FEDERICO S. SANDOVAL, PETITIONER, VS. COMMISSION ON ELECTIONS AND CANUTO SENEN A. ORETA, RESPONDENTS.

G.R. No. 133842. January 26, 2000

Ponente: PUNO, J.

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PUNO, J.:

The petition at bar assails the order of the Commission on Elections , (COMELEC) en banc dated June 2, 1998 nullifying and setting aside the proclamation of petitioner Federico S. Sandoval as congressman-elect for the Malabon-Navotas legislative district.

The facts are as follows:

Petitioner Federico S. Sandoval and private respondent Canuto Senen Greta, together with Pedro Domingo, Mariano Santiago, Symaco Benito and Warren Serna, vied for the congressional seat for the Malabon-Navotas legislative district during the election held on May 11, 1998.

On election day, after the votes have been cast and counted in the various precincts in the two municipalities, their respective board of canvassers convened to canvass the election returns forwarded by the board of election inspectors.

In Malabon, a reception group and several canvassing committees were formed to expedite the canvass. The reception group received, examined and recorded the sealed envelopes containing the election returns, as well as the ballot boxes coming from the precincts. The reception group then distributed the election returns among the canvassing committees. The committees simultaneously canvassed the election returns assigned to them in the presence of the lawyers and watchers of the candidates.

On May 16, 1998, counsels for private respondent made a written request upon Malabon Election Officer Armando Mallorca to furnish them with a complete list of the statement of votes so that they could verify whether all statements of votes have been tabulated.[1] They likewise requested for a complete list of precincts in the municipality together with the number of canvassed votes for petitioner and private respondent as of May 16, 1998. They also sought permission to conduct an audit of the tabulation reports made by the municipal board of canvassers.[2] These requests, however, were denied by the municipal ,board of canvassers on the following grounds: (1) that any counsel for a candidate has neither personality nor right to conduct an audit of the tabulation report as the proceedings of the board are presumed to be regular, and (2) that the granting of the requests would delay the proceedings of the board to the prejudice of the will of the people of Malabon.[3]

On May 17, 1998, the Malabon municipal board of canvassers concluded its proceedings. The board issued a certificate of canvass of votes stating that it canvassed 804 out of 805 precincts in the municipality. The certificate of canvass showed that private respondent obtained the highest number of votes in Malabon with 57,760 votes, with petitioner coming in second with 42,892 votes.[4]

On the same day, after obtaining copies of the statements of votes, Ma. Rosario O. Lapuz, authorized

representative of private respondent wrote then COMELEC Chairman Bernardo Pardo[5] and informed him that several election returns were not included in the canvass conducted by the Malabon municipal board of canvassers. She moved that the certificate of canvass issued by said board be declared "not final."[6]

On May 19, 1998, Ms. Lapuz again wrote Chairman Pardo. The letter reiterated the allegations in her letter dated May 17, 1998 and requested that the Malabon municipal board of canvassers be ordered to canvass the election returns which it allegedly failed to include in its canvass.[7]

On May 23, 1998, private respondent filed with the COMELEC an Urgent Petition entitled "In re: Petition to Correct Manifest Error in Tabulation of Election Returns by the Municipal Board of Canvassers of Malabon, NCR. Canuto Tito Oreta vs. Municipal Board of Canvassers of Malabon." The petition was docketed as SPC No.98-143. It alleged that while the certificate of canvass showed that 804 election returns were canvassed and tabulated, only 790 election returns were actually canvassed. Private respondent contended that there was a manifest error in the non-recording or copying of the results in 14 election returns from 14 precincts into the statement of votes. It prayed: (1) that the municipal, board of canvassers of Malabon be reconvened to correct said manifest error by entering the results of the elections in the 14 election returns into the statement of , votes and that the certificate of canvass be corrected to reflect the complete results in 804 precincts; and (2) that the canvass of the results for the congressional election by the district board of canvassers for Malabon and Navotas be suspended until the alleged manifest error is corrected.[8]

Meanwhile, the proceedings of the municipal board of canvassers of Navotas were disrupted by the riotous exchange of accusations by the supporters of the opposing mayoralty candidates. The COMELEC had to move the venue to the Philippine International Convention Center in Manila to finish the canvass. On May 27, 1998, Chairman Pardo issued a memorandum to Atty. Ma. Anne V. G. Lacuesta, Chairman, District Board of Canvassers for Malabon-Navotas, authorizing her to immediately reconvene the district board of canvassers, complete the canvassing of the municipal certificate of canvass and supporting statement of votes per municipality , and proclaim the winning candidate for the congressional seat of the Malabon-Navotas legislative district.[9]

On May 28, 1998, private respondent filed with the COMELEC an Urgent Manifestation/Motion in connection with SPC No.98-143. It prayed that the canvass of the, results of the congressional election by the district board of canvassers be suspended until the alleged manifest error in SPC No.98-143 is corrected.[10]

At 4:15 in the afternoon on May 28, 1998, the district board of canvassers convened at the Philippine International Convention Center. It took up private respondent's petition to correct the manifest error arising from the non-inclusion of 19 election returns in the canvass. After examining the statement of votes by precinct and the certificate of canvass signed and thumbmarked by three watchers from different parties, the district board of canvassers found that a total of 804 election returns were canvassed by the Malabon municipal board of canvassers.[11]

The district board of canvassers then proceeded to canvass the certificates of canvass from the two municipalities. Counsel for private respondent requested that the canvassing be suspended until the Commission has resolved their petition for correction of manifest error in the certificate of canvass of Malabon. The district board of canvassers, however, denied the request for the following reasons:

> "1.
>
> absence of restraining order from the Commission;
>
> "2.

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order of the Chairman dated May 27, 1998 directing the district board to proceed with the canvass and proclamation of winning candidates for the district of Malabon-Navotas;

"3.

there is no irregularity in the submitted certificate of canvass from both municipalities and there were no objections raised for both certificates of canvass of the counsels present;

"4.

no report coming from the municipal board of canvassers from Malabon that there were uncanvassed election return except for one;

"5.

the municipal board of canvassers of Malabon submitted to the district board of canvassers certificate of canvass which indicated that the number of canvassed returns for District I is 397 and 407 for District II for a total of 804 out of 805 election returns;

"6.

the board has only the ministerial duty to tally the votes as reflected on the certificate of canvass supplemented by the statement of votes and has no authority to verify allegations of irregularities in the preparation thereof; and

"7.

there is no pre-proclamation contest for the position of congressman."[12]

Private respondent's counsel sought reconsideration of the decision of the district board' of canvassers but it was likewise denied by the board.

After canvassing the municipal certificates of canvass, the district board of canvassers proclaimed petitioner the duly elected congressman of the legislative district of Malabon-Navotas. The board declared that petitioner obtained a total vote of 82,339 over private respondent's 80,319 votes.[13] Petitioner took his oath of office on the same day.[14]

The following day, on May 29, 1998, private respondent filed with the COMELEC in connection with SPC No.98-143 an "Urgent Appeal from the Decision of the Legislative District Board of Canvassers for Malabon and Navotas with Prayer for the Nullification of the Proclamation of Federico S. Sandoval as Congressman." It alleged that there was a verbal order from the COMELEC Chairman to suspend the canvass and proclamation of the winning candidate for congressman of the Malabon-Navotas legislative district; that the district board of canvassers proceeded with the canvass and proclamation despite the verbal order; and that the non-inclusion of the 19 election returns in the canvass would result in an incomplete canvass of the election returns. It prayed that the decision of the district board of canvassers be reversed and that the municipal board of canvassers of Malabon be reconvened to complete its canvass. It also prayed that the proclamation of petitioner as congressman be annulled.[15]

On May 30, 1998, private respondent filed with the COMELEC an Urgent Petition docketed as SPC No.98-206. The petition sought the annulment of , petitioner's proclamation as congressman. It alleged that at about 4:00 in the afternoon on May 28, 1998, the COMELEC Chairman directed the district board of canvassers to suspend the canvass and proclamation pending the resolution of the petition for correction of manifest error in the municipal certificate of canvass of Malabon; that the district board of canvassers still proceeded with the canvass in spite of

the order; that the proclamation was made despite the non-inclusion of election returns from 19 precincts in Malabon; and that the non-inclusion of these election returns will materially affect the result of the election. Private respondent prayed that the proclamation of petitioner as congressman be annulled and that the municipal board of canvassers of Malabon be ordered to reconvene to include the 19 election returns in the canvass.[16]

On June 2, 1998, the COMELEC en banc issued an order setting aside the proclamation of petitioner. The COMELEC ruled that the proclamation by the district board of canvassers was void because: (1) it was made in defiance of the verbal order by the COMELEC Chairman relayed through Executive Director Resurrection Z. Borra to suspend the proclamation of the winner in the congressional election until the Commission has resolved private respondent's petition for correction of manifest error in the certificate of canvass; and (2) it was based on an incomplete canvass. The dispositive portion of the order reads:

> "WHEREFORE, the proclamation made by the District Board of Canvassers of Malabon and Navotas for the position of Congressman being void ab initio is no proclamation at all. Meantime, it is hereby set aside.
>
> "Atty .Ma. Anne Lacuesta is hereby relieved as Chairman, District Board of Canvassers of Malabon-Navotas, and Atty. Consuelo B. Diola is named Chairman of said Board. Atty. Diola is directed to maintain the status quo prior to the Board's unauthorized proclamation, until further orders.
>
> "Meantime, let these cases be set for hearing en banc on 09 June 1998 at 10:00 in the morning.
>
> "SO ORDERED."[17]

On June 8, 1998, petitioner filed this petition for certiorari seeking the annulment and reversal of said order. Petitioner contended:

> "1.
>
> Respondent COMELEC's annulment of petitioner Sandoval's proclamation as winner in the election for congressman of Malabon-Navotas, without the benefit of prior hearing, is grossly indecent and violates his right to due process of law.
>
> "2.
>
> Respondent COMELEC's action on respondent Oreta's petitions violates Republic Act 7166 which bars pre-proclamation cases in the elections of members of the House of Representative.
>
> "3.
>
> Respondent Oreta's remedy for seeking correction of alleged manifest errors in the certificate of canvass for members of Congress does not lie with respondent COMELEC but, initially with the municipal board of canvassers.
>
> "4.
>
> At any rate, respondent Oreta's right to raise questions concerning alleged manifest errors in the Malabon certificate of canvass is barred by his failure to raise such questions before petitioner Sandoval's proclamation.
>
> "5.
>
> Respondent Oreta's recourse lies with the House of Representatives Electoral Tribunal which is not precluded from passing upon the allegedly uncanvassed election returns in Malabon."[18]

On June 9, 1998, we required the respondents to comment on the petition. We also issued a temporary restraining order mandating the COMELEC to cease and desist from implementing and enforcing the questioned order.[19]

The COMELEC nonetheless conducted a hearing on June 9, 1998 , concerning SPC No.98-143 and SPC No.98-206.

Private respondent filed his comment[20] on June 22, 1998. He argued:

> "1.
>
> Respondent COMELEC committed no jurisdictional error in declaring void ab initio the proclamation of petitioner Sandoval as Congressman-elect for the Malabon-Navotas legislative district.
>
> - The premature and hasty proclamation of respondent Sandoval made by the District Board on the basis of an incomplete canvass is illegal, hence, null and void.
>
> - Respondent COMELEC substantially complied with the requirements of due process in declaring the proclamation of respondent Sandoval an absolute nullity.
>
> "2.
>
> Respondent COMELEC properly took cognizance of respondent Oreta's petition to correct manifest error in the certificate of canvass issued by the Malabon board.
>
> - While technically a pre-proclamation case, correction of manifest errors for purposes of the congressional elections is within the power and authority of the COMELEC to order, in the exercise of its appellate and original jurisdiction over such subject matter.
>
> - The failure of the Malabon board to tabulate the results of seventeen (17) election returns and to record the votes supporting the certificate of canvass resulted in a manifest error in the certificate of canvass which should be summarily corrected by ordering the Malabon board to reconvene, canvass the 17 election returns, record the votes in the statement of votes and prepare a new certificate of canvass."

On June 29, 1998, then Solicitor General Silvestre Bello III filed a Manifestation and Motion in Lieu of Comment.[21] He found the assailed order of the COMELEC null and void for the following reasons:

> "1.
>
> Respondent COMELEC's motu proprio and ex parte annulment of petitioner's proclamation as winner in the election for congressman of Malabon-Navotas is tainted with grave abuse of discretion amounting to lack or excess of jurisdiction and violated petitioner's right to due process; and
>
> "2.
>
> Respondent COMELEC had no jurisdiction over the petitions filed by respondent Oreta, hence its order dated June 2, 1998 annulling petitioner's proclamation is null and void."

In view of. the Solicitor General's manifestation and motion, we required the COMELEC to file its own comment.

The COMELEC filed its comment on August 11, 1998. It invoked its power of direct control and supervision over the board of canvassers, allowing it to review, revise and reverse the board's actions. It said that it rendered the questioned order upon finding that petitioner's proclamation was illegal and therefore void ab initio. It cited two reasons to support its findings: first, it was made in disregard of the Chairman's verbal order to suspend the canvass and proclamation, and second, it was based on an incomplete canvass.[22]

On August 27, 1998, the new Solicitor General, Ricardo P. Galvez, filed a Manifestation and Motion withdrawing the Manifestation and Motion filed ,by former Solicitor General Bello. The Solicitor General, this time, upheld the validity of the assailed order. In essence, he argued that the Malabon municipal board of canvassers failed to

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include 17 election returns in its canvass; that such omission constitutes manifest error in the certificate of canvass which must be corrected by the district board of canvassers; and that the proclamation of petitioner was void ab initio because it was based on an incomplete canvass.[23]

Petitioner and private respondent subsequently filed their respective reply, rejoinder and sur-rejoinder.

Considering the arguments raised by the parties, the issues that need to be resolved in this case are:

> - whether the COMELEC has the power to take cognizance of SPC No. 98-143 and SPC No. 98-206, both alleging the existence 'of manifest error in the certificate of canvass issued by the Malabon municipal board of canvassers and seeking to reconvene said board of canvassers to allow it to correct the alleged error; and
>
> - whether the COMELEC's order to set aside petitioner's proclamation was valid.

On the first issue, we uphold the jurisdiction of the COMELEC over the petitions filed by private respondent. As a general rule, candidates and registered political parties involved in an election are allowed to file pre-proclamation cases before the COMELEC. Pre-proclamation cases refer to any question pertaining to or affecting the proceedings of the board of canvassers which may be raised by, any candidate or by any registered political party or coalition of political parties before the board or directly with the Commission, or any matter raised under Sections 233, 234, 235 and 236 in relation to the preparation, transmission, receipt, custody and appreciation of election returns.[24] The COMELEC has exclusive jurisdiction over all pre-proclamation controversies.[25] As an exception, however, to the general rule, Section 15 of Republic Act (RA) 7166[26]. prohibits candidates in the presidential, vice-presidential, senatorial and congressional elections from filing pre-proclamation cases.[27] It states:

> "Sec. 15. Pre-proclamation Cases Not Allowed in Elections for President, Vice-President, Senator, and Members of the House of Representatives.-- For purposes of the elections for President, Vice-President, Senator and Member of the House of Representatives, no pre-proclamation cases shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of election returns or the certificates of canvass, as the case may be. However, this does not preclude the authority of the appropriate canvassing body motu propio or upon written complaint of an interested person to correct manifest errors in the certificate of canvass or election returns before it."

The prohibition aims to avoid delay in the proclamation of the winner in the election, which delay might result in a vacuum in these sensitive posts.[28] The law, nonetheless, provides an exception to the exception. The second sentence of Section 15 allows the filing of petitions for correction of manifest errors in the certificate of canvass or election returns even in elections for president, vice- president and members of the House of Representatives for the simple reason that the correction of manifest error will not prolong the process of canvassing nor delay the proclamation of the winner in the election. This rule is consistent with and complements the authority of the COMELEC under the Constitution to, "enforce and administer all laws and regulations relative to the conduct of an, election, plebiscite, initiative, referendum and recall"[29] and its power to "decide, except those involving the right to vote, all questions affecting elections."[30]

Applying the foregoing rule, we hold that the Commission has jurisdiction over SPC No. 98- 143 and SPC No.98-206, both filed by private respondent seeking to correct the alleged manifest error in the certificate of canvass issued by the Malabon municipal board of canvassers. These petitions essentially allege that there exists a manifest error in said certificate of canvass as the board failed to include several election returns in the canvassing. Private respondent prays that the board be reconvened to correct said error. Section 15 of RA 7166 vests the COMELEC with jurisdiction over cases of this nature. We reiterate the long-standing rule that jurisdiction is conferred by law and is determined by the allegations in the petition regardless of whether or not

the petitioner is entitled to the relief sought.[31]

The authority to rule on petitions for correction of manifest error is vested in the COMELEC en banc. Section 7 of Rule 27 of the 1993 COMELEC Rules of Procedure[32] provides that if the error is discovered before proclamation, the board of canvassers may motu proprio, or upon verified petition by any candidate, political party, organization or coalition of political parties, after due notice and hearing, correct the errors committed. The aggrieved party may appeal the decision of the board to the Commission and said appeal shall be heard and decided by the Commission en banc. Section 5, however of the same rule states that a petition for correction of manifest error may be filed directly with the Commission en banc provided that such errors could not have been discovered during the canvassing despite the exercise of due diligence and proclamation of , the winning candidate had already been made. Thus, we held in Ramirez vs. COMELEC:[33]

> "Although in Ong, Jr. v. COMELEC it was said that 'By now it is settled that election cases which include pre-proclamation controversies must first be heard and decided by a division of the Commission' -- and a petition for correction of manifest error in the Statement of Votes, like SPC 95-198 is a pre-proclamation ; controversy -- in none of the cases cited to support this proposition was the issue the correction of a manifest error in the Statement of Votes under Sec. 231 of the Omnibus Election Code (BP. Blg. 881) or Sec. 15 of R.A. No.7166. On the other hand, Rule 27, Sec. 5 of the 1993 Rules of the COMELEC expressly provides that pre - proclamation controversies involving, inter alia, manifest errors in the tabulation or tallying of the results may be filed directly with the COMELEC en banc x x x."[34]

Petitioner nonetheless contends that SPC No. 98-143 and SPC No. 98-206 must be dismissed because private respondent failed to raise the issue of manifest error before the appropriate board of canvassers in accordance with the second sentence of Section 15 of RA 7166.

We disagree.

The issue of manifest error in the certificate of canvass for Malabon has been raised before the district board of canvassers before petitioner could be proclaimed and said board has in fact ruled on the issue.[35] We find this as sufficient compliance with the law. The facts show that it was impossible for private respondent to raise the issue before the Malabon municipal board of canvassers as it still did not have a copy of the statement of votes and the precinct list at the time of the canvassing in the municipal level. At that time, private respondent still had no knowledge of the alleged manifest error. He, however, lost no time in notifying the COMELEC Chairman and the district board of the alleged error upon discovery thereof. We find petitioner's argument, therefore, to be devoid of merit.

We now go to the second issue. Although the COMELEC is clothed with jurisdiction over the subject matter and issue of SPC No.98-143 and SPC No. 98-206, we find the exercise of its jurisdiction tainted with illegality. We hold that its order to set aside the proclamation of petitioner is invalid for having been rendered without due process of law. Procedural due process demands prior notice and hearing. Then after the hearing, it is also necessary that the tribunal show substantial evidence to support its ruling.[36] In other words, due process requires that a party be given an opportunity to adduce his evidence to support his side of the case and that the evidence should be considered in the adjudication of the case.[37] The facts show that COMELEC set aside the proclamation of petitioner , without the benefit of prior notice and hearing and it rendered the questioned order based solely on private respondent's allegations. We held in Bince, Jr. vs. COMELEC:[38]

> "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, and one cannot acquire a vested right to public office, it is, nevertheless, a protected right. Due process in proceedings before the 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, We had ruled in Farinas vs. Commission on Elections, Reyes vs. Commission on Elections and Gallardo vs. Commission on Elections that the COMELEC is without power to partially or totally annul a proclamation or suspend the effects of a proclamation without notice and hearing."[39]

Citing Section 242 of the Omnibus Election Code, private respondent argues that the COMELEC is authorized to annul an illegal proclamation even without notice and hearing because the law states that it may motu proprio order a partial or total suspension of the proclamation of any candidate-elect or annul partially or totally any proclamation, if one has been made. We reject the argument. Section 242 of the Omnibus Election Code reads:

> "Sec. 242. Commission's exclusive jurisdiction of all pre-proclamation controversies.-- The Commission shall have exclusive jurisdiction of all pre-proclamation controversies. It may motu proprio or upon written petition, and after due notice and hearing, order the partial or total suspension of the proclamation of any candidate-elect or annul partially or totally any proclamation, if one has been made, as the evidence shall warrant in accordance with the succeeding sections."

The phrase "motu proprio" does not refer to the annulment of proclamation but to the manner of initiating the proceedings to annul a proclamation made by the board of canvassers. The law provides two ways by which annulment proceedings may be initiated. It may be at the own initiative of the COMELEC (motu proprio) or by written petition. In either case, notice and hearing is required. This is clear from the language of the law.

We likewise reject private respondent's assertion that the hearing held on June 9, 1998 substantially satisfies the due process requirement. The law requires that the hearing be held before the COMELEC rules on the petition. Here, the public respondent first issued an order annulling the proclamation of petitioner and then set the date of the hearing. We explained in Farinas vs. COMELEC[40] the pernicious effect of such procedure:

> "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 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, 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.'" (citations omitted)

Public respondent submits that procedural due process need not be observed in this case because it was merely exercising its administrative power to review, revise and reverse the actions of the board of canvassers. It set aside the proclamation made by the district board of canvassers for the position of congressman upon finding that it was tainted with illegality.

We cannot accept public respondent's argument.

Taking cognizance of private respondent's petitions for annulment of petitioner's proclamation, COMELEC was not merely performing an administrative function. The administrative powers of the COMELEC include the power to determine the number and location of polling places, appoint election officials and inspectors, conduct registration of voters, deputize law enforcement agencies and government instrumentalities to ensure free, orderly, honest, peaceful and credible elections, register political parties, organizations or coalitions, accredit citizens' arms of the Commission, prosecute election offenses, and recommend to the President the removal of or imposition of any other disciplinary action upon any officer or employee it has deputized for violation or disregard of its directive, order or decision. In addition, the Commission also has direct control and supervision over all personnel involved in the conduct of election. However , the resolution of the adverse claims of private respondent and petitioner as regards the existence of a manifest error in the questioned certificate of canvass requires the COMELEC to act as an arbiter. It behooves the Commission to hear both parties to determine the

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veracity of their allegations and to decide whether the alleged error is a manifest error. Hence, the resolution of this issue calls for the exercise by the COMELEC of its quasi- judicial power. It has been said that where a power rests in judgment or discretion, so that it is of judicial nature or character, but does not involve the exercise of functions of a judge, or is conferred upon an officer other than a judicial officer, it is deemed quasi-judicial.[41] The COMELEC therefore, acting as quasi-judicial tribunal, cannot ignore the requirements of procedural due process in resolving the petitions filed by private respondent.

IN VIEW WHEREOF, the COMELEC order dated June 2, 1998 in SPC No. 98-143 and SPC No. 98-206 is ANNULLED. This case is REMANDED to the COMELEC and the Commission is hereby ordered to hold a hearing on the issues presented in SPC No. 98-143 and SPC No. 98-206, and thereafter render a decision based on the evidence adduced and the applicable laws. The incident of whether or not petitioner may continue discharging the functions of the office of congressman pending resolution of the case on its merit shall be addressed by the COMELEC in the exercise of its reasonable discretion.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

Pardo, J., took no part.

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[1] Rollo, p. 97.

[2] Rollo, p. 98.

[3] Rollo, p. 99.

[4] Rollo, pp. 25-26.

[5] Now Associate Justice of this Court.

[6] Rollo, p. 101.

[7] Rollo, p. 197.

[8] Rollo, p. 27-28.

[9] Rollo, p. 30.

[10] Rollo, pp. 31-32.

[11] Minutes of the Canvassing conducted on May 28, 1998 by the District Board of Canvassers for Malabon-Navotas, Rollo, pp. 33-37.

[12] Ibid.

[13] Rollo, p. 38.

[14] Rollo, p. 39.

[15] Rollo, pp. 40-41.

[16] Rollo, pp. 42-43.

[17] Rollo, p. 50.

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[18] Rollo, pp. 11-21.

[19] Rollo, pp. 55-57.

[20] Rollo, pp. 70-95.

[21] Rollo, pp. 270-297.

[22] Rollo, pp. 367-386.

[23] Rollo, pp. 450-456.

[24] Section 241, Omnibus Election Code.

[25] Section 242, supra.

[26] An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for other Purposes, approved by the House of Representatives on November 18, 1991 and by the Senate on November 20, 199

[27] See Pangilinan vs. COMELEC, 228 SCRA 36 (1993); Chavez vs. COMELEC, 211 SCRA 315 (1992)

[28] See Sanchez vs. COMELEC, 153 SCRA 67 (1987)

[29] Section 2 (1), Article IX-C, 1987 Constitution.

[30] Section 2 (3), Article IX-C, supra.

[31] Santiago vs.Guingona, Jr., 298 SCRA 756 (1998); Union Bank of the Philippines vs. CA, 290 SCRA 198 (1998); Chico vs. CA, 284 SCRA 33 (1997)

[32] Took effect on February 15, 1993.

[33] 270 SCRA 590 (1997)

[34] At pp. 596-507.

[35] Minutes of the Canvassing conducted on May 28, 1998 by the District Board of Canvassers for Malabon-Navotas, Rollo, pp, 33-37.

[36] Reyes vs. COMELEC, 97 SCRA 500 (1980)

[37] Gonzales vs. COMELEC, 101 SCRA 752 (1980)

[38] 218 SCRA 782 (1993)

[39] At p. 792.

[40] G.R. No. 81763, March 10, 1988 (Minute Resolution)

[41] 35A Words and Phrases 463.

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