritings must prevail over the findings of the COMELEC because: 1) the finding of the Regional Trial Court was based first on the findings of the revisors with the assistance of an expert witness in the person of Atty. Desiderio Pagui; (2) the finding of the Regional Trial Court was arrived at after an adversarial proceeding where both parties were represented by their lawyers and the expert witness was cross-examined; and (3) on the other hand, the findings of the public respondent were made unilaterally, without any hearing, and without the presence of the lawyers of the parties and of the parties themselves.[15]

These arguments fail to persuade us.

The appreciation of the contested ballots and election documents involves a question of fact best left to the determination of the COMELEC, a specialized agency tasked with the supervision of elections all over the country. It is the constitutional commission vested with the exclusive original jurisdiction over election contests involving regional, provincial and city officials, as well as appellate jurisdiction over election protests involving elective municipal and barangay officials. Consequently, in the absence of grave abuse of discretion or any

jurisdictional infirmity or error of law, the factual findings, conclusions, rulings and decisions rendered by the said Commission on matters falling within its competence shall not be interfered with by this Court.[16]

Anent Punzalan's assertion that the trial court's finding which was arrived at after an adversarial proceeding wherein an expert witness testified and was cross-examined, should not be interfered with by the COMELEC whose finding was arrived at without the benefit of a hearing or the aid of an expert, it is axiomatic that the COMELEC need not conduct an adversarial proceeding or a hearing to determine the authenticity of ballots or the handwriting found thereon. Neither does it need to solicit the help of handwriting experts in examining or comparing the handwriting.[17] In fact, even evidence aliunde is not necessary to enable the Commission to determine the authenticity of the ballots and the genuineness of the handwriting on the ballots as an examination of the ballots themselves is already sufficient.[18]

In *Erni v. COMELEC*,[19] we held that:

x x x. With respect to the contention that a technical examination of the ballots should have been ordered to determine whether they had been written by two or more persons, or in groups written by only one hand, we hold that the Commission en banc did not commit an abuse of its discretion in denying petitioner-protestee's request. The rule is settled that the Commission itself can make the determination without the need of calling handwriting experts.

Nor was evidence aliunde necessary to enable the Commission to determine the genuineness of the handwriting on the ballots, an examination of the ballots themselves being sufficient. x x x.[20]

In *Bocobo v. COMELEC*,[21] we likewise ruled that:

x x x. Handwriting experts, while probably useful, are not indispensable in examining or comparing handwriting; this can be done by the COMELEC itself. We have ruled that evidence aliunde is not allowed to prove that a ballot is marked, an inspection of the ballot itself being sufficient (*Penson v. Parungao*, 52 Phil. 718). x x x.[22]

In the case at bar, the opinion of Atty. Pagui, who was claimed to be a handwriting expert, was not binding upon the COMELEC especially so where the question involved the mere similarity or dissimilarity of handwritings which could be determined by a comparison of existing signatures or handwriting.[23] Section 22 of Rule 132 of the Revised Rules on Evidence explicitly authorizes the court, by itself, to make a comparison of the disputed handwriting "with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge."

In *Lorenzo v. Diaz*,[24] this Court enumerated the tools to aid one in the examination of handwriting, thus:

The authenticity of a questioned signature cannot be determined solely upon its general characteristics, similarities or dissimilarities with the genuine signature. Dissimilarities as regards spontaneity, rhythm, presence of the pen, loops in the strokes, signs of stops, shades, etc., that may be found between the questioned signature and the genuine one are not decisive on the question of the former's authenticity. The result of examination of questioned handwriting, even with the benefit of aid of experts and scientific instruments, is, at best, inconclusive. There are other factors that must be taken into consideration. The position of the writer, the condition of the surface on which the paper where the questioned signature is written is placed, his state of mind, feelings and nerves, and the kind of pen and/or paper used, played an important role on the general appearance of the signature. Unless, therefore, there is, in a given case, absolute absence, or manifest dearth, or direct or circumstantial competent evidence of the character of a questioned handwriting, much weight should not be given to characteristic similarities, or dissimilarities, between the questioned handwriting and an authentic one.[25]

Indeed, the haste and pressure, the rush and excitement permeating the surroundings of polling places could certainly affect the handwriting of both the voters and the election officers manning the said precincts. The volume of work to be done and the numerous documents to be filled up and signed must likewise be considered. Verily, minor and insignificant variations in handwriting must be perceived as indicia of genuineness rather than of falsity.

In *Go Fay v. Bank of the Philippine Islands*,^[26] this Court held that carelessness, spontaneity, unpremeditation, and speed in signing are evidence of genuineness. In *U.S. v. Kosel*,^[27] it was ruled that dissimilarity in certain letters in a handwriting may be attributed to the mental and physical condition of the signer and his position when he signed. Grief, anger, vexation, stimulant, pressure and weather have some influence in one's writing. Because of these, it is an accepted fact that it is very rare that two (2) specimens of a person's signature are exactly alike.

On the issue of the genuineness of the handwriting on the ballots, it is observed that the specimens examined by Atty. Desiderio A. Pagui, presented by Punzalan as an expert witness, were mere certified true copies of the ballots and documents concerned.^[28] This fact raised a cloud of doubt and made the findings suspect. Consequently, the examination of the ballots themselves by the COMELEC should not be brushed aside. Section 23, Rule 132 of the Rules of Court explicitly authorizes the court (the COMELEC in this case) to make itself the comparison of the disputed handwriting "with writings admitted as genuine by the party whom the evidence is offered."

Expert opinions are not ordinarily conclusive in the sense that they must be accepted as true on the subject of their testimony, but are generally regarded as purely advisory in character; the courts may place whatever weight they choose upon such testimony and may reject it, if they find that it is consistent with the facts in the case or otherwise unreasonable.^[29]

In the same manner, whether or not certain ballots were marked had been addressed by the COMELEC by personally and actually examining the ballots themselves. We find no compelling reasons to disturb its findings.

In closing, we would like to stress a well-founded rule enshrined in our jurisprudence that laws and statutes governing election contests especially appreciation of ballots must be liberally construed to the end that the will of the electorate in the choice of public officials may not be defeated by technical infirmities.^[30] An election protest is imbued with public interest so much so that the need to dispel uncertainties which becloud the real choice of the people is imperative.

Prescinding from the foregoing, we find that respondent COMELEC did not act with grave abuse of discretion in G.R. No. 132435. The petitions in G.R. Nos. 126669, 127900 and 128800 are rendered moot by the preceding disquisition.

WHEREFORE, premises considered, the petition in G.R. No. 132435 is hereby DISMISSED. The status quo order issued by this Court on February 24, 1998 is LIFTED. The petitions in G.R. Nos. 126669, 127900 and 128800 are rendered moot and academic by the foregoing disquisition.

Further, this decision is immediately executory in view of the shortness of time between now and the next elections and to prevent the case from becoming moot and academic.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Martinez, Quisumbing, and Purisima, JJ., concur.

[1] Precinct Nos. 8; 8-A; 9; 9-A; 10; 14; 14-A; 15; 15-A; 15-A-1; 15-B; 16; 16-A; 17; 17-A; 19; 27; 27-A; 27-A-1; 27-B; 28; 28-A; 29; 29-A; 30; 30-A; 30-A-1; 30-B; 33; 33-A; 40; 41; 41-A; 50; 50-A; 51; 51-A; 52; 52-A; 53; 53-A; 53-A-1; 53-B; 67; 67-A; 80 and 81.

[2] Precincts Nos. 21-A; 20; 6-A; 21-A-1; 28-A; 20-A, 45-B, 77-A-1; 75; 75-A; 32; 69; 68; 68-A; 79-B; 76-A; 13; 78-A-1; 77; 77-A and 47-A.

[3] Precinct Nos. 1; 1-A; 2; 2-A; 3; 3-A; 4; 4-A; 5; 5-A; 8; 8-A; 9; 9-A; 10; 12; 12-A; 13-A; 14; 14-A; 15; 15-A; 15-A-1; 15-B; 16; 16-A; 17; 17-A; 19; 20; 20-A; 20-B; 21-A; 21-A-1; 22-A; 23; 23-A; 24; 24-A; 25; 25-A; 26; 27; 27-A; 27-A-1; 27-B; 28; 28-A; 29; 29-A; 30; 30-A; 30-A-1; 30-B; 31; 31-A; 32; 32-A; 33; 33-A; 34; 34-A; 34-A-1; 34-B; 38; 39; 39-A; 40; 41; 41-A; 42; 42-A; 44; 44-A; 44-A-1; 45-A; 45-A-1; 45-B; 46; 47; 47-A; 47-A-1; 48; 48-A; 48-A-1; 48-B; 49; 49-A; 50; 50-A; 51; 51-A; 52; 52-A; 53; 53-A; 53-A-1; 53-B; 54; 54-A; 54-A-1; 55; 55-A; 55-A-1; 55-B; 56; 56-A; 57; 58; 58-A; 58-A-1; 58-B; 59; 59-A; 60; 60-A; 61; 61-A; 62; 62-A; 65; 65-A; 65-A-1; 65-B; 67; 67-A; 68; 68-A; 68-B; 69; 69-A; 70; 70-A; 71; 71-A; 72; 72-A; 73; 73-A; 74; 74-A; 75; 75-A; 76; 76-A; 77; 77-A; 77-A-1; 77-B; 78; 78-A-1; 79-A; 79-A-1; 80; 81 and 81-A.

[4] Precinct Nos. 25; 24-A; 60-A; 1; 55-B; 48-A-1; 55-A-1; 55-A; 46; 79; 78-A; 41; 44-B; 59-A; 55-A; 39; 58-B; 21; 26; 68; 48-B; 45; 58-A; 72; 73-A; 79-A; 77; 47; 77-A; 47-A; 47-A-1; 77-A-1; 28; 45-B; 20-A; 21-A; 20; 43-A; 44-A-1; 43; 45-A; 20-A-1; 77-B; 36-A; 37; 49-A; 36; 37-A; 26; 38-A; 23; 65-A; 27-A-1; 64-A; 34-A-1; 65; 64; 23; 18; 74; 22-A; 4; 23-A; 63; 27; 48-A; 27-A; 48; 49; 58; 58-A; 20-B; 35-A; 35; 11; 26-A-1; 28-A; 6-A; 79-B; 2-A; 5; 3; 68; 72-A; 74-A; 41-A; 78; 3-A; 79-A-1; 78-B; 67-A; 76; 4-A; 13; 78-A-1; and 11-A.

[5] Rollo of G.R. No. 132435, pp. 27-28.

[6] Id., at 29.

[7] Id. at 67-68. The table of votes for each candidate therefore translates into:

RTC's Ground for invalidation PUNZALAN MENESES MANALASTAS

1.) Lacks signature of BEI Chairman 9 173 113

2.) Signature of BEI Chairman appearing

at the back of the ballot in different

from those appearing on COMELEC

Forms Nos. 13 and 14. 515 1,361 764

3.) Group of ballots written by one hand;

one ballot written by two persons 7 934 640

4.) Marked ballots 68 135 121

599 2,603 1,639

Votes on proclamation 8,612 10,301 9,317

- 599 - 2,603 - 1,638

RTC validated votes 8,013 7,698 7,679

+ 9 + 21 + 7

TOTAL 8,022 7,719 7,886

[8] Id., at 181-182. The summary of votes from COMELEC show:

COMELEC VALIDATED VOTES

RTC's Grounds for invalidation

MENESES PUNZALAN

1. Lacks signature of BEI Chairman 173 9
 2. Signature of BEI Chairman appearing
 at the back of the ballot is different
 from those appearing on COMELEC
 Form Nos. 13 and 14. 1,361 515
 3. Group of ballots written by one
 hand; one ballot written by two persons 546 0
 4. Marked ballots 69 51
 2,149 575
 Marked ballots found by COMELEC - 4 - 10
 2,145 565
 RTC results 7,719 8,022
 TOTAL 9,864 8,587
 [9] Id., at 11.

[10] 206 SCRA 305 [1992].

[11] Sec. 24. Signature at the Back of Every Ballot. – In every case before delivering an official ballot to the voter, the chairman of the board of election inspectors shall, in the presence of the voter, affix his signature at the back thereof. Failure to authenticate shall be noted in the minutes of the board of election inspectors and shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

[12] *Fernandez v. COMELEC*, G.R. No. 91351, April 3, 1990.

[13] G.R. No. 129783, December 22, 1997.

[14] HRET Case No. 95-020.

[15] Rollo of G.R. No. 132435, p. 14.

[16] *Mastura v. COMELEC*, G.R. No. 124521, January 16, 1998; *Bulaong v. COMELEC*, 241 SCRA 180 [1995]; *Navarro v. COMELEC*, 228 SCRA 596 [1993]; *Lozano v. Yorac*, 203 SCRA 256 [1991]; *Pimping v. COMELEC*, 140 SCRA 192 [1985].

[17] Erni v. COMELEC, 243 SCRA 706 [1995]; Bulaong v. COMELEC, supra; Bocobo v. COMELEC, 191 SCRA 576 [1990].

[18] Erni v. COMELEC, supra.

[19] Ibid.

[20] Id., at 712.

[21] Supra.

[22] Id., at 580.

[23] People v. Agamata, [CA], 64 O.G. 2735, cited in II Regalado, Remedial Law, 1989, p. 506.

[24] 53 O.G. 4110-4111, cited in Francisco on Evidence, Vol. VII, Part 1, 1997 Edition, p. 674.

[25] Ibid.

[26] 46 Phil. 968 (1924).

[27] 24 Phil. 594 (1913).

[28] Exhibit "D," p. 1, Folder of Exhibits of Punzalan, p. 183.

[29] Francisco on Evidence, Vol. VII, Part 1, p. 662.

[30] Bince, Jr. v. COMELEC, 242 SCRA 273 (1995) ; Benito v. COMELEC, 235 SCRA 436 (1994); Pahilan vs. Tabalba, 230 SCRA 205 (1994); Aruelo, Jr. v. Court of Appeals, 227 SCRA 311 (1993); Tatlonghari v. COMELEC, 199 SCRA 849 (1991) ; Unda v. COMELEC, 190 SCRA 827 (1990); De Leon v. Guadiz, Jr., 104 SCRA 591 (1981).

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