

FELIPE RODRIGUEZ, PROTESTANT AND APPELLEE, VS. VICENTE ZAMBRANO, PROTESTEE AND APPELLANT.*G. R. No. 42447. December 21, 1934*

Ponente: BUTTE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-42447/>**BUTTE, J.:**

This is an appeal from a decision of the Court of First Instance of La Union in an election protest case involving the results of the general election of June 5, 1934, as to the office of municipal president of Balaoan in said province. The trial court rendered judgment finding that the protestant-appellee, Felipe Rodriguez, and the protestee-appellant, Vicente Zambrano, each received 435 votes for said office in said election.

This appeal involves the reading of fifty-six questioned ballots which we have carefully examined. We concur with the trial court for the reasons stated in its decision that the ballots Exhibits K, L-4, L-8, L-9, N-2, O, O-1, K-2, L-2, P-2, P-3, L, L-1, L-5, L-6, M, M-3, N-4, O-3, I, L-B, I-C, 2, 2-B, 2-C, 2-D, 2-F, 2-H, 3, 4-A, 4-C, 5-B, 5-C, &-A, 6-G, 4-B and 6-J are good and sufficient ballots and should be counted for the respective candidates. We likewise agree that the ballots Exhibits 6, 1-D, 6-B, 6-E, N-1, N-6, N-7, O-2, K-1 and P are invalid and were properly rejected.

The trial court held ballots 2-E, 2-G, 4, 5, 5-D, L-10 invalid for illegibility of the names of the candidates. We have examined these ballots and come to the conclusion that the court erred on the side of strictness. The spelling is poor and the penmanship is worse, but making due allowance for the well-known and often commented difficulties of the voters under the existing system, we find written a sufficient expression of the intention and will of the voters who cast these ballots and therefore consider them valid.

The trial court rejected ballot Exhibit 6-H because the voter placed the figures 1 and 2 before the names respectively of the two candidates for whom he voted for the offices of the members of the provincial board. We think the inference that this is a marked ballot is not warranted. The ballot is well written and indicates a person of more than average education. It is quite natural that such a person should make the enumeration indicated. He was voting for two members of the provincial board and wished to make that clear. Of the more than 800 ballots that were cast, no other ballot was similarly marked which might give rise to a suspicion of collusion for the purpose of identifying-the ballots.

Ballot Exhibit P-4 was properly rejected by the court. In this ballot the figure 2 was written opposite the name of the candidate for representative and the figure 1 was written opposite the name of the candidate for provincial governor. There is no rational connection between these figures and the offices voted for. Whatever the purpose of writing these figures on the ballot, they plainly are improper.

Ballot Exhibit P-1 was rejected by the trial court "because the names of the candidates are written in two different kinds of penmanship, thus rendering this ballot as marked and non-admissible.". The principle involved here is that the style of penmanship indicates that the ballot was prepared by two different persons. But this inference is not necessarily to be drawn merely because the voter writes part of his ballot in script and part in print. Ballot

Exhibit P-1, which is partly in script and partly in print, is written apparently with the same color of pencil, with the same pressure and there is a distinct similarity even between the written and the printed characters. There is no indication that the voter intended to mark his ballot or that the ballot was prepared by two persons. In this connection we call attention to ballot Exhibit 1-D which is likewise written partly in print and partly in script but without the characteristics of ballot P-1. In ballot Exhibit 1-D the first three names voted for are printed in clear and regular print, the remaining ten names are in poor and unsteady script which does not suggest any similarity to the printed characters of the first three names. This ballot was properly rejected by the trial court.

It results from this revision of the fifty-six questioned ballots that the two votes (ballots Exhibits L-10 and P-1) should be added to the 435 votes credited to Felipe Rodriguez by the trial court and six votes (ballots Exhibits 2-E, 2-G, 4, 5, 5-D and 6-H) should be added to the 435 votes credited to Vicente Zambrano by the trial court, giving the former 437 votes and the latter 441 votes.

The judgment appealed from is therefore reversed and Vicente Zambrano, the protestee-appellant, is declared the duly elected municipal president of Balaoan in the Province of La Union as a result of the general elections held June 5, 1934, without special pronouncement as to costs in this instance.

Malcolm, Villa-Real, Imperial, and Goddard, JJ., concur.

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.