

REPRESENTATIVE ALVIN S. SANDOVAL (LONE DISTRICT OF NAVOTAS-MALABON), PETITIONER, VS. HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL, JOSEPHINE VERONIQUE R. LACSON-NOEL, AND HON. SP...

G.R. No. 190067. March 09, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

This resolves the Petition for Certiorari under Rule 65 of the Rules of Court, praying that the Decision[1] of the House of Representatives Electoral Tribunal (HRET) dated September 24, 2009 and its Resolution[2] dated November 12, 2009 be declared null and void ab initio.

The accurate narration of facts in the HRET Decision is not disputed by the parties. Pertinent portions thereof are reproduced hereunder:

On 19 May 2007, after the canvass of votes, as evidenced by the Certificate of Canvass of Votes and Proclamation of the Winning Candidates for the Member of the House of Representatives, the Board of Canvassers of the Legislative District of Malabon City-Navotas proclaimed protestee Sandoval [herein petitioner] the winning candidate for the Office of the Member of the House of Representatives with Seventy-one Thousand Four Hundred Ninety (71,490) votes as against protestant Lacson-Noel who obtained the second highest number of votes with Seventy Thousand Three Hundred Thirty-One (70,331) votes; or a winning margin of One Thousand One Hundred Fifty-Nine (1,159) votes. Per the Summary Statement of Votes, the distribution of all votes legally cast in the district is as follows:

SANDOVAL, Alvin S.

-

71,490

LACSON-NOEL, Josephine Veronique R.

-

70,331

FRANCISCO, Maritoni Z.

-

35,634

CINCO, Roberto T.

-

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Refusing to concede defeat, protestant Lacson-Noel filed the instant Petition of Protest on 29 May 2007, and alleged in substance that "the results [of the election] do not reflect the true will of the voters as they are but products of various fraudulent and illegal acts, schemes and machinations employed by [protestee] Sandoval, his agents and supporters, with the connivance or conspiracy of the Board of Election Inspectors (BEIs), which defrauded and deprived [her] of lawful votes cast at the precinct level." Specifically, protestant Lacson-Noel assails the results of election in 623 precincts (441 from Malabon City and 182 from Navotas) out of the 1,437 total number of precincts in the Lone Legislative District of Malabon City-Navotas on the following grounds:

- a. Misreading, miscounting and/or miscrediting of votes [in favor of protestee Sandoval and/or ballots intended for protestant Lacson-Noel were not counted in her favor] x x x.
- b. Misappreciation of ballots in violation of Section 211 of the Omnibus Election Code and case law [such as the non-counting of protestant Lacson-Noel's maiden surname "Lacson" in her favor] x x x.
- c. x x x written-by-One ballots, in pairs or in groups of ballots [were counted in favor of protestee].
- d. The use of either fake, spurious ballots or genuine but manufactured ballots to increase protestee Sandoval's votes. x x x.
- e. The use of manufactured election returns which are prepared x x x prior to the start of voting and/or counting.
- f. Manipulation, alteration and falsification of the votes and related data in the election returns and/or vote padding in favor of protestee Sandoval and vote-shaving from protestant Lacson-Noel's votes.

Protestant Lacson-Noel claims that she would have obtained a greater number of votes if not for the fraud and irregularities that marred the election. She posits that "[t]here is a need for a recount, revision and due appreciation of the ballots and examination or scrutiny of election documents in the [623] protested precincts," as the result thereof "will affect the presumptive results of the congressional elections in the Malabon City-Navotas Legislative District in a very substantial degree as to overcome protestee Sandoval's presumptive lead." Consequently, protestant Lacson-Noel prays that, after the revision and appreciation of ballots and due hearing, judgment be rendered annulling the proclamation of protestee Sandoval; and declaring her the duly elected Representative of the Lone Legislative District of Malabon City-Navotas.

On 25 June 2007, protestee Sandoval filed his Answer (with counter-protest, motion for preliminary hearing on Affirmative Defenses and counter claim) wherein he specifically denied the material allegations of the protest regarding the number of contested precincts, grounds for protest, commission of frauds and irregularities, and the necessity of recount and revision, for being self-serving and unsupported by evidence. By way of Special and Affirmative Defenses, protestee Sandoval contends that it is protestant Lacson-Noel who is guilty of violating "election laws, rules and regulations x x x [committed to benefit her], and which, on the other hand, resulted to (sic) the loss of legal and valid votes in [his] favor." He narrates that during the crucial hours of voting, counting, recording of the votes cast and transmittal of the records of the votes cast, most of his poll watchers were unable to effectively keep an eye on the proceedings and secure his votes because the latter were supposedly prevented from entering the Navotas polling precincts unlike protestant Lacson-Noel's poll watchers who were readily

accommodated. As a result of the illegal schemes and machinations employed by protestant Lacson-Noel and her supporters, protestee Sandoval maintains that protestant Lacson-Noel "was able to garner a substantial number of illegal and undeserved votes from the Municipality of Navotas." With respect to Malabon City, protestee Sandoval similarly claims that "massive fraud and illegal electoral practices were committed" all through the election process which tarnished the results of several identified precincts in Malabon City.

By way of counter-protest, protestee Sandoval questions the results of the voting in 1,006 precincts (393 from Malabon City and 613 from Navotas) in Malabon City-Navotas on the allegation that, thereat, he was deprived of votes cast in his favor and where protestant Lacson-Noel was illegitimately benefited with votes meant for him. The bases for protestee Sandoval's counter-protest are: (1) the loss of legal votes in his favor; (2) the counting of illegal, marked and stray votes for him in favor of protestant Lacson-Noel; (3) the use of manufactured or falsified election returns to favor protestant Lacson-Noel; (4) the padding of election returns to increase the votes of protestant Lacson-Noel and to reduce his (protestee Sandoval's) votes; and (5) the commission of electoral fraud and irregularities by protestant Lacson-Noel and supporters in connivance with the Board of Election Inspectors (BEI).

On 29 June 2007, protestee Sandoval filed an Ex Parte Motion to Withdraw Counterclaim (for damages representing his attorney's fees and litigation expenses). This was granted by the Tribunal in its Resolution No. 07-074 dated 12 July 2007.

On 31 July 2007, after the issues were joined, the Tribunal ordered the City/Municipal Treasurers and Election Officers of Malabon City and Navotas to release to the duly authorized representatives of the Tribunal the following: (1) protested and counter-protested ballot boxes with their keys; (2) the lists of voters with voting records; (3) books of voters; and (4) other election documents and paraphernalia pertaining to the protested and counter-protested precincts.

The Tribunal set the preliminary conference of the instant election protest case on 23 August 2007.

On 6 September 2007, the Tribunal issued the Preliminary Conference Order x x x.

x x x x

And as agreed to by the parties, the issues for resolution are (1) whether or not the recount, revision, and re-appreciation of ballots, including election documents, from the protested and counter-protested precincts will affect the results of the election in the Lone District of Malabon City-Navotas; and (2) whether or not protestant Lacson-Noel and protestee Sandoval each committed electoral frauds and irregularities to cause the nullification of the votes counted in their favor.

On 2 October 2007, the employees of the Tribunal were able to collect the ballot boxes and election documents and paraphernalias of 822 protested and counter-protested precincts from the City Treasurer of Malabon City. On 11 December 2008, the ballot boxes from 613 protested and counter-protested precincts in Navotas were collected from the custody of the Regional Trial Court (RTC), Branch 170 of Malabon City-Navotas, as the same had been previously transferred thereto in connection with an election protest concerning the position of Mayor in the Municipality of Navotas.

On 21 February 2008, the Tribunal ordered the revision of ballots from the protested and counter-protested precincts after finally collecting and taking custody of the concerned ballot boxes.

On 4 March 2008, both parties filed their respective motions to photocopy their objected and claimed ballots, as well as the Minutes of Voting. x x x.

On 11 March 2008, the revision of ballots from the 1,434 protested and/or counter-protested precincts commenced and continued until terminated on 21 April 2008.

In the interregnum, however, protestee Sandoval moved to photocopy the front and dorsal portions of all ballots subject of the revision "for purposes of authentication and verification, x x x to check the signatures [of the BEI] appearing at the back of the ballots." He alleged that, "upon examination, of the ballots obtained from the protested precincts (sic) the ballot boxes of which have so far been opened, strong indications exist that the ballots retrieved are not genuine." In an Order dated 24 March 2008, the Tribunal partially granted protestee Sandoval's prayer, to wit:

WHEREFORE, protestee Sandoval's Motion for the Photocopying of Both the Front and Dorsal Sides of Ballots is partially GRANTED insofar as the ballots that are not yet revised and photocopied are concerned. With respect to the ballots that were already revised and photocopied, protestee is DIRECTED to specify within five (5) days from receipt of the Order, the ballots containing questionable signatures of the BEI chairpersons, as recorded in the revision reports that should be photocopied on the dorsal sides.

x x x x

On 21 April 2008, upon conclusion of the revision of ballots, the physical count thereof yielded the following results: 70,530 ballots were counted for protestant Lacson-Noel, while 69,939 votes cast were for protestee Sandoval.

On 12 May 2008, or twenty-one (21) days after the termination of the revision of ballots, protestee Sandoval filed a Motion for Technical Examination of "ballots and election documents obtained from the ballot boxes from no less than twenty-eight (28) precincts in the City of Malabon" where manifest irregularities were noticed. Protestee Sandoval basically contends that the ballot boxes from the identified twenty-eight (28) precincts: (1) are missing padlocks and/or inner/outer metal seals; and (2) contain fake or spurious ballots. He reports that the examination of the contents of said ballot boxes revealed that there are substantial discrepancies between the number of votes cast and counted as against the number of ballots physically counted during revision.

On 22 May 2008, the Tribunal issued Resolution No. 08-174 noting the protestee Sandoval's aforesated Motion for Technical Examination. In the same resolution, the Tribunal directed protestant Lacson-Noel to comment thereon within five (5) days from notice.

In the meantime, on 27 May 2008, protestant Lacson-Noel started presenting and marking her evidence before the designated hearing commissioner, Atty. Michael D. Villaret.

On 10 June 2008, protestant Lacson-Noel filed her opposition to protestee Sandoval's prayer for technical examination of specific ballots. She contends that the Tribunal is competent to determine the validity of contested ballots, including fake or spurious ones; and that it had already developed an expertise in verifying the claims of alleged tampering of ballots and in identifying valid from invalid ballots.

On 20 June 2008, in Resolution No. 08-216, the Tribunal denied protestee Sandoval's Motion for Technical Examination of ballots in twenty-eight (28) precincts on the ground that:

When the matters which the parties seek to be examined are those which are well within the judicial determination of the Tribunal without resorting to technical examination, the Tribunal itself, in the course of the appreciation of ballots and other election documents involved, can determine whether paid or groups of ballots are written by one or two persons.

The Tribunal further noted that Hon. Resurreccion Z. Borra, then Acting Chairman of the COMELEC, already testified on the various security features of an official ballot used during the 14 May 2007 synchronized National

and Local Elections. Hence, resort to technical examination is no longer necessary to determine the authenticity of ballots.

On 23 June 2008, protestant Lacson-Noel formally offered the following documentary evidence:

x x x x

On 8 July 2008, protestee Sandoval filed his Comment/Opposition to protestant Lacson-Noel's formal offer of evidence.

On 24 July 2008, in Resolution No. 08-244, the Tribunal admitted all documentary exhibits formally offered by protestant Lacson-Noel x x x.

On 14 August 2008, the hearing for the presentation of protestee Sandoval's evidence was set on 2, 15, 18, 23 and 25 September 2008.

On 2 September 2008, protestee Sandoval presented for authentication photocopies of three hundred eleven Revision Reports x x x.

On 15 September 2008, protestee Sandoval presented for authentication photocopies of additional Revision Reports x x x.

Again, on 18 September 2008, protestee Sandoval presented photocopies of more Revision Reports for authentication x x x.

The scheduled hearing on 23 September 2008 was canceled upon the motion of protestee Sandoval.

During the hearing conducted on 25 September 2008, protestee Sandoval presented photocopies of various election documents x x x.

On 29 September 2008, the Hearing Commissioner of the instant case set additional hearing dates for the reception of protestee Sandoval's evidence - 2, 13, 27, 28, 29 and 31 October 2008 and on 3 November 2008.

From the record of the case, though, except for the hearing scheduled on 3 November 2008, it appears that no hearings were held on the dates aforesaid in view of the unavailability of the counsel of protestee Sandoval. Particularly, protestee Sandoval asked that the hearing scheduled on 27 and 28 October 2008 be cancelled because of an "apparent conflict in the schedule" of his witnesses (party-revisors) in view of the supposed appearance before the Senate Electoral Tribunal (SET) relative to another case. Again, on 29 October 2008, in a written motion, Manifestation and Urgent Motion, protestee Sandoval prayed that the cancellation of the day's hearing for the reason that the same witnesses still remained "unavailable due to an equally urgent engagement as the party-revisors in the electoral protest case in the SET involving Senator Juan Miguel Zubiri. The motion to reset the hearing was denied by the Hearing Officer, who, instead, ruled that the same shall continue on the next scheduled hearing date on 3 November 2008.

Worth noting at this point is the fact that on the hearing of 29 October 2008, in response to the aforesaid motion, counsel for protestant Lacson-Noel manifested that being one of the counsels of record of the only case before the SET, she knew for a fact that no hearings were scheduled on 27 and 28 October 2008.

On 3 and 11 November 2008, the hearings resumed and protestee Sandoval was able to present fourteen (14) party revisors x x x.

On the last scheduled hearing, or on 11 November 2008, protestee filed another motion - Motion for Leave (to Present Additional Witnesses) with Request for Subpoena. Protestee Sandoval wanted to present expert witnesses

x x x.

On 12 November 2008, protestant Lacson-Noel opposed the preceding motion on the ground that the same was merely another dilatory move to delay the resolution of the instant election protest case. She argued that per HRET Rules, protestee Sandoval had already used up the time allocated him and that he "squandered the time given him to present his evidence" by presenting party revisors as witnesses whose opinions on the authenticity of the subject ballots allegedly bear no evidentiary weight. Further, she contended that (1) the period of two months to be reckoned from 2 September 2008 within which the presentation of protestee Sandoval's evidence must be concluded, including the filing of his [Formal Offer of Evidence], had already expired on 3 November 2008; (2) four of the 13 hearing dates set by the Hearing Commissioner were cancelled upon the instance of protestee Sandoval; and (3) the presentation of additional evidence beyond 3 November 2008 is in direct contravention of Rule 59 of the 2004 HRET Rule of Procedure providing for a period of only two months, from inception, to conclude the presentation of a party's evidence.

Despite the opposition, in Resolution No. 08-342 issued on 24 November 2008, the Tribunal resolved to grant protestee Sandoval's motion with the necessary warning that no further extension shall be given. Accordingly, an additional period of ten (10) days was set within which to present his additional evidence. In granting the prayer for additional time, the Tribunal took into consideration the provision of the HRET Rules where, in the interest of justice and meritorious grounds, it may grant an extension of ten (10) days for a party to present his evidence. The Tribunal further directed the Hearing Commissioner assigned to the present case to set successive dates, not to exceed ten (10) days, for the presentation of protestee Sandoval's additional evidence and to issue the corresponding subpoena duces tecum and ad testificandum to the witnesses concerned.

In compliance to the foregoing, on 25 November 2008, the Hearing Commissioner notified the parties herein that further hearings will be conducted on 10 and 11 December 2008.

x x x x

On 18 December 2008, despite the warning issued by the Tribunal that "no further extensions will be given," protestee Sandoval once more prayed for leave to present an additional expert witness. x x x

As expected, protestant Lacson-Noel opposed the above; and asked the Tribunal to deny the same x x x..

On 22 January 2009, in Resolution No. 09-009, the Tribunal denied protestee Sandoval's motion for suspension of the period to file formal offer of evidence, and considered him to have waived the completion of the presentation of his evidence, to wit:

WHEREFORE, the Tribunal (1) DENIES protestee's Manifestation and Motion [With Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence]; (2) CONSIDERS protestee to have waived the completion of the presentation of his evidence; and (3) DIRECTS protestant and protestee to submit their respective Memoranda within ten (10) days from notice.

x x x x

Protestant Lacson-Noel and protestee Sandoval filed their respective Memoranda on 11 and 16 February 2009, respectively.

On the same day he filed his Memorandum, or on 16 February 2009, protestee Sandoval also filed a Manifestation and Motion for Partial Reconsideration. Essentially, he moved that he "be allowed to formally offer his documentary pieces of evidence" based on the argument that "to prevent [him] from formally offering his documentary pieces of pt'>

x x x x

On 13 March 2009, the Tribunal issued Resolution No. 09-046 dated 26 February 2009, the dispositive of which reads:

WHEREFORE, the Tribunal DENIES protestee's Manifestation and Motion for Partial Reconsideration.
(Italics supplied.)[3]

Thereafter, on September 24, 2009, the HRET issued the assailed Decision, the dispositive portion of which reads as follows:

WHEREFORE, premises considered, the Tribunal hereby DECLARES that protestant Josephine Veronique Lacson-Noel is the duly elected Representative of the Lone District of Malabon City-Navotas in the election held on 14 May 2007, with a winning margin of Five Hundred Forty-Two (542) votes, with the right to assume the duties of her office. Consequently, protestee Alvin Sandoval is hereby declared unseated.

As soon as this Decision becomes final, let notices be sent to the President of the Philippines, the House of Representatives through the Speaker, and the Commission on Audit through its Chairman.

SO ORDERED.[4]

Petitioner moved for reconsideration, but the same was denied per Resolution dated November 12, 2009.

Hence, this petition alleging that the HRET committed grave abuse of discretion amounting to lack or excess of jurisdiction by not admitting petitioner's formal offer of evidence, thereby denying him due process.

The petition lacks merit.

It is hornbook principle that this Court's jurisdiction to review decisions and orders of electoral tribunals is exercised only upon a showing of grave abuse of discretion committed by the tribunal. Absent such grave abuse of discretion, this Court shall not interfere with the electoral tribunal's exercise of its discretion or jurisdiction.[5] Grave abuse of discretion has been defined in *Villarosa v. House of Representatives Electoral Tribunal*[6] as follows:

Grave abuse of discretion implies such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction; or, in other words, where the power is exercised in an arbitrary manner by reason of passion or personal hostility. It must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.[7]

Petitioner mainly assails the Tribunal's denial of his pleas for an additional period of time within which to make his formal offer of evidence. However, a review of the proceedings will reveal that the HRET acted in accordance with its rules of procedure and well within its jurisdiction.

Petitioner commenced presentation of his evidence on September 2, 2008. Further hearings were scheduled for September 15, 18, 23 and 25, 2008. He was able to present evidence on September 15, 18, and 25, 2008, but the hearing set for September 23, 2008 was canceled upon motion of petitioner. On September 29, 2008, the Hearing Commissioner set additional hearings for October 2, 13, 27, 28, 29 and 31, 2008 and November 3, 2008, for reception of petitioner's evidence. However, due to unavailability of petitioner's counsel, no hearings were held on the dates set for the whole month of October. Hearings only resumed on November 3 and 11, 2008 and, on the latter date, petitioner moved that he be allowed more time to present additional witnesses. Despite opposition from respondent Lacson-Noel, the Tribunal issued Resolution No. 08-342 dated November 24, 2008, granting petitioner an additional period of ten (10) days within which to present evidence, with the warning that no further extension shall be given. The Hearing Commissioner notified the parties that further hearings will be held on

December 10 and 11, 2008. Said hearing dates were utilized by petitioner.

Nevertheless, in utter disregard of the Tribunal's warning, petitioner again filed on December 18, 2008 a Manifestation and Motion (with Prayer for Suspension of the Period to File Protestee's Formal Offer of Evidence), praying for more time to present more witnesses, and that he be allowed to file his Formal Offer of Evidence upon completion of presentation of his evidence. Respondent Lacson-Noel opposed said motion, pointing out that the additional period of ten (10) days granted to petitioner lapsed on December 24, 2008. Thus, on January 22, 2009, the Tribunal issued Resolution No. 09-009, pointing out that despite the additional period of ten days granted to him and the lapse of more than three (3) months reckoned from September 2, 2008, petitioner had not completed the presentation of his evidence. Since the last day of the extension granted to him was on December 23, 2008 and said period lapsed without petitioner completing presentation of his evidence including formal offer thereof, he was deemed to have waived the same.

Such action of the HRET was not a denial of petitioner's right to due process. In Villarosa,[8] it was held, thus:

The essence of due process is the reasonable opportunity to be heard and submit evidence in support of one's defense. To be heard does not mean verbal arguments in court; one may be heard also through pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of due process.[9]

It is quite clear from the foregoing narration of how the proceedings were conducted that petitioner was given all the opportunity to be heard. So many hearing dates were set for his presentation of evidence, but he merely wasted a good number of those days. He was granted an extension of time so he could file his formal offer of evidence, but he still failed to fulfill his responsibility.

Note that the 2004 Rules of the House of Representatives Electoral Tribunal provide for a definite period of time within which a party should complete or terminate his presentation of evidence, to wit:

Rule 59. Time Limit for Presentation of Evidence. - Each party is given a period of twenty (20) working days, preferably successive, to complete the presentation of his evidence, including the formal offer thereof. Unless provided otherwise, this period is terminated within two (2) months, which shall begin to run from the first date set for the presentation of the party's evidence, either before the Tribunal or before a Hearing Commissioner. Once commenced, presentation of the evidence-in-chief shall continue every working day until completed or until the period granted for such purpose is exhausted. Upon motion based on meritorious grounds, the Tribunal may grant a ten-day extension of the period herein fixed.

The hearing for any particular day or days may be postponed or cancelled upon the request of the party presenting evidence, provided, however, that the delay caused by such postponement or cancellation shall be charged to said party's period for presenting evidence.

x x x x

The rule cannot be any clearer that parties are mandated to complete the presentation of their evidence within a period of two (2) months, which shall begin to run from the first date set for the presentation of the party's evidence. In this case, petitioner's presentation of evidence should have been terminated by November 2, 2008. It was petitioner's and/or his counsel's duty to always have the foregoing rule or time limit in mind in planning and scheduling the presentation of his testimonial and documentary evidence. Petitioner had actually been accorded leniency because on November 24, 2008, which was already beyond the two-month time limit under Rule 59, the Tribunal issued Resolution No. 08-342 granting him an additional ten days for presentation of evidence including a formal offer thereof. Petitioner had been sufficiently warned that that would be the last extension, but he chose not to heed such warning and failed to use the additional time wisely. Only petitioner deserves to be blamed for

the woes that befell him.

In *Hofer v. House of Representatives Electoral Tribunal*,^[10] a case that is closely analogous to the instant petition, the Court emphasized that "[p]rocedural rules in election cases are designed to achieve not only a correct but also an expeditious determination of the popular will of the electorate."^[11] Thus, the time limit set by the rules is not something to be taken lightly, for it was stressed in the same case that "the observance of the HRET Rules in conjunction with our own Rules of Court, must be taken seriously."^[12] Quoting *Baltazar v. Commission of Elections*,^[13] The Court reiterated in *Hofer*^[14] that:

By their very nature and given the public interest involved in the determination of the results of an election, the controversies arising from the canvass must be resolved speedily, otherwise the will of the electorate would be frustrated. And the delay brought about by the tactics resorted to by petitioner is precisely the very evil sought to be prevented by election statutes and controlling case law on the matter.^[15]

From the foregoing, it is quite clear that the Tribunal acted in the best interest of the electorate, ensuring the determination of the latter's will within a reasonable time. In sum, there is absolutely nothing in this case that would justify a finding that the HRET gravely abused its discretion by not granting petitioner an extension of time to present additional evidence and formally offer the same.

IN VIEW OF THE FOREGOING, the instant petition is DISMISSED.

SO ORDERED.

Puno, C.J., Carpio Morales, Velasco, Jr., Brion, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

Carpio, J., no part, member of HRET at that time.

Corona and Leonardo-De Castro, JJ., no part.

Nachura, J., member of HRET.

[1] Signed by Associate Justices Consuelo Ynares-Santiago (Chairperson), Renato C. Corona, and Minita V. Chico-Nazario; Representatives Mauricio G. Domogan, Fredenil H. Castro, Roberto C. Cajés, Solomon R. Chungalao, Florencio T. Miraflores and Justin Marc SB. Chipeco; rollo, pp. 45-107.

[2] Signed by Associate Justices Minita V. Chico-Nazario (Acting Chairperson) and Antonio Eduardo B. Nachura; Representatives Mauricio G. Domogan, Fredenil H. Castro, Roberto C. Cajés, Solomon R. Chungalao, Florencio T. Miraflores and Justin Marc SB. Chipeco; id. at 110-115.

[3] Id. at 45-66.

[4] Rollo, p. 107.

[5] *Abubakar v. House of Representatives Electoral Tribunal*, G.R. Nos. 173310 and 173609, March 7, 2007, 517 SCRA 762, 776; *Torres v. House of Representatives Electoral Tribunal*, G.R. No. 144491, February 6, 2001, 351 SCRA 312, 326-327.

[6] G.R. Nos. 143351 and 144129, September 14, 2000, 340 SCRA 396.

[7] Id. at 413. (Emphasis supplied.)

[8] *Supra* note 6.

[9] Id. at 412. (Emphasis supplied.)

[10] G.R. No. 158833, May 12, 2004, 428 SCRA 383.

[11] Id.

[12] Id. at 386.

[13] G.R. No. 140158, January 29, 2001, 350 SCRA 518.

[14] Supra note 10.

[15] Baltazar v. Commission on Elections, supra note 10, at 387.

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