ROGELIO G. SIQUIAN, JR., PETITIONER, VS. COMMISSION ON ELECTIONS AND FELICITAS P. ONG, RESPONDENTS.

G.R. No. 135627. December 09, 1999

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Petitioner and private respondent were candidates for mayor in Angadanan, Isabela in the May 11, 1998 elections. In the canvassing of votes, petitioner interposed no objections to the inclusion of election returns from several precincts. It was only on May 16, 1998 that he presented objections to the inclusion of certain returns on various grounds such as the presence of the Barangay Captain in the polling areas, that the latter was influencing his constituents to vote for a certain candidate, and the election returns were accomplished in areas outside of the polling centers. On the same date, private respondent was proclaimed winner but the same was annulled by the COMELEC (First Division) in a resolution dated June 15, 1998. The COMELEC also enjoined the proclaimed candidates from assuming their posts and ordered the Municipal Board of Canvassers to reconvene and to finish the canvassing.

After proceeding with the canvassing, the Board denied the petition for exclusion of the election returns in some precincts filed by the petitioner (Nos. 65A, 16A/16A1) and granted the exclusion sought for with respect to those in other precincts (Nos. 95A, 93-A/93A1, 94-A1, 81A, 58A). Both parties appealed to the COMELEC (First Division), which affirmed the rulings issued by the Board on the grant and denial of exclusion of the aforementioned election returns. It also ordered the Board to continue the canvassing and proclaim the winner. Private respondent filed a motion for reconsideration with the Commission en banc which on October 6, 1998 ruled that all the election returns which petitioner initially sought to exclude be included in the canvassing. Thereafter, private respondent was proclaimed winner on October 12, 1998. In a petition for certiorari before this Court, petitioner imputes grave abuse of discretion to respondent COMELEC in allowing the inclusion of the election returns from the precincts which were ordered excluded by the Board of Canvassers.

The Court finds that the charge of grave abuse of discretion is more apparent than real. Section 20 of R.A 7166 and Section 36 of COMELEC Resolution 2962 requires that an oral objection to the inclusion or exclusion of election returns in the canvassing shall be submitted to the Chairman of the Board of Canvassers at the time the questioned return is presented for inclusion in the canvass. It is not denied by petitioner that the objections interposed were made after the election returns in certain precincts were included in the canvass. Such belated objections are fatal to petitioner's cause. Compliance with the period set for objections on exclusion and inclusion of election returns is mandatory.[1] Otherwise, to allow objections after the canvassing would be to open the floodgates to schemes designed to delay the proclamation and frustrate the electorate's will by some candidates who feels that the only way to fight for a lost cause is to delay the proclamation of the winner. It should be noted that proceedings before the Board of Canvassers is summary in nature which is why the law grants the parties a short period to submit objections and the Board a short period to rule on matters brought to them.[2] Petitioner's plea for a liberal interpretation of technical rules and allow his untimely objections cannot be granted in this case.

Liberal construction of election laws applies only when it becomes necessary to uphold the people's voice.[3]

Assuming arguendo that petitioner's objections to the inclusion of the subject returns were timely filed, his contention that the votes in some of the objected precincts were cast under the influence of the Barangay Captain and that some election returns were prepared under duress, fraud, coercion has no merit. Even assuming that such were the facts, the same can no longer be considered since the winners were already proclaimed and there is no sufficient reason or evidence presented that the Board of Canvassers has made an invalid proclamation.[4] Moreover, it is settled that as long as the election returns appear to be authentic and duly accomplished on their face, the Board of Canvassers cannot look behind or beyond them to verify allegations of irregularities in the casting or counting of votes.[5] A party, such as petitioner herein, seeking to raise issues, resolution of which would compel or necessitate the COMELEC to pierce the veil of election returns which appear prima facie regular on their face has his proper remedy in a regular election protest.[6] Other than the general allegations that certain returns were prepared under duress, threats, coercion, intimidation, petitioner failed to point out specific objections to said returns[7] and likewise presented no adequate substantiation of his self-described "Mob-ruled proclamation" made by the Board of Canvassers. It has been ruled that objections raised before the Board of Canvassers that certain votes were not freely cast is not a valid ground for a pre-proclamation controversy and is beyond the competence of the Board.[8]

WHEREFORE, finding no grave abuse of discretion, the petition is DISMISSED.

SO ORDERED.

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

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[1] Section 36, COMELEC Resolution 2962; See Dimaporo v. COMELEC, 186 SCRA 769.

[2] Section 20, R.A. 7166; Patoray v. COMELEC, 274 SCRA 470.

[3] Juliano v.CA, 20 SCRA 808.

[4] Torres v. COMELEC, 270 SCRA 583.

[5] Loong V. COMELEC, 326 Phil. 790; Matalam v. COMELEC, 271 SCRA 733.

[6] Dipatuan v. COMELEC, 185 SCRA 86.

[7] Patoray v. COMELEC, 274 SCRA 470.

[8] See Abella v. Larrazabal, 180 SCRA 509.

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