

**SINFOROSA R. JAGUROS AND WILLIAM A. DIU, PETITIONERS, VS.
JUDGE ADRIANO R. VILLAMOR, BRANCH 16, REGIONAL TRIAL
COURT AT NAVAL, LEYTE, FLORENTINO QUIJANO AND SUPREMO
SABITSANA, R...**

G.R. Nos. 63802-03. February 25, 1985

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-63802-03/>

AQUINO, J.:

This case is about the opening of the ballot boxes in an election protest. Florentino Quijano and Supremo Sabitsana, independent candidates, were proclaimed on January 31, 1980 as duly elected mayor and vice-mayor, respectively, of Almeria, Leyte.

Sinforosa R. Jaguros and William A. Diu, the losing candidates of the Kilusang Bagong Lipunan, filed an election protest in the Court of First Instance against the election of Quijano and Sabitsana on the ground that frauds, irregularities and misappreciation of ballots were committed.

On March 10, 1983 the trial court issued an order denying the motion of the protestants for the opening of the ballot boxes in the absence of evidence that irregularities were committed. That order is assailed in the instant petition for certiorari and mandamus filed on April 26, 1983.

The trial court was furnished with Resolution No. 1451 of the Commission on Elections dated February 26, 1980 which contains the rules for election contests involving elective municipal officials. Rule VI, regarding production and examination of election documents and revision of ballots, provides:

"SEC. 9. Custody of ballot boxes, election documents and paraphernalia. - Where allegations in a protest or counter-protest so warrant, or whenever in the opinion of the Court, the interest of justice so demands, it shall immediately order the book of voters, ballot boxes and their keys, ballots and other documents used in the election to be brought before it. x x x."

Section 175 of the Revised Election Code of 1967, which allows recounting of the ballots when any interested party petitions for it, is not reproduced in the 1978 Election Code, Presidential Decree No. 1296.

But, as noted by the amicus curiae, Horacio S. J. Apostol, the acting manager of the Comelec's law department, section 175 is now found in section 9 of Rule VI. The ruling in decided cases that evidence of irregularities is not necessary to justify the revision of ballots is still good law.

We hold that Judge Villamor committed a grave abuse of discretion, amounting to excess of jurisdiction, in refusing to order the recounting of the ballots. Petitioners' 1982 motion for the recounting of the ballots should have been granted.

WHEREFORE, the order of March 10, 1983 is reversed and set aside. The trial court is directed to give top priority to the electoral protest and to finish it as soon as possible. This decision is immediately executory. The

parties should be advised of it by telegram. Costs against respondents Quijano and Sabitsana.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Escolin, and Cuevas, JJ., concur.

Abad Santos, J., no part.

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.