

RANILO A. VELASCO, PETITIONER, VS. COMMISSION ON ELECTIONS AND BENIGNO C. LAYESA, JR., RESPONDENTS.

G.R. NO. 166931. February 22, 2007

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for the writs of certiorari and prohibition to set aside the Resolution[1] dated 10 February 2003 of the Commission on Elections (COMELEC) Second Division and the Resolution dated 18 January 2005 of the COMELEC En Banc in an election protest case involving the office of the Punong Barangay of Sta. Ana, San Pablo City.

The Facts

Petitioner Ranilo A. Velasco (petitioner) and respondent Benigno C. Layesa, Jr. (respondent) were two of the four candidates for Punong Barangay of Sta. Ana, San Pablo City in the 15 July 2002 barangay elections. After the canvassing of votes, the Barangay Board of Canvassers proclaimed petitioner winner with 390 votes. Petitioner's nearest rival, respondent, received 375 votes.

Claiming that some votes cast in his favor were erroneously excluded from the canvassing, respondent filed an election protest in the Municipal Trial Court in Cities, San Pablo City (trial court). Respondent prayed for the revision of 26 ballots from four precincts.[2]

Petitioner initially moved to dismiss the case but, in an Amended Answer, counterclaimed for the revision of ballots cast in another precinct.[3]

The Ruling of the Trial Court

In its Decision dated 23 August 2002, the trial court declared the election results tied, with petitioner and respondent each obtaining 390 votes. On the uncontested ballots, the trial court found that petitioner and respondent received 389 and 375 votes, respectively. After revision of the contested ballots, the trial court credited 15 more votes to respondent and one more vote to petitioner, thus leaving petitioner and respondent with 390 votes each. The trial court ordered the drawing of lots to break the tie and determine the winner.[4]

Petitioner appealed to the COMELEC, contending that the trial court erred in crediting respondent with 15 more votes. Petitioner's appeal was raffled to the COMELEC's Second Division.

The Ruling of the COMELEC Second Division

In its Resolution dated 10 February 2003, the COMELEC Second Division affirmed the trial court's ruling, applying in its appreciation of some ballots the "neighborhood rule."

Petitioner and respondent both sought reconsideration. In his motion, petitioner limited his objection to five

ballots, namely:

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Exhibit "9" with the name "JR=LAYESA" written on the left uppermost portion of the ballot, beside the seal of the Republic of the Philippines, with the space for Punong Barangay left unfilled;

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Exhibits "7," "8," and "10" with respondent's name written on the first space for Barangay Kagawad, leaving blank the space for Punong Barangay. Further, in Exhibit "10," the word "JR.LAYESCharman" is also found on the top right portion of the ballot, above the instructions to the voter.

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Exhibit "13" with respondent's name written above the instructions to the voter with the space for Punong Barangay left unfilled.

Petitioner contended that: (1) Exhibit "9" is a stray ballot because the name "JR=LAYESA" was written by another person and, at any rate, such was written "too far away" from the space provided for Punong Barangay for the "neighborhood rule" to apply; (2) Exhibit "13" is also a stray ballot because respondent's name was not written on the space provided for Punong Barangay; (3) Exhibits "7" and "8" were prepared by only one person; and (4) Exhibit "10" is a marked ballot because respondent's name, or that which sounds like it, was written twice.

For his part, respondent contended that the ballot admitted in evidence as Exhibit "A," with the word "ANET" (petitioner's nickname) written above the space for Punong Barangay, is a marked ballot. Further, respondent claimed that the vote cast in the ballot marked Exhibit "4" should be credited to him as his name is found in the second line for Kagawad.

The Ruling of the COMELEC En Banc

In its Resolution^[5] dated 18 January 2005, the COMELEC En Banc denied reconsideration of the Second Division's ruling. Traversing the matters petitioner raised in his motion, the COMELEC En Banc held that (1) the Second Division properly credited respondent with the votes cast for him in Exhibits "9" and "13" under the "neighborhood rule"; (2) Exhibits "7" and "8" were not prepared by one person; and (3) Exhibit "10" is not a marked ballot.

On the contentions respondent raised in his motion for reconsideration, the COMELEC En Banc ruled that Exhibit "A" is not a marked ballot and that the vote for petitioner was properly credited in his favor under the "neighborhood rule." The COMELEC En Banc further ruled that Exhibit "4" cannot be credited to respondent as intent to vote for respondent cannot be ascertained.^[6]

Hence, this petition

Petitioner has narrowed the scope of his appeal to three ballots - Exhibits "9," "10," and "13." Petitioner reiterates his contention below that the votes cast for respondent in these ballots are stray and should not have been credited to respondent under the "neighborhood rule."^[7]

The Issue

The issue is whether the COMELEC correctly credited respondent with the votes cast in the three ballots in question.

The Ruling of the Court

The petition is partly meritorious. The vote cast for respondent in Exhibit "10" is valid while those in Exhibits "9" and "13" are stray.

On the Appreciation of Ballots with Misplaced Votes

The votes contested in this appeal are all misplaced votes, i.e., votes cast for a candidate for the wrong or, in this case, inexistent office. In appreciating such votes, the COMELEC applied the "neighborhood rule." As used by the Court, this nomenclature, loosely based on a rule of the same name devised by the House of Representatives Electoral Tribunal (HRET),^[8] refers to an exception^[9] to the rule on appreciation of misplaced votes under Section 211(19) of Batas Pambansa Blg. 881 (Omnibus Election Code) which provides:

Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote but it shall not invalidate the whole ballot.^[10] (Emphasis supplied)

Section 211(19) is meant to avoid confusion in the minds of the election officials as to the candidates actually voted for and to stave off any scheming design to identify the vote of the elector, thus defeating the secrecy of the ballot which is a cardinal feature of our election laws.^[11] Section 211(19) also enforces Section 195 of the Omnibus Election Code which provides that in preparing the ballot, each voter must "fill his ballot by writing in the proper place for each office the name of the individual candidate for whom he desires to vote."^[12]

Excepted from Section 211(19) are ballots with (1) a general misplacement of an entire series of names intended to be voted for the successive offices appearing in the ballot;^[13] (2) a single^[14] or double^[15] misplacement of names where such names were preceded or followed by the title of the contested office or where the voter wrote after the candidate's name a directional symbol indicating the correct office for which the misplaced name was intended;^[16] and (3) a single misplacement of a name written (a) off-center from the designated space,^[17] (b) slightly underneath the line for the contested office,^[18] (c) immediately above the title for the contested office,^[19] or (d) in the space for an office immediately following that for which the candidate presented himself.^[20] In these instances, the misplaced votes are nevertheless credited to the candidates for the office for which they presented themselves because the voters' intention to so vote is clear from the face of the ballots.^[21] This is in consonance with the settled doctrine that ballots should be appreciated with liberality to give effect to the voters' will.

The Foregoing Rule and Exceptions Applied to the Case

Exhibit "10"

In this ballot, the voter wrote respondent's name twice on the upper right side of the ballot above the instructions to the voter and on the first line for Sangguniang Barangay Kagawad, leaving blank the space for Punong Barangay. Both names are followed by the word "Charman."

The COMELEC correctly credited respondent with the vote cast for him in this ballot following the exception to Section 211(19) of ballots with a single misplaced name followed by the title of the contested office. The voter's repetition of respondent's name in the first line for Sangguniang Barangay Kagawad followed by the word "Charman" renders the vote valid. The voter's intent to cast his vote for respondent as Punong Barangay or barangay chairman is obvious when he wrote the word "Charman" - which can only stand for "[Barangay]

Chairman" - after respondent's name.

Exhibits "9" and "13"

As described, the voter in Exhibit "9" wrote respondent's name on the left uppermost portion of the ballot, beside the seal of the Republic of the Philippines. In Exhibit "13," the voter also wrote respondent's name in the upper portion of the ballot, above the instructions to the voter but below the words "San Pablo City." In both ballots, the voters left unfilled the space for Punong Barangay but each wrote a name in the first line for Sangguniang Barangay Kagawad (Ronel O. Gutierrez in Exhibit "9" and Volter Estreleado in Exhibit "13").[22]

The Court holds that the votes for respondent in these ballots are stray and cannot be counted in his favor.

Respondent's name is not found on or near any of the lines corresponding to the offices of Punong Barangay or Sangguniang Barangay Kagawad - the offices in contention in the 15 July 2002 barangay elections. Instead, respondent's name is found outside of where these lines begin and end, namely, beside the seal of the Republic of the Philippines on the topmost portion of the ballot (Exhibit "9") and above the instructions to the voter, underneath the words "San Pablo City" (Exhibit "13"). Section 211(19), which treats misplaced votes as stray, speaks of a vote for a candidate "for an office for which he did not present himself." Thus, there is more reason to apply this rule here as the votes in Exhibits "9" and "13" do not even relate to any office.

Nor do the votes in question fall under any of the exceptions to Section 211(19) enumerated above. Exhibits "9" and "13" are not similar or analogous to ballots with a general misplacement of a series of names; a single or double misplacement of names preceded or followed by the title of the contested office or by a symbol indicating the correct office to which the vote was intended; or a single misplacement of a name written off-center, under the correct line, immediately above the name of the contested office, or in the space for an office immediately following that for which the candidate presented himself. Indeed, unlike these exceptions where the voters' mistake or confusion is evident from the face of the ballot, Exhibits "9" and "13" present an unusual case of extremes - while respondent's name was written way off its proper place, the names of persons who were presumably candidates for Sangguniang Barangay Kagawad were properly placed, without the slightest deviation, in the first of the seven lines for that office.

This gives only two possible impressions. First, that the voters in these two ballots knew in fact where to write the candidates' names, in which case the votes for respondent written way off its proper place become stray votes. Second, the voters' manner of voting was a devise to identify the ballots, which renders the ballots invalid. We adopt the more liberal view - that the misplaced votes in Exhibits "9" and "13" are stray votes under Section 211(19), thus, leaving the ballots valid.

Significantly, the chances of voter confusion generated by the appearance of the ballot are not as high in the 15 July 2002 barangay elections as in other elections involving local and national officials. In the 15 July 2002 elections, the ballots contained only one column consisting of blank lines or spaces for the offices of Punong Barangay and Barangay Kagawad (7 lines). In contrast, the ballots used in the 10 May 2004 local and national elections contained two columns: the first consisted of blank lines or spaces for the offices of President, Vice-President, Senators (12 lines), and Party-List Representative while the second consisted of blank lines for the offices of Representative, Governor, Vice-Governor, members of the Sangguniang Panlalawigan (4 lines), Mayor, Vice-Mayor, and members of the Sangguniang Bayan (8 lines). This is a material factor which dissuades us from indulging in presumptions of mistake or confusion to explain the misplaced votes in Exhibits "9" and "13."

This Court is ever mindful of the need, under our republican form of government, to give full expression to the

voters' will as indicated in the ballots. This explains the numerous exceptions we have carved out of Section 211(19). However, liberality in ballot appreciation ends where subversion of the legislature's will begins. Congress enacted Sections 195 and 211(19) precisely to guard against the extreme irregularity Exhibits "9" and "13" present. Thus, we here draw the line between permissible deviations from Sections 195 and 211(19) and flagrant disregard of an elementary rule in voting under our present electoral system.

Accordingly, the votes in Exhibits "9" and "13" are deducted from the total number of votes credited to respondent, leaving a total of 388 votes in his favor. As petitioner's total number of votes remains unchanged at 390 votes, he is the duly elected Punong Barangay of Sta. Ana, San Pablo City.

WHEREFORE, we GRANT the petition. We SET ASIDE the Resolution dated 10 February 2003 of the Commission on Elections Second Division and the Resolution dated 18 January 2005 of the Commission on Elections En Banc. We PROCLAIM petitioner Ranilo A. Velasco as the duly elected Punong Barangay of Sta. Ana, San Pablo City.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.

[1] Penned by Commissioner Florentino A. Tuason, Jr. with Commissioners Ralph C. Lantion and Mehol K. Sadain, concurring.

[2]Nos. 384-A, 386-A, 387-A, and 387-A-1.

[3]No. 385-A.

[4] Rollo, p. 35. The trial court's ruling pertinently reads :

The report of the Revision Committee shows that Protestant garnered three hundred seventy-five[] uncontested votes while protestee obtained three hundred eighty-nine uncontested votes with a margin of fourteen (14) votes in favor of the protestee Ranilo A. Velasco.

Since the main issue at hand is the contested ballots claimed by the parties, the computation shall be based on the numbers of the uncontested ballots after revision. The petitioner Protestant Benigno C. Layesa, Jr. who garnered three hundred seventy-five ballots will be credited with fifteen (15) valid votes from the contested ballots counted after revision by the Court. Therefore, protestant has a total of three hundred ninety (390) votes.

On the other hand protestee Ranilo A. Velasco with three hundred eight-nine (389) uncontested ballots should be credited with one (1) vote claimed from the stray ballot[s]. Hence, a total of three hundred ninety (390) votes.

In view of all the foregoing[,] judgment is hereby rendered declaring Protestant Benigno C. Layesa, Jr. and Protestee Ranilo A. Velasco tie [sic] for the position of Punong Barangay of Sta. Ana, San Pablo City. Pursuant to Section 17, Rule 37 of the COMELEC Rules [of] Procedure to break the tie, the drawing of lots is set on September 5, 2002 at 9:00 o'clock in the morning at the MTCC, San Pablo City Session Hall.

[5] Penned by Commissioner Rufino S.B. Javier with Chairman Benjamin S. Abalos, Sr. and Commissioners Mehol K. Sadain, Resurreccion Z. Borra, Florentino A. Tuason, Jr., Virgilio O. Garcillano, and Manuel A. Barcelona, Jr., concurring.

[6] Rollo, pp. 24-26. The Resolution of 18 January 2005 pertinently reads :

Protestee-Appellant's assertions and Our corresponding findings are as follows:

(1) Exhibit "9" - "a) A closer examination of this ballot will reveal that the writing "JR=LAYESA" written on the left uppermost part of the ballot and already near the left portion of the seal of the Republic of the Philippines was written by another person and not by the voter himself. [x x x x] And this could be easily deciphered by comparing the handwriting of the person who wrote "JR=LAYESA" and the handwriting of the voter who wrote the name "RONEL O. GUTIEREZ" on the first line for Kagawad Their handwritings are clearly different.b) The Second Division was also in error when it applied the neighborhood [rule] in this ballot because the alleged vote "JR=LAYESA" on the left uppermost portion of the ballot was written too far away from the space intended for the position of Punong Barangay. [x x x x] Considering that the word "JR=LAYESA" was written on a portion of the ballot which is too far away from the space of Punong Barangay, such alleged vote, if not held as written by another person, should at least be considered as stray vote."

Our ruling: The Second Division has correctly applied the neighborhood rule. As long as the space where the name should be written was left blank and the name was written above or after said space, the neighborhood and intent rule applies. The ground that the name "JR=LAYESA" was written by a person other than the voter has no merit. Protestee-appellant raised this ground for the first time in his motion for reconsideration. It could not be allowed. He is deemed estopped to raise it.

(2) Exhibit "13"- "[] It is very clear that the intention of the voter was to vote only for one (1) candidate and he indeed voted only for one (1) candidate, i.e., "Volter Estreleado" for kagawad which he wrote on the first space or line for the said position. Judging from the handwriting of the voter, he or she appears to be educated and he never intended to vote for the position of Punong Barangay. Hence, the neighborhood or intent rule cannot be applied."

Our ruling: We agree with the Second Division. The neighborhood rule applies.

(3) Exhibits "7 & 8" - "A glaring examination of these two (2) ballots will convince an unbiased and unprejudiced mind that only one (1) person prepared this ballot judging from the similarity of the handwriting of the person who wrote the names in these ballots. No evidence had been presented by the appellee that these two (2) ballots were prepared by an assistor, hence, the same should be invalidated for having been prepared by one and the same person."

Our ruling: The Second Division is correct. A careful scrutiny of these two ballots would reveal that two different persons prepared them contrary to protestee-appellant's claim that only one person prepared them. There is a marked difference in the style of the handwritings.

(4) Exhibit "10"- "The "markings" on this ballot are very clear and apparent. They were placed there to identify the voter who prepared the ballot. Such markings are demonstrated by the voter's writing of the name or words "JR.LAYESCHARMAN" on the right uppermost part of the instructions for filling up the ballot and repeating such entry, i.e., "JR-X LAYESA-Charman" on the first line or space for kagawad. Such unnecessary repetition of the name of the appellee on the space NOT provided or intended for the position of Punong barangay were made with the clear intention of easily identifying the voter."

Our ruling: It is not considered as a marked ballot. To reiterate, "In the absence of evidence to show that the purpose was to identify the ballot, a single repetition of the name of a candidate does not invalidate the whole ballot".

On the other hand, protestant-appellee's motion for reconsideration, and our corresponding findings are as follows:

1)"The Second Division erred when it failed to rule that Exhibit "A" is marked by writing "ANET" in extra bold letters in uppermost portion of the ballot to identify the same."

Our ruling: Exhibit "A" could not be considered as marked ballot considering that the name "ANET" was protestee-appellant's registered nickname. The neighborhood rule likewise applies considering that the space for Punong barangay was left blank, and "ANET" was written above said space.

2) "When it ruled as stray vote Exhibit "4" when the name Layesa is written in the second line for Kagawad candidates despite the evidence that voter is semi-illiterate as shown by the handwriting on the ballot.

Our ruling: We agree with the Second Division. Besides, the neighborhood or intent rule is not applicable because the voter wrote "Layesa" on the second line for kagawad with a kagawad candidate's name on the first line. If the voter's intention were to vote for Layesa as barangay chairman, he would not have filled up the first line for kagawad. (Emphasis and capitalization in the original)

[7]Petitioner also contends, for the first time, that respondent is estopped from claiming the votes in Exhibits "9," "10," and "13" because in respondent's petition in the trial court, he only prayed for the revision of ballots where his name was written "on [the space] provided for the office of Kagawad or Barangay Councilman." Not having raised this issue below, petitioner is barred from raising it here. Further, by failing to object to the appreciation of these exhibits in the trial court and in the COMELEC, the issue of the propriety of such appreciation is deemed to have been raised in the pleadings (Section 5, Rule 10 in relation to Section 4, Rule 1, 1997 Rules of Civil Procedure).

[8]The HRET first laid down the particulars of this rule in *Nograles v. Dureza*, HRET Case No. 34, 16 June 1989, 1 HRET Reports 138. The Nograles and subsequent related rulings were later codified in the HRET's "Rules and Rulings on Appreciation of Ballots" (HRET Rules). Under the HRET Rules, the "neighborhood rule" provides:

A vote shall be counted in favor of a claimant where his name is found:

a) On any of the lines for Governor, Vice-Governor, Members of Sangguniang Panlalawigan, Provincial Board Member, Mayor, Vice-Mayor and Members Sangguniang Panlungsod/City Council provided that:

- i. the line for Representative is blank;
- ii. no other name of a congressional candidate was written on the ballot;
- iii. the misplaced vote was not intended as an identifying mark; and
- iv. there were no intervening votes between the line for Representative and the line on which the claimant's name could be found, except when the vote was written on the line for Governor, in which case, this requisite is no longer necessary.

b) On the line for President, provided that:

- i. the line for Representative is blank;
- ii. no other name of a congressional candidate was written on the ballot;
- iii. the misplaced vote was not intended as an identifying mark; and
- iv. the lines for Vice-President, Senators and Party-List are also blank.

c) On the line for Vice-President, provided that:

- i. the line for Representative is blank;
- ii. no other name of a congressional candidate was written on the ballot;
- iii. the misplaced vote was not intended as an identifying mark; and
- iv. the lines for Senators and Party-List are also blank.

d) On lines 1 and 2 for Senators, provided that:

- i. the line for Representative is blank;
- ii. no other name of a congressional candidate was written on other lines for Senators in the same ballot; and
- iii. the misplaced vote was not intended as an identifying mark.

The HRET also adopted the "Intent Rule," comprising of two parts (the "Evident Intent Rule" and "Correct Sequence Rule"), which provides:

A) Evident Intent Rule

Claimed ballots shall be admitted where the name of the party-claimant appeared on any line other than that for Representative, and is preceded by the descriptive title "Congressman" or "Representative," or the word "Congressman" or "Representative" was written on a space immediately followed by the name of a claimant, or with an arrow pointing to the space for Representative subject to the following conditions:

- 1) the line for Representative is blank, or has an entry which is not a congressional candidate but with an arrow pointing to the appropriate space where the vote should be;
- 2) no other name of a congressional candidate is written on the ballot; and
- 3) the misplaced vote was not intended as an identifying mark.

B) Correct Sequence Rule

1) A misplaced name of a congressional candidate may be admitted provided it can be discerned from the sequence of votes or entries that the voter intended to vote for the congressional candidate named therein, provided that:

- a) the line for Representative is blank or need not be blank if the voter was not so lettered;
 - b) no other name of a congressional candidate was written on the ballot; and
 - c) the misplaced vote was not intended as an identifying mark.
- 2) Where the name of the party claimant appears below the line or space for Representative/Congressman and is followed by the name of a gubernatorial candidate or the names of the gubernatorial and vice-gubernatorial candidates, respectively, subject to the following conditions:
- a) the line for Representative is blank;
 - b) no other name of a congressional candidate was written on the ballot;
 - c) the misplaced vote was not intended as an identifying mark; and
 - d) in case of misplaced names followed by a name of a gubernatorial candidate or by names of a gubernatorial and a Vice-gubernatorial candidates, respectively, the lines for Governor and Vice-Governor are also blank.
- 3) Where the name of the party claimant appears on other lines, but
- a) was preceded by the name of a candidate for Party-List and followed by the name of a candidate for Governor; or
 - b) was followed by the name of a candidate for Governor and a candidate for Vice-Governor provided that:
 - i. the line for Representative is blank;
 - ii. no other name of a congressional candidate was written on the ballot; and
 - iii. the misplaced vote was not intended as an identifying mark.

The Senate Electoral Tribunal's Rules on Appreciation of Ballots has adopted the HRET's "neighborhood rule."

[9] See *Abad v. Co*, G.R. No. 167438, 25 July 2006, 496 SCRA 505 and *Ferrer v. Commission on Elections*, 386 Phil. 431 (2000).

[10] A related rule pertaining to ballots with repeated names is found in Section 211(8) of the Omnibus Election Code, which provides: "When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void. x x x"

[11] *Amurao v. Calangi*, 104 Phil. 347 (1958).

[12] The provision pertinently reads: "Manner of preparing the ballot. The voter, upon receiving his folded ballot, shall forthwith proceed to one of the empty voting booths and shall there fill his ballot by writing in the proper place for each office the name of the candidate for whom he desires to vote. x x x "

[13] E.g. *Cordero v. Hon. Moscardon*, 217 Phil. 392 (1984), where the voter wrote the name of a candidate for Punong Barangay of Gines Interior, Cabatuan, Iloilo on the first line for Sangguniang Barangay Kagawad followed by the names of the candidates for that office.

[14] E.g. *Farin v. Gonzales*, 152 Phil. 598 (1973), where the voter wrote a word (which sounded like the name of a candidate for mayor of Iba, Zambales) on the first line for senators preceded with the word "miyor"; *Caraecle v. Court of Appeals and Del Castillo*, 94 Phil. 308 (1954), where the voter wrote the name of the candidate for mayor of Malangas, Zamboanga del Sur on the fourth line for municipal councilors preceded by the word "mayor," written in the third line; *Coscolluela v. Gaston*, 63 Phil. 41 (1936), where three voters wrote the name of a candidate for Governor of Negros Occidental on the space for councilor (two ballots) and provincial board member (one ballot) preceded by the words "gobernador," "provincial coverno," and "governador," respectively.

[15] E.g. *Sarmiento v. Quemado*, No. L-18027, 29 June 1962, 5 SCRA 438, where the voter wrote the name of a candidate for Vice-Mayor of Laua-an, Antique in the first line for provincial board member preceded by the word "Visi"; *Moya v. Del Fierro*, 69 Phil. 199 (1939), where the voter wrote the name of the candidates for mayor and vice-mayor of Paracule, Camarines Sur on the first and second slots for provincial board members preceded by the words "Prisidinte" and "Bise," respectively.

[16] E.g. *Moya v. Del Fierro*, 69 Phil. 199 (1939), where the voter, after writing the name of a candidate for mayor in the space for vice-mayor, placed after the name an arrow pointing to the space for mayor.

[17] E.g. *Mandac v. Samonte*, 54 Phil. 706 (1930), where the voter wrote the name of a candidate for governor of Ilocos Norte "above the line for governor, and nearer that for representative"; *Coscolluela v. Gaston*, 63 Phil. 41 (1936), where the voter wrote the full name of a candidate for Governor of Negros Occidental on the proper space with the surname slanting downwards and where three other voters wrote the same name "rather outside of the corresponding line."

[18] E.g. *Sarmiento v. Quemado*, No. L-18027, 29 June 1962, 5 SCRA 438; *Moya v. Del Fierro*, 69 Phil. 199 (1939).

[19] E.g. *Villavert v. Fornier*, 84 Phil. 756 (1949).

[20] E.g. *Abad v. Co*, G.R. No. 167438, 25 July 2006, 496 SCRA 505 and *Ferrer v. Commission on Elections*, 386 Phil. 431 (2000), where the voter wrote the names of the candidates for Punong Barangay in the first line for Sangguniang Barangay Kagawad.

[21] These exceptions approximate the instances covered by the HRET's "neighborhood rule" and "intent rule."

[22] It cannot be determined from the records whether these individuals were candidates for Sangguniang Barangay Kagawad of Sta. Ana, San Pablo City.

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