

RICARDO V. QUINTOS, PETITIONER, VS. COMMISSION ON ELECTIONS AND JOSE T. VILLAROSA, RESPONDENTS.*G.R. No. 149800. November 21, 2002*

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-149800/>**CARPIO, J.:****The Case**

Before us is a petition for certiorari with prayer for the issuance of a temporary restraining order and a writ of preliminary injunction under Rule 65 of the Rules of Court. Petitioner seeks to annul the Orders (“Assailed Orders” for brevity) dated August 27, 2001 and September 12, 2001 of the Commission on Elections’ Second Division (“COMELEC” for brevity) in Election Protest Case No. 2001-34 entitled “Ricardo V. Quintos v. Jose T. Villarosa.” The Assailed Orders deferred the delivery to the COMELEC of the protested and counter-protested ballot boxes (“Contested Ballot Boxes” for brevity) from the Municipality of Paluan, Occidental Mindoro. The same ballot boxes were also the subject of two pending municipal election protests[1] in the Regional Trial Court of Mamburao, Branch 44, Occidental Mindoro.

The COMELEC, under the Assailed Orders, gave the Regional Trial Court of Mamburao priority in the custody and revision of the ballots in the Contested Ballot Boxes. The Assailed Orders deviated from the order of preference prescribed in Section 2 of COMELEC Resolution No. 2812 promulgated on October 17, 1995. Under this COMELEC Resolution, when contested ballot boxes are the subject of simultaneous protests before the COMELEC and the Regional Trial Court, the COMELEC enjoys preference in the custody of the ballot boxes. Petitioner contends that in issuing the Assailed Orders, the COMELEC acted without or in excess of jurisdiction, or with grave abuse of discretion, and there is no appeal or any speedy remedy in the ordinary course of law.

Thus, this petition for certiorari.

The Antecedents

Petitioner Ricardo V. Quintos (“petitioner” for brevity) and private respondent Jose T. Villarosa (“private respondent” for brevity) were candidates for Governor of Occidental Mindoro in the May 14, 2001 elections. On May 26, 2001, the Provincial Board of Canvassers proclaimed private respondent winner with 57,136 votes. Petitioner received 56,043 votes and lost to private respondent by 1,093 votes.[2] Petitioner filed with the COMELEC an election protest, docketed as Election Protest Case No. 2001-34,[3] against private respondent claiming that massive fraud and illegal electoral practices were committed in the contested precincts (Precinct Nos. 13A and 14A, Barangay Lumangbayan, Municipality of Paluan) during the registration, the voting and the counting of the votes. Petitioner claimed that because of the fraud and illegal electoral practices, he was deprived of votes cast in his favor while private respondent was illegally benefited by votes which should not be credited to him. After revision of the ballots in the protested precincts, petitioner prayed that he be declared the winner in the elections and thus be proclaimed as the duly elected Governor of the Province of Occidental Mindoro.

On June 15, 2001, private respondent filed his Answer with Counter-Protest and Counterclaim.[4] He counter-protested thirteen (13) ballot boxes from 13 precincts in the Municipality of Paluan, namely, Precinct Nos. 23A, 25A, 24A, 3A, 47A1/48A, 29A/30A, 35A, 27A/28A, 7A/8A, 26A1, 9A, 36A and 47A.

In a hearing on August 7, 2001, private respondent's counsel moved that the Regional Trial Court of Mamburao be allowed to take first custody of the Contested Ballot Boxes before their transmittal to the COMELEC. The Contested Ballot Boxes were also the subject of two election protests, pending before the Regional Trial Court of Mamburao, involving the positions of mayor and councilors in the Municipality of Mamburao.[5] The COMELEC issued an Order dated August 7, 2001 denying private respondent's motion because of COMELEC Resolution No. 2812 giving the COMELEC preference in the custody of the Contested Ballot Boxes over the Regional Trial Court.[6]

From the COMELEC's Order, private respondent filed a Manifestation and Motion for Partial Reconsideration.[7] Private respondent stated that petitioner identified only one (1) ballot box (Barangay Lumangbayan, Precinct No. 13A/14A [clustered]) in the Municipality of Paluan, Occidental Mindoro as subject of his protest. Private respondent, however, identified thirteen (13) ballot boxes from the same municipality in his counter-protest. Thus, the total number of Contested Ballot Boxes, both in the protest and counter-protest, is fourteen (14). Private respondent explained that the Contested Ballot Boxes were also the subject of two municipal election protests both filed with the Regional Trial Court of Mamburao, and both handled by counsel of private respondent. In an Order dated June 25, 2001,[8] the Regional Trial Court directed the Municipal Treasurer of Paluan to bring before the court the Contested Ballot Boxes.

Private respondent averred that if COMELEC Resolution No. 2812 were strictly implemented, the resolution of the election protests in the Municipality of Paluan would suffer undue delay. The COMELEC would take first custody of the 14 Contested Ballot Boxes. The resolution of the election protests in the Municipality of Paluan would have to wait for the COMELEC to complete its revision of the ballots in the Contested Ballot Boxes. Private respondent argued that if the COMELEC reconsidered its Order dated August 7, 2001, the local election protests would be resolved expeditiously without causing any undue delay in the resolution of petitioner's election protest and private respondent's counter-protest.

Private respondent prayed that the COMELEC allow the one ballot box (Precinct Nos. 13A/14A, Barangay Lumangbayan) from the Municipality of Paluan, subject of petitioner's protest, to be delivered first to the Regional Trial Court of Mamburao. The Regional Trial Court could transmit this one ballot box to the COMELEC after the revision of the ballots in the election protests pending with the trial court. Alternatively, private respondent prayed that the COMELEC first allow the delivery of the 13 ballot boxes subject of the counter-protest to the Regional Trial Court of Mamburao.

On August 27, 2001, the COMELEC rendered the Assailed Order granting private respondent's Manifestation and Motion for Partial Reconsideration subject to the following guidelines:

"Accordingly, the retrieval of the ballot box from Precinct No. 13A/14A of Barangay Lumangbayan, and those from the precincts mentioned in the aforequoted manifestation, all from the Municipality of Paluan, Occidental Mindoro, is hereby ordered deferred subject to the following guidelines:

- That the said ballot boxes should be delivered to the Commission (Second Division) one (1) week prior to the termination of the revision of the other protested ballot boxes, the schedule of which shall be set after the delivery of the said ballot boxes; and
- The Regional Trial Court of Mamburao, Occidental Mindoro, Branch 44, is requested to conduct the revision and appreciation proceedings in Election Cases Nos. 19 and 20 (Ocampo vs. Pangilinan and Terana vs.

Velandria, respectively) in the most expeditious manner possible in order that the subject ballot boxes and other election documents can be turned over to the Commission in due time. No revision of ballots shall be conducted without prior notice being given to both parties in the above-entitled case.

SO ORDERED.”[9]

On September 4, 2001, petitioner filed a Motion for Reconsideration[10] of the Order of the COMELEC dated August 27, 2001.

On September 12, 2001, the COMELEC issued the second Assailed Order,[11] the dispositive portion of which reads:

“Wherefore, in view of the foregoing, the Commission (Second Division) hereby DENIES the instant Motion for Reconsideration. It is however, emphasized that one (1) week prior to the completion of the revision of the protested ballots, the Regional Trial Court, Branch 44, of Mamburao, Occidental Mindoro shall be notified to transmit the ballot box of Precinct 13A/14A to this Commission whether or not the said court has completed its revision of the ballots therein.

SO ORDERED.”

Hence, petitioner filed this petition for certiorari seeking the annulment of the Assailed Orders dated August 27, 2001 and September 12, 2001 based on the following grounds:

“1. The Manifestation and Motion for Partial Reconsideration is not verified pursuant to Sec. 3, Rule 19, Comelec Rules of Procedure and is considered an unsigned pleading which should be denied (Soller vs. Comelec, et al., G.R. No. 139853, September 5, 2000; Lalic vs. Casupanan, EAC No. 73-98, January 12, 2001, G.R. No. 146868, February 27, 2001).

2. The Order of August 27, 2001 was issued without giving the petitioner and other parties concerned the opportunity to comment/oppose the motion for partial reconsideration filed by the respondent in violation of due process.

3. The Order of August 27, 2001 is impractical and would clog one ballot with 26 different exhibit marks as there are four (4) parties in Election Protest Case No. 19, RTC, Branch 44, Mamburao, Occidental Mindoro involving the Office of Mayor of Paluan, Occidental Mindoro as well as twenty-two (22) parties in Election Protest Case No. 20, RTC, Branch 44, Mamburao, Occidental Mindoro, involving the Office of Municipal Councilors of Paluan, Occidental Mindoro.

4. There is no compelling and urgent reason to disturb the order of preferences in the custody and revision of ballots and other election documents contained in the ballot boxes sequentially enumerated in Section 2 of Comelec Resolution No. 2812 promulgated October 17, 1995 and still enforced up to the present time.”[12]

In his Comment and Manifestation,[13] private respondent manifested that the Regional Trial Court of Mamburao had completed the revision of the ballots in the ballot box of Precincts 13A and 14A of Barangay Lumangbayan, Paluan. Private respondent submitted the supporting Certification[14] dated November 19, 2001 issued by the Clerk of Court of the trial court. Private respondent stated that the Assailed Orders of the COMELEC, which petitioner sought to restrain, were already implemented. The COMELEC could direct at any time the Regional Trial Court to transmit to the COMELEC in Manila the ballot box of Precincts 13A and 14A of Barangay Lumangbayan. Private respondent thus asserted that this development rendered the instant petition for certiorari, with prayer for a temporary restraining order and preliminary injunction, moot and academic.

In its Comment,[15] the Office of the Solicitor General, as counsel for the COMELEC, stated that the issue is already moot and academic because the trial court had completed its review of the ballot boxes included in

petitioner's protest. These ballot boxes are ready for transmittal to the COMELEC.

In his Reply, petitioner stated that while he concedes that indeed the Regional Trial Court had completed its review of the ballots subject of his protest, still the issue should not be considered moot and academic. Petitioner asserts that it is of paramount interest that the COMELEC strictly observe the order of preference in the custody and revision of ballots as prescribed by Section 2 of COMELEC Resolution No. 2812.

The Issues

This petition raises the following issues:

1. Whether the COMELEC, in issuing the Assailed Orders giving the Regional Trial Court of Mamburao priority in the custody and revision of the ballots in the Contested Ballot Boxes, acted without or in excess of jurisdiction or with grave abuse of discretion because (a) there was no compelling reason to disturb the order of preference prescribed in Section 2 of COMELEC Resolution No. 2812; and (b) the Order dated August 27, 2001 is impractical.
2. Whether the Unverified Manifestation and Motion for Partial Reconsideration should have been denied.
3. Whether the failure to give petitioner the opportunity to comment or oppose private respondent's Manifestation and Motion for Partial Reconsideration is a denial of due process.

Since the Clerk of Court of the Regional Trial Court of Mamburao certified on November 19, 2001 that "the revision/counting of ballot boxes of Precincts 13A and 14A of Barangay Lumangbayan, Paluan, Occidental Mindoro has already been completed,"[16] the issue is moot and academic with respect to the ballot box subject of petitioner's protest. There is no showing, however, that the revision of ballots in the 13 ballot boxes of the 13 precincts in the Municipality of Paluan, which are the subject of the counter-protest, was also completed. Hence, the issue is not moot and academic with regard to the 13 counter-protested ballot boxes, the initial custody of which was also given to the Regional Trial Court of Mamburao in the Assailed Orders of the COMELEC.

The Court's Ruling

We rule that the COMELEC did not act without or in excess of jurisdiction, or commit grave abuse of discretion, in issuing the Assailed Orders giving the Regional Trial Court of Mamburao first access to the Contested Ballot Boxes.

First Issue: (a) whether there is no compelling reason to disturb the order of preference in COMELEC Resolution No. 2812.

Petitioner contends that there is no compelling and urgent reason to disturb the order of preference in the custody of the Contested Ballot Boxes, which order is prescribed sequentially in Section 2 of COMELEC Resolution No. 2812. Petitioner alleges that private respondent's only reason in asking for observance of the order of preference is to delay the election protest. Petitioner points out that when the COMELEC promulgated Resolution No. 2812, the Electoral Tribunals and the COMELEC knew that delays would happen as a matter of course in the observance of the order of preference. Petitioner asserts that the rationale in the order of preference prescribed in COMELEC Resolution No. 2812 is the importance of the office involved insofar as the revision of the ballots is concerned. Petitioner maintains that if the ballots and other election documents in the Contested Ballot Boxes are initially placed in the custody of the COMELEC, the possibility of tampering of these ballots and documents is very remote, if not impossible.

COMELEC Resolution No. 2812 addresses "the matter of impounding, transfer and control of ballot boxes, election documents and paraphernalia which are subject of simultaneous protests before the Electoral Tribunals,

the Commission and Regional Trial Courts.” Section 2 of the Resolution provides as follows:

“Sec. 2. The following order of preference in the custody and revision of ballots and other documents contained in the ballot boxes shall be:

- 2.1 Presidential Electoral Tribunal (PET);
- 2.2 Senate Electoral Tribunal (SET);
- 2.3 House of Representatives Electoral Tribunal (HRET);
- 2.4 Commission on Elections (Commission);
- 2.5 Regional Trial Court (RTC).”

In its Assailed Order dated September 12, 2001, the COMELEC explained the reason why it gave the Regional Trial Court of Mamburao, priority in the custody of the Contested Ballot Boxes, thus:

“After due deliberation, the Commission (Second Division) finds that no substantial right of protestant was violated by the issuance of the said assailed Order.

It should bear emphasis that in the resolution of electoral protest cases, the paramount consideration taken into account by this Commission is the orderly, efficient and effective ascertainment of the will of the people vis a vis the rights of parties to a speedy determination of their respective interests. In granting the motion of protestee to allow the Regional Trial Court of Mamburao to first take custody of the ballot box of Precinct No. 13A/14A subject of herein protest together with the counter-protested ballot-boxes, all from the Municipality of Paluan, Occidental Mindoro, the Commission (Second Division) sought to give the parties therein immediate relief rather than have them unreasonably wait until the instant protest case involving the whole Province of Occidental Mindoro be resolved to their detriment. This was likewise intended to avoid the protested ballots being transported back and forth from Paluan to Comelec, Manila then back again to Paluan or Mamburao. One thing more, in the questioned Order, this Division did not altogether vacate the protestant’s right over the subject ballot box involved in his protest considering that the privilege given to the lower court to take first custody of the said ballot box is limited only to that period when the other protested ballot boxes are being revised by the Commission. In this connection, a request was made to the RTC for it to expedite its revision of the said ballots and to deliver the same to the Commission “...one (1) week prior to the termination of the revision of the other protested ballot boxes” upon prior notice by this Division.”[17]

The privilege given to the Regional Trial Court to take first custody of the Contested Ballot Boxes is limited only to the period when the other protested ballot boxes are being revised by the COMELEC. The COMELEC clarified that this limitation applies not only to the ballot box subject of petitioner’s protest, but also to the 13 ballot boxes subject of private respondent’s counter-protest. Thus, in its Assailed Order dated August 27, 2001, the COMELEC deferred the retrieval of “the ballot box from Precinct No. 13A/14A of Barangay Lumangbayan, and those from the precincts mentioned in the aforequoted manifestation[18] (referring to the 13 counter-protested ballot boxes), all from the Municipality of Paluan, Occidental Mindoro.”

The COMELEC further issued the guideline that “said ballot boxes should be delivered to the Commission (Second Division) one (1) week prior to the termination of the revision of the other protested ballot boxes, the schedule of which shall be set after the delivery of the said ballot boxes x x x.” The COMELEC even emphasized that “one (1) week prior to the completion of the revision of the protested ballots, the Regional Trial Court, Branch 44, of Mamburao, Occidental Mindoro shall be notified to transmit the ballot box of Precinct 13A/14A to this Commission whether or not the said court has completed its revision of the ballots therein.”[19] In the same manner, the COMELEC directed the delivery of the 13 counter-protested ballot boxes whether or not the Regional Trial Court has completed its revision of the ballots in these ballot boxes.

Admittedly, the COMELEC enjoys preference over the Regional Trial Court of Mamburao in the custody and revision of the ballots in the Contested Ballot Boxes. However, the COMELEC may for good reason waive this preference and allow the Regional Trial Court first access to the Contested Ballot Boxes. The COMELEC allowed the Regional Trial Court to have first access to the Contested Ballot Boxes “to give the parties therein immediate relief rather than have them unreasonably wait until the instant protest case (Election Protest Case No. 2001-34) involving the whole Province of Occidental Mindoro be resolved to their detriment.” Another reason was “to avoid the protested ballots being transported back and forth from Paluan to Comelec, Manila then back again to Paluan or Mamburao.”

The COMELEC insured that this arrangement did not prejudice petitioner’s right to a speedy resolution of his election protest. The COMELEC limited the privilege given to the Regional Trial Court only to the period when the COMELEC was still revising other protested ballot boxes. The COMELEC requested the Regional Trial Court to expedite its revision of the ballots and to deliver the Contested Ballot Boxes to the COMELEC one week prior to the COMELEC’s termination of the revision of other protested ballot boxes. Such an arrangement is deemed covered under Section 3 of COMELEC Resolution No. 2812 which provides:

“Sec. 3. The Tribunals, the Commission and the Courts shall coordinate and make arrangement with each other so as not to delay or interrupt the revision of ballots being conducted. The synchronization of revision of ballots shall be such that the expeditious disposition of the respective protest cases shall be the primary concern.”

The order of preference in Section 2 of COMELEC Resolution No. 2812 may therefore yield to the primary concern for the expeditious disposition of protest cases. Instead of leaving the Contested Ballot Boxes unutilized during the time the COMELEC would be revising other protested ballot boxes, the COMELEC allowed the Regional Trial Court to have access to the Contested Ballot Boxes. This would prevent delay in the disposition of the two municipal election cases pending before the trial court. Election contests involve the public interest,[20] and should be decided expeditiously and economically without unnecessary delays.[21]

First Issue: (b) whether the Assailed Order of August 27, 2001 is impractical.

Petitioner also contends that the Assailed Order of August 27, 2001 is impractical. The Assailed Order will clutter one ballot with 26 different exhibit marks since there are twenty-six parties in the two municipal election cases pending before the Regional Trial Court of Mamburao.

We are not persuaded. The COMELEC has shown the practicality of its Assailed Order dated August 27, 2001. First, in giving the Regional Trial Court first access to the Contested Ballot Boxes while the COMELEC is still revising other protested ballot boxes, delay is prevented in the resolution of the protest cases before the trial court. Second, the Contested Ballot Boxes will be transported only once from the Regional Trial Court of Mamburao in Occidental Mindoro to the COMELEC in Manila. Petitioner fears that the 26 parties in the two municipal election cases before the Regional Trial Court will clutter the ballots with 26 different exhibit marks. If the parties wish to have the ballots marked as their exhibits, that is their right regardless of who takes first custody of the ballots. These markings, however, are not expected to prevent a proper review of the ballots in the petitioner’s protest case before the COMELEC.

Second Issue: whether the unverified Manifestation and Motion for Partial Reconsideration should have been denied outright.

Petitioner contends that since private respondent failed to verify the Manifestation and Motion for Partial Reconsideration as required by the COMELEC Rules of Procedure,[22] the same is an unsigned pleading, and

should have been denied outright.

We agree with the Solicitor General that the alleged lack of verification of private respondent's Manifestation and Motion for Partial Reconsideration is merely a technicality that should not defeat the will of the electorate. The COMELEC may liberally construe^[23] or even suspend^[24] its rules of procedure in the interest of justice, including obtaining a speedy disposition of all matters pending before the COMELEC.

Third Issue: whether the failure to require comment or opposition to the Manifestation and Motion for Partial Reconsideration is a denial of due process.

Petitioner contends that the COMELEC issued the Assailed Order of August 27, 2001 without giving him the opportunity to comment or oppose the motion for partial reconsideration. This, bewails petitioner, violates his right to due process.

The Solicitor General correctly stated that there was no denial of due process since petitioner subsequently filed a motion for reconsideration which the COMELEC considered and acted on, albeit unfavorably, in the Order dated September 12, 2001. The essence of due process is simply an opportunity to be heard, or as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek a reconsideration of the assailed action or ruling.^[25] Petitioner cannot successfully invoke deprivation of due process since the COMELEC gave petitioner the chance to be heard in his motion for reconsideration.^[26]

The COMELEC, in issuing the Assailed Orders allowing the Regional Trial Court to take prior custody of the Contested Ballot Boxes, did not act without or in excess of jurisdiction, or with grave abuse of discretion. In *Sahali v. Commission on Elections*,^[27] this Court held:

"Certiorari as a special civil action can be availed of only if there is concurrence of the essential requisites, to wit: (a) a tribunal, board or officer exercising judicial functions has acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or in excess of jurisdiction, and (b) there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law for the purpose of annulling or modifying the proceeding. There must be a capricious, arbitrary and whimsical exercise of power for it to prosper.

To question the jurisdiction of the lower court or the agency exercising judicial or quasi-judicial functions, the remedy is a special civil action for certiorari under Rule 65 of the Rules of Court. The petitioner in such cases must clearly show that the public respondent acted without jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction. Grave abuse of discretion defies exact definition, but generally refers to "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility.

It has been held, however, that no grave abuse of discretion may be attributed to a court simply because of its alleged misappreciation of facts and evidence. A writ of certiorari may not be used to correct a lower tribunal's evaluation of the evidence and factual findings. In other words, it is not a remedy for mere errors of judgment, which are correctible by an appeal or a petition for review under Rule 45 of the Rules of Court.

In fine, certiorari will issue only to correct errors of jurisdiction, not errors of procedure or mistakes in the findings or conclusions of the lower court. As long as a court acts within its jurisdiction, any alleged errors committed in the exercise of its discretion will amount to nothing more than errors of judgment which are reviewable by timely appeal and not by special civil action for certiorari."

In the instant case, the COMELEC has original jurisdiction over the election protest of petitioner who sought to

be proclaimed as the duly elected Governor of the Province of Occidental Mindoro. Under Article IX-C, Section 2, paragraph 2 of the Constitution, the COMELEC exercises “exclusive original jurisdiction over all contests relating to the elections x x x of all elective, provincial, and city officials x x x.” Since the COMELEC has jurisdiction over petitioner’s election protest, it had the authority to issue the Assailed Orders.

Moreover, the COMELEC did not gravely abuse its discretion in issuing the Assailed Orders since these orders are not tainted with a capricious, arbitrary or whimsical exercise of power. In giving the Regional Trial Court first access to the Contested Ballot Boxes, the COMELEC sought to prevent delay in the resolution of the two protest cases pending before the trial court. However, first access by the Regional Trial Court is only limited to the period of time when the COMELEC is still revising other protested ballot boxes. The primary concern for such arrangement is the expeditious disposition of protest cases, which is underscored in Section 3 of COMELEC Resolution No. 2812.

WHEREFORE, the petition for certiorari is DISMISSED. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Austria-Martinez, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.
Corona, J., on official leave.

[1] Entitled “Pablo T. Ocampo vs. Shirley Pangilinan, et al.” (Election Case No. 19), and “Estelito Terana, et al. vs. Joemarie T. Velandria” (Election Case No. 20).

[2] Rollo, Annex “C”, p. 99.

[3] Rollo, pp. 98-104.

[4] Rollo, Annex “D”, pp. 34-38.

[5] Rollo, Manifestation and Motion for Partial Reconsideration (Protestee), p. 51.

[6] Ibid., p. 52.

[7] Rollo, Annex “E”, pp. 51-56.

[8] Rollo, p. 58.

[9] Rollo, Annex “A”, pp. 21-22.

[10] Rollo, Annex “F”, pp. 59-69.

[11] Rollo, Annex “B”, pp. 23-24.

[12] Rollo, pp. 7-8.

[13] Ibid., pp. 160-163.

[14] Ibid., p. 170.

[15] Ibid., pp. 173-183.

[16] Ibid., p. 170.

[17] Rollo, pp. 23-24.

[18] Ibid., pp. 55-56.

[19] Italics supplied.

[20] O' Hara v. Comelec, G.R. Nos. 148941-42, March 12, 2002.

[21] Alberto v. Comelec, 311 SCRA 215 (1999).

[22] Section 3, Rule 19 of the COMELEC Rules of Procedure.

[23] COMELEC Rules of Procedure, Rule 1, Part 1, Sec. 3. Construction. - These rules shall be liberally construed in order to promote the effective and efficient implementation of the objectives of ensuring the holding of free, orderly, honest, peaceful and credible elections and to achieve just, expeditious and inexpensive determination and disposition of every action and proceeding brought before the Honorable Commission.

[24] COMELEC Rules of Procedure, Rule 1, Part 1, Sec. 4. Suspension of the Rules. - In the interest of justice and in order to obtain speedy disposition of all matters pending before the Commission, these rules or any portion thereof may be suspended by the Commission.

[25] Trinidad v. Comelec, 315 SCRA 175 (1999).

[26] Domingo, Jr. v. Comelec, 313 SCRA 311 (1999).

[27] 324 SCRA 510 (2000) citing Perla Garcia, et al. v. HRET, et al., 312 SCRA 353 (1999).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.