

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDINGS	No. of ballots	Votes added	Remarks
2	Poblacion	RV/R1	VALID BALLOT/VA LID VOTE	Admitted	As per EDCVL data the actual # of voters us 465 which coincides with the ER data of 464 and 1 rejected ballot, hence the claims for the VCM rejected ballot is admitted because the voter wasn't given a replacement ballot.	1	1	
6	Jantanon	RV/R1	VALID BALLOT/VA LID VOTE	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected ballot is valid ballot as per EDCVL 543 and ER 538 Physical count 538 + 3 Rejected 541.	1	1	
TOTAL						2	2	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDING	NO. OF BALLOTS	VOTES ADDED	Remarks
4	Anibong	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded VCM rejected is a valid vote EDCVL = 480 physical count = 478+2=450 rejected	1	1	
10	Ban-Ban	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded The ballot with barcode no. 46020010-192-2190-01-0 is not included in the list of decrypted ballot images. As per EDCVL there were 510 actual voters while in the ER only 507 actual voters. The actual physical count of ballots is 509 including the VCM rejected ballot. Hence, the claim should be admitted for protestee robredo	1	1	
12	Calagcalag	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded Voters were not given replacement ballots as confirmed through the total number of voters who voted and signed from the book of voters (469), compared to election return (464) and the ballots used, including the BEI's ballots during the election (465+VCM-rejected =ballots). therefore, the VCM rejected ballot is admitted.	1	1	
16	Carol-an	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded Barcode of the ballot is 46020016-266-2772-01-0 this is not in the ballot list of decrypted image and it's a VCM rejected ballot however the clam was admitted due to the number of voters:as per MOV 454, ER 452, PC 452+2 rejected=454 EDCVL = 454	1	1	
25	Maaslum	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded VCM rejected are valid ballots as per EDCVL =481 and ER=475 - including 5 rejected bolliots (1 bolliot)	1	1	

ANNEX “ A-72-A ”

27	Mabato	RVR1	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded the voter was not given a replacement ballot as confirmed through the total number of voters who voted and signed from the list of voters. Therefore we admit the rejected ballot. No such marking were found that can identify the voter or invalidate the ballot	1	1	
28	Mabato	RVR1	VALID BALLOT/VALID VOTE	ADMITTED	Oval for leni robredo is clearly shaded. The ballot found with accidental line mark at the upper right portion, and a marking rejected at the upper left portion. The claim is admitted because the ballot is included to the total number of actual voters as pre MOV: actual voters - 467; rjected ballot-1 as per ER: ballots counted - 466 as per revision/PA: physical count -466 +1 rejected ballot = 467 as per list of voter: 467 voters with signature or thumbmark (including 3 BEI)	1	1	
41	Tibyawaw	RVR2	VALID BALLOT/VALID VOTE	ADMITTED	As per list of voters the total number of voters who actually voted is 366. therefore the VCM-rejected ballot RVR2 is admitted. RVR2 barcode #46020041-238-4392-01-0 The said ballot was read by the vcm/valid ballot	1	1	
TOTAL						8	8	

ANNEX C-1
Municipality of Bacong

ANNEX "A-73"

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDINGS	No. of ballots	Votes added	Remarks
15	Calangag	RVR1	VALID BALLOT/VA LID VOTE	Admitted	Barcode of ballot is 46030015-108-1736-01-0. This is not in the ballot list of decrypted ballot images. And a VCM rejected. However vote is added because ballot and vote do not suffer any infirmity. Also the total number of actual voters in EDCVL is 362 and the total number of ballots in physical count is 362	1	1	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDINGS	No. of ballots	Votes added	Remarks
22	Calasga-an	RVR1 to RVR2	VALID BALLOT/NA LID VOTE	Admitted	As per list of voters the total number of voters who actually voted is 622+1BEI=623	2	2	
31	Cambaguio	RVR1	VALID BALLOT/NA LID VOTE	Admitted	This VCM rej ballot w/ barcode number 46040031-371-01-0 was verified not in the list of decrypted ballot images. However, claim ws admitted because the total number of actual voters in the EDCVL 419 tallies w/ the number of paper ballot found inside the ballot box (419 including this VCM rejected ballot). Election returns counted 418 ballots only. It appears that the voter of this ballot was not given a replacement ballot.	1	1	
39	Consolacion	RVR1	VALID BALLOT/NA LID VOTE	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected is a valid ballot according Election Day Computerized Voters List (EDCVL) data (363) versus Election returns (ER) (362) so the VCM rejected ballot was not given a replacement.	1	1	
50	Mabunao	RVR1	VALID BALLOT/NA LID VOTE	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected is a valid ballot as per EDCVL = 405 and ER = 404	1	1	
61	Olympia	RVR1 to RVR2	VALID BALLOT/NA LID VOTE	Admitted	Voters were not given replacement ballot as confirmed through the total number of voters who voted and signed from the list of voters compared to the ballots used, including the BEI's ballot during election. Therefore, the VCM rejected balot is admitted. As per MOV 526 plus 3 reject = 529 As per ER 526 As per list of voters: 526 + 3 BEI signature 529 As per revision re port/PA physical count: 529	2	2	

64	Panala-an	RVR1	VALID BALLOT/VA LID VOTE	Admitted	Barcode of ballot is 46040064-703-1586-01-0. This is not in the ballot list of decrypted ballot image. It is a VCM rejected. However vote is added because ballot and vote do not suffer any infirmity. Also the total number of actual voters in EDCVL is the same total no. of ballots in physical count "EDCVL - 628, Physical count - 628".	1	1	
80	Talungon	RVR1	VALID BALLOT/VA LID VOTE	Admitted	This VCM rejected ballot with barcode number 46040080-414-1645-01-0 was verified not in the list of decrypted ballot images. However, claim was admitted because the total number of actual voters in the EDCVL (596) tallies with the total number of paper ballots found inside the ballot box (596). Election returns counted 594 ballots only. There were two VCM rejected ballots (claimed by the protestee - RVR1 and the unclaimed VCM rejected ballot). It appears that the voters of the two VCM rejected ballots were not given replacement ballots.	1	1	
TOTAL						9	9	

ANNEX C-1
Municipality of Basay

ANNEX "A-75.1"

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDINGS	No. of ballots	Votes added	Remarks
19	Maglinao	RV/R1	VALID BALLOT/VA LID VOTE	Admitted	This VCM rejected ballot with barcode #46050019-413-6321-01-0 was verified not in the list of decrypted ballot images and therefore not counted by the VCM However the ballot was admitted because as for the (444) EDCVL (452) and physical count (447) therefore the ballot should be admitted	1	1	
24	Olandao	RV/R1	VALID BALLOT/VA LID VOTE	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. The ballot barcode of Exhibit RV/R1 46050024-587-1675-01-0 This ballot is not in the decrypted ballot image, but upon evaluation of the PAC team we considered the FF. datas as basis for admission actual voters MOV = 575 ER = 574 EDCVL = 575 Physical count RR = 575 RA = 575 Note: At the back of the ballot there is accidental line and smudge ink only.	1	1	
TOTAL						2	2	

ANNEX "A-76"

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of Ballots	Votes Added	Remarks
1	ALI-IS	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED VOTER WAS NOT GIVEN A REPLACEMENT BALLOT AS CONFIRMED THROUGH THE TOTAL NUMBER OF VOTERS WHO VOTED AND SIGNED FROM THE LIST OF VOTERS COMPARED TO THE BALLOT USED DURING THE ELECTION. THEREFORE THE VCM REJECTED BALLOT IS ADMITTED.	1	1	
12	BANGA	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	AS PER LIST OF VOTERS, THE TOTAL NUMBER OF VOTERS WHO ACTUALLY VOTED IS 447. THEREFORE THE VCM REJECTED BALLOT RVR1 IS ADMITTED RVR1 BARCODE#46060012-286-4320-01-0	1	1	
27	DAWIS	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED THE BALLOT WITH BARCODE NO 46060027-465-4464-01-0 IS NOT INCLUDED IN THE LIST OF DECRYPTED BALLOT IMAGES. AS PER EDCVL, THERE WERE 434 ACUTAL VOTERS. WHILE ON THE MOV AND ER, THERE WERE 433 ACTUAL VOTERS, WHILE THE ACTUAL PHYSICAL COUNT OF BALLOTS IS 434 INCLUDING (1) ONE VCM REJECTED BALLOT. HENCE, THE BALLOT SHOULD BE ADMITTED AS A VALID BALLOT BECAUSE NO RECAL AGEMENT WAS GIVEN	1	1	

31	KALAMTUKAN	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED THE BARCODE OF THE BALLOT IS 46060031-486-1928-01-0. THIS IS NOT INCLUDED IN THE BALLOT LIST AND CONSIDERED AS A VCM-REJECTED. HOWEVER, THE CLAIM WAS ADMITTED BECAUSE IT IS INCLUDED TO THE TOTAL NUMBER OF ACTUAL VOTERS. AS PER MOV: ACTUAL VOTERS-438, AS PER ER: BALLOTS COUNTED-437, AS PER BALLOT LIST-437, AS PER PA/REVISION; PHYSICAL COUNT; REJECTED BALLOT-1=438, AS PER LIST OF VOTERS WITH SIGNATURE-438	1	1	
39	MALABUGAS	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	AS PER LIST OF VOTERS THE TOTAL NO. OF VOTERS WHO ACTUALLY VOTED IS 576 THEREFORE THE VCM REJECTED BALLOT RVR1 IS ADMITTED BARCODE# 46060049-223-6172-01-0 NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED	1	1	
41	MALABUGAS	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	THE OVAL FOR ROBREDO IS CLEARLY SHADED. THE BARCODE OF THE BALLOT IS 46060041-694-1791-01-0. THIS IS NOT IN THE LIST OF THE DECRYPTED BALLOT IMAGES AND CONSIDERED AS VCM REJECTED BALLOT. VOTE IS ADDED BECAUSE BALLOT AND VOTE DO NOT SUFFER ANY INFIRMITY. AS PER MOV - 610, ER - 608, BALLOT LIST - 610, EDCVL - 610 (INCLUDING 2 DETECTED BALLOTS) NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED	1	1	
53	MINABA	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	THE BARCODE OF THE BALLOT IS 46060053-221-2124-01-0 THIS IS NOT INCLUDED IN THE BALLOT LIST AND CONSIDERED AS A VCM REJECTED HOWEVER THE CLAIM WAS ADMITTED BECAUSE IT WAS INCLUDED TO THE TOTAL NUMBER OF ACTUAL VOTERS AS PER MOV. ACTUAL VOTES - N/A AS PER ER: BALLOTS COUNTED - 554 AS PER BALLOT LIST -554 AS PER PA/REVISION: PHYSICAL XOUNT -554 REJECTED -1 = 555 AS PER LIST OF VOTERS WITH SIGNATURE - 555	1	1	

73	SAN JOSE	RV/R1	VALID BALLOT/VA LID VOTE	ADMITTED	EDCVL WAS REQUESTED TO VALIDATE THE NO OF VOTERS FOR THE CLUSTERED PRECINCT 73. UPON CHOCKING NO OF VOTERS IS EQUAL TO THE NO OF PHYSICAL BALLOTS AFTER EVALUATING ALL THE DATAS WE DECIDED TO ADMIT THE VCM REJECTED CLAIMED BY PROTESTANT MOV - 573 ER - 568 RR - 573 EDCVL - 573	1	1	
78	SAN ROQUE	RV/R1	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED	1	1	
87	TAYAWAN	RV/R1	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED THE CLAIM OF THE PROTESTEE FOR THE VCM REJECTED BALLOT BARCODE NUMBER 46060087-343-1230-01-0 WAS ADMITTEN BECAUSE BALLOT AND VOTES DO NOT SUFFER ANY INFIRMITY. AS PER ER 436 MO 439 WITH 3 VCM REJECTED AND EDCVL 440 WITH 1 REI	1	1	
Total						10	10	

ANNEX “ A-77 ”

Municipality of Bindoy, Negros Oriental

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDING	NO. OF BALLOTS	VOTES ADDED	Remarks
26	NALUNDAN	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	The ballot found with ink stain on the timing marks and random thumbmarks at the back. The claim is admniyyed because the ballot is included to the total no. of actual voters as per ER ballots count 572 as per revision/ PA - physical count 572 + 2 rejected ballots = 574 as per list of voters - 575 voters including 3 BEI with signature or thumbmark. EDCVL was requested to validate the no. of voter for the CP no. 35. Upon checking the total no. of physical ballots is within the total no. on the EDCVL. No replacement ballot was given to the voter. Therefore admitting the claim.	1	1	
35	SALONG	RVRI	VALID BALLOT/VALID VOTE	ADMITTED		1	1	
36	TAGAYTAY	RVRI	VALID BALLOT/VALID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected ballot is a valid ballot as per EDCVL=332 and ER=331	1		
Total						3		

ANNEX C-1
Municipality of Canlaon City, Negros Oriental

ANNEX "A-78"

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Findings	No. of ballots	Votes added	Remarks
3	MABIGO	RVR1-RVR2	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. Barcode of the ballot are (RVR1) 4608003-572-3671-01-0 AND (RVR2) 46080003-58-4754-01-0. These are not included in the ballot list and were considered VCM rejected, However the claims are admitted because it was included to the total NU	2	2
5	MABIGO	RVR1-RVR2	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. Barcode of the ballot are (RVR1) 46080005-365-6622-01-0 AND (RVR2) 46080005-604-1261-01-0. These are not included in the ballot list and were considered VCM rejected, However the vote is retained because ballot and vote do not suffer and infirmity and is included in the total no. of actual voters. As per MOV: 618 + 2 VCM rejected ballots = 620 As per ER: read and counted: 618 As per list of Voters w/ signature: 620 As per revision report/PA and physical count: 620 Therefore the VCM rejected ballot is admitted.	2	2
7	MABIGO	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. The claim of protestee for the VCM-rejected ballot with barcode no. 46080007-491-4427-01-0. was admitted because ballot and votes do not suffer any infirmity. Data as per MOV: 599, As per ER: 588 and EDCVL: 600 (with 1 BEI)	1	1
14	BINALBAGAN	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded.	1	1
18	BUDLASAN	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded.	1	1
19	BUDLASAN	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. Oval for Leni is clearly shade. Ballot found with ink stain on the timing line. The total no. of actual voters : As per MOV actual voters 618 Rejected ballot 2, As per	1	1

38	PANUBIGAN	RV/R1	VALID BALLOT/VA LID VOTE	ADMITTED	no infirmity on ballot and oval for claimant is clearly shaded. The claim of protestee for the VCM-rejected ballot with barcode no. 46080038-143-7743-01-0. was admitted because ballot and votes do not suffer any infirmity. As per ER 649 and AS PER EDCVL 650 (INCLUDING 3 BEI)	1	1
42	PULA	RV/R1	VALID BALLOT/VA LID VOTE	ADMITTED	The ballot found with ink blots on Partylist slot. The claim is admitted because it is included to the total no. of actual voters. As per MOV actual voters 529, Rejected ballot 1, as per ER ballots counted 529, As per revision/PA PH	1	1
Total					10	10	

ANNEX C-1
Municipality of Dauin, Negros Oriental

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes added	Remarks
6	Poblacion III	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded.	1	1	
25	Magsaysay	RVR1	Valid Ballot / Valid Vote	Admitted	As per list of voters, the total number of voters who actually voted is 367 + BEI =368	1	1	
29	Masaplod Sur	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected ballot is a valid ballot according to the data appears on edcvl (371) versus ER data (370) so VCM rejected ballot was not given replacement.	1	1	
31	Panubtuhan	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and the oval for claimant is clearly shaded. VCM rejected ballot is valid ballot according to the number of voter signature on edcvl (611) versus ER (610) the VCM rejected ballot is not given a replacement	1	1	
Total						4	4	

Annex C1
Dumaguete City, Negros Oriental

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes Added	Remarks
15	Bagacay	RVR1-RVR2	Valid Ballot / Valid Vote	Admitted	As per list of voters. The total number of voters who actually voted is 576. Therefore the VCM-Rejected Ballots RVR1-RVR2 are admitted RVR1 Barcode # 46100015-513-1223-01-0 RVR2 Barcode # 46100015-543-1590-01-0	2	2	
21	Bajumpandan	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM-Rejected ballot is a valid ballot and was not replaced as per EDCVL = 651 ER=649	1	1	
27	Balugo	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM-Rejected ballot is a valid ballot and was not replaced as per EDCVL = 487 ER=486	1	1	
39	Bantayan	RVR1	Valid Ballot / Valid Vote	Admitted	MOV 431 w/ 4Rejected Ballots . ER 427. voters were not given replacement ballot as confirmed through the total number of voters who voted and signed from the list of voters compared to the used, Including the BEI ballot during the election. Therefore the VCM rejected ballow as per list of voters 429 plus 3 BEI signature 432 as per/P.A Physical count 431	1	1	
51	Cadawinonan	RVR1-RVR2	Valid Ballot / Valid Vote	Admitted	The ballots with Barcode #46100051-514-2735-01-0 and 46100051-251-2121-01-0, Respectively, were verified not in the list of a ballot decrypted images, Therefore not read and counted by the VCM. However, these ballots were admitted because as per the election result -609 - Physical Count- 611 (Including the 2 rejected ballots) As per -EDCVL - 612. VCM rejected ballots were admitted because the EDCVL is greater than the physical count of actual voters, and the election returns (ER). It appears that 2 voters were not given a replacement ballot.	2	2	

63	Calindagan	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. Voters were not given replacement ballots as confirmed through the total number of voters who voted and signed from the list of voters (475), compared to election return (473) and the ballots used during the election (473+2VCM Rejected=475), Therefore, one claimed VCM - Rejected is admitted	1	1	
89	Looc	RVR1	Valid Ballot / Valid Vote	Admitted	This ballot with barcode number 46100089-296-7157-01-0 was verified not in the list of decrypted images therefore not read and counted by the VCM. However the ballot was admitted because as per ER=612 Physical Count=614, EDCV1 = 615	1	1	
95	Mangnao-Canal	RVR1-RVR2	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded.	2	2	
97	Motong	RVR1-RVR2	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and the oval for claimant is clearly shaded.	2	2	
102	Plapi	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and the oval for claimant is clearly shaded.	1	1	
117	Taclobo	RVR1	Valid Ballot / Valid Vote	Admitted	No infirmity on ballot and the oval for claimant is clearly shaded.	1	1	
Total						15	15	

ANNEX C-1
Municipality of Guinhuligan
Province of Negros Oriental

ANNEX “ A-81 ”

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes Added	Remarks
9	Poblacion	RVR1-RVR2	Valid Ballot/Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded	2	2	
27	Bulado	RVR1	Valid Ballot/Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected ballot is a valid ballot according to the data appearing on the EDCVL 480 versus LR 476 therefore the VCM rejected ballot was not given a replacement	1	1	
65	McKinley	RVR1	Valid Ballot/Valid Vote	Admitted	as per list of voters. The total number of voters who actually voted is 360. Therefore the VCM rejected ballot RVR1 is admitted. RVR barcode 46110065-570-2137-01-0	1	1	
Total						4	4	

ANNEX C-1
Municipality of Jimalalud
Province of Negros Oriental

ANNEX “ A-82 ”

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes added	Remarks
1	North Poblacion	RVR1	Valid Ballot/Valid Vote	Admitted	No infirmity on ballot and oval for claimant isa clearly shaded. The ballot with barcode 46120001-596-3745-01-0 is not included in the list of decrypted ballot image and to be considered as VCM rejected ballot. As per EDCVL, there were 679 actual voters while in the MOV there were 677 actual voters and in the ER there were only 677 actual voters. The actual physical count of ballots is 678 including 1 VCM rejected ballot. The ballot is admitted and the vote counted because the ballot does not suffer from any infirmity and there is a clear vote for protestee Robredo.	1	1	
8	South Poblacion	RVR1	Valid Ballot/Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected is valid according to the data appears on EDCVL (416) versus ER (414) so, the voter wasnt given a replacement ballot.	1	1	
12	Buto	RVR1	Valid Ballot/Valid Vote	Admitted	The ballot found with inksmudge at the timing marks and random fingerprint at the back. Also the ballot had an affixation of rejected ballot . And 3 BEI signatures. The claim nis admitted because it is included to the total number of actual voters. As per MOV: actual voters: 369, Rejected ballot: 1 as per ER: ballot counted: 368, as per revision / /PA: Physical count = 368+1 Rejected ballot = 369. As per list of voters: 369 voters including 2 BEI's with signature or thumbmarks.	1	1	
21	Mahanlud	RVR1-RVR2	Valid Ballot/Valid Vote	Admitted	As per list of voter the total number of voters who actually voted is 632. Therefore the vcm rejected ballots RVR1-RVR2 are admitted. RVR1 barcode 46120021-334-2144-01-0, RVR2 barcode 46120021-2148-01-0	2	2	

ANNEX “A-82-A”

28	Polopantao	RV/R1	Valid Ballot/Valid Vote	Admitted	RV/R1 oval for Leni Robredo is clearly shaded, ballot found with accidental line marks in front and marking rejected with BEI signature at the back. However the claim is admitted because the ballot is included to the total number of actual voters. As per MOV: actual voters 658; rejected ballot 1 as per ER: ballot counted: 657 as per revision / PA: Physical count: 657 + 1 rejected ballot = 658 as per EDCVL: 658 voters with signature or <i>Robredo</i>	1	1	
Total						6	6	

ANNEX C-1
Municipality of La Libertad
Province of Negros Oriental

ANNEX “A-83”

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes added	Remarks
4	Poblacion South	RV/R1	Valid Ballot/Valid Vote	Admitted	The ballot found w/ accidental line marking on the lowermost part of the back as well as an affixation of rejected and the of the voter Lilia C. Vallores w/c is also her signature. The claim is admitted because it is included to the total number of actual voter. As per MOV: Actual voters: 359 Rejected ballot: 1 as per ER: Ballots Counted: 358 as per Revision / PA: Physical count: 358+1 rejected ballot = 359 as per List of voters: 359 voters including 2 BEI's w/ signature or thumbmarks.	1	1	
5	Aniniaw	RV/R1	Valid Ballot/Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. The ballot w/ bacode no. 46130005-406-1520-010 is not included in the list of decrypted ballot images and can be considered as VCM rejected ballot. As per EDCV, there were 559 actual voters including 3 BEI member while in the MOV and ER there were 557 actual voters. The actual physical count of ballots is 560 including 2 VCM rejected ballots. It appears that the voter was not given a replacement ballot. Hence, the claim should be admitted and vote counted for portestee	1	1	
10	Busilak	RV/R1	Valid Ballot/Valid Vote	Admitted	as per EDCVL data the number of actual voters is 597, this coincides w/ the ER data of 595 actual voters and 595 physical count of ballots + VCM rejected ballots (1 claimed; 1 unclaimed) thus, the claim for this VCM rejected ballot is adrnkitted because the voter was not given a replacement ballot	1	1	
13	Eli	RV/R1	Valid Ballot/Valid Vote	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. The ballot w/ bacode no. 46130013-26-6454-010 will be retained rejected because the 673 data actually voted in ER are much higher than the 675 actually voted on EDCVL. Also this ballot be an excess ballot.	1	1	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes Added	Remarks
21	CAMPANUN-AN	RVR1	VALIDBALLOT	ADMITTED	THE BARCODE OF THE BALLO 46140021-28-2844-01-0. THE BALLOT FOUND WITH ACCIDENTAL LINE MARKING AT THE TIMING MARKS. HOWEVER, THE CLAIM IS ADMITTED BECAUSE THE BALLOT IS INCLUDED TO THE TOTAL NUMBER OF ACTUAL VOTES AS PER MOV. ACTUALLY	1	1	
24	CANSAL-ING	RVR1	VALIDBALLOT	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL IS CLEARLY SHADED THE REJECTED BALLOT WITH THE BARCODE OF 46140024-324-1811-01-0 WILL BE ADMITTED BECAUSE THE 645 VOTERS IN EDCVL ARE MUCH HIGHER THAN 641 ACTUALLY VOTERS ON ELECTION RETURN. THE BALLOT IS NOT SUFFER FROM INFIRMITY	1	1	
31	HIMOCODONGON	RVR1	VALIDBALLOT	ADMITTED	RVR1 OVAL FOR LENI ROBREDO IS CLEARLY SHADED. BALLOT FOUND WITH ACCIDENTAL LINE ON TIMING LINE AND WITH MARKING 'REJECTED' WITH BEI SIGNATURE AT THE FACE OF THE BALLOT. HOWEVER, THE CLAIM AS ADMITTED BECAUSE THE BALLOT IS INCLUDED TO	1	1	
32	INAPOY	RVR1-RVR3	VALIDBALLOT	ADMITTED	VOTERS NOT GIVEN REPLACEMENT AS CONFIRMED THROUGH THE TOTAL NUMBER OF VOTERS WHO VOTED AND SIGNED FROM THE LIST OF VOTERS COMPARED TO THE BALLOT USED. THEREFORE, THE VCM REJECTED IS ADMITTED. THE BARCODE OF THE BALLOT RVR1 46140032-325-1195-01-0 RVR246140032-289-1535-01-0 RVR 46140032-289-1535-01-0 AS PER MOV 518+3VCM REJECTED 521 AS PER ER READ AND COUNTED 518 AS PER EDCVL 521 AS PER REVISION REPORT/PA PHYSICAL COUNT 5212	3	3	

33	INAPOY	RVR1-RVR2	VALIDBALLOT	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED BARCODE OF THIS 2 VCM REJECTED BALLOTS RVR1-46140033-490-1718-01-0 RVR2-46140033-161-2040-01-0 THE BALLOTS ARE NOT LISTED IN THE BALLOT OF DECRYPTED IMAGES WE GATHERED SOME DATA TO INVALIDATE OF THE CLAIMS FOR THIS BALLOTS ARE ADMITTABLE.ACTUAL VOTERS:MOV-499,ER-497,EDCVL-499,PHYSICAL COUNT:ER-499,PA-499 BASE IN THE DATA'S WE CONSIDERED THE CLAIMS ADMITTED	1	1	
51	PANIABONAN	RVR1	VALIDBALLOT	ADMITTED	THIS BALLOT WITH BAR CODE 46140051-39-2749-01-0 WAS VERIFIED NOT IN THE LIST OF DECRYPTED BALLOT IMAGES,THEREFORE NOT READ AND COUNTED BY THE VC... HOWEVER,THIS BALLOT WAS ADMITTED BECAUSE AS PER THE ER 430,PHYSICAL COUNT:432(INCLUDING THE VCM REJECTED BALLOT) EDVCL:432 THE BALLOT WAS ADMITTED BECAUSE THE EDCVL TALLIES WITH THE PHYSICAL COUNT OF ACTUAL VOTERS	1	1	
57	SAMAC	RVR1-RVR4	VALIDBALLOT	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED 4 VCM REJECTED BALLOT ARE VALID BALLOTS ACCORDING TO THE DATA APPEARS ON ELECTION DAY COMPUTERIZED VOTERS LIST 603 TALLIES TO PHYSICAL COUNT ON PAPER BALLOTS 603 VERSUS ER 599 SO THESE REJECTED BALLOTS WERE NOT GIVEN ANY REPLACEMENT BALLOT	4	4	
Total						12	12	

ANNEX C-1
MUNICIPALITY OF MANJUYOD, NEGROS ORIENTAL

ANNEX “ A-85 ”

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes Added	Remarks
14	BUTONG	RV/R1	VALIDBALLOT	ADMITTED	VCM REJECTED WAS VALID ACCORDING ON EDCVL(587)+2 BEI=589, ER(588),THE VCM REJECTED BALLOTS WERE NOT GIVEN A REPLACEMENT	1	1	
38	SUBA	RV/R1	VALIDBALLOT	ADMITTED	THIS BALLOT WITH BARCODE NO 46150038-171-1652-01-0 WAS VERIFIED NOT 1 THE LIST OF BALLOT DECRYPTED IMAGES, THEREFORE NOT READ AND COUNTED BY THE VCM, HOWEVER, THIS BALLO WAS ADMITTED BECAUSE AS PER THE ER 532 EDCVL 533 PHYSICAL COUNT (534). THIS BALLOT, ALSO, DID NOT SUFFER FROM ANY INFIRMITIES COMPARED TO THE OTHER BALLOT CLAIMED.	1	1	
43	TUPAS	RV/R1	VALIDBALLOT	ADMITTED	VOTERS WERE NOT GIVEN REPLACEMENT BALLOT AS CONFIRMED THROUGH THE TOTAL NUMBER OF VOTERS WHO VOTED AND SIGNED FROM THE LIST OF VOTERS COMPARED TO THE BALLOT USED. INCLUDING THE BEI'S BALLOT DURING THE ELECTION THEREFORE THE VCM REJECTED BALLOT AS ADMITTED. BARCODE OF THE BALLOT 46150043-256-4615-01-0 AS PER MOV 480 PLUS 2 VCMR3=482(W/ BEI'S NOTE 2 VOTED IN THE PRECINT) AS PER ER 480 AS PER LIST OF VOTER 480+2BEI=482 AS OER RR/PA PHYSICAL COUNT 483	1	1	
44	TUPAS	RV/R1	VALIDBALLOT	ADMITTED	VCM REJECTED WAS VALID ACCORDING TO THE DATA APPEARS IN EDCVL(372+1 BEI DID NOT SIGN) TOTAL OF 373 VERSUS ER(310) THE VCM REJECTED BALLOT WAS NOT GIVEN A REPLACEMENT.	1	1	
Total						4	4	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. of ballots	Votes Added	Remarks
6	POBLACION	RV/R1	VALIDBALL OT	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED THE CLAIM OF THE PROTESTEE FOR THE VCM REJECTED BALLOT WITH BARCODE NUMBER 46160006-315-119-01-0 WAS ADMITTED BACAUSE BALLOT AND VOTE DO NOT SUFFER ANY INFIRMITY DATA AS PER ER:558 AS PER EDCVL:563 AND IN PHYSICAL COUNT AS PER REVISION REPORT:558+1 DETECTED=550	1	1	
34	SANTA AGUEDA	RV/R1	VALIDBALL OT	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED VCM REJECTED BALLOT IS A VALID BALLO ACCORDING TO THE DATA EDCVL(640) VERSUS ER (635) SO THE VCM REJECTED BALLOT WAS NOT GIVEN A REPLACEMENT RV/R1-OVAL FOR LENI ROBREDO IS CLEARLY SHADED.BALLOT FOUND WITH ACCIDENTAL INK STAIN AT THE BACK.CLAIM IS ADMITTED BECAUSE THE BALLOT IS INCLUDED TO THE TOTAL NUMBER OF ACTUAL VOTERS. AS PER MOV: BALLOT USED 520;REJECTED BALLOT1,AS OER ER: BALLOT COUNTED:520 AS PER REVISION/PA:PHYSICAL COUNT:520+1 REIRCTED BALLOTS=521 AS PER EDCVL:521 VOTERS WITH SIGNATURE OR THUMBMARK (ENCLOSURE 2, PCT)	1	1	
40	YUPISAN	RV/R1	VALIDBALL OT	ADMITTED		1	1	
Total						3	3	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. Of Ballots	Votes Added	Remarks
4	BASIAO	RVRI	VALID BALLOT/VA LID VOTE	ADMITTED	THIS VCM REJECTED BALLOT WITH BARCODE NUMBER 46170004-95-3652-01-0 WAS VERIFIED NOT IN THE LIST OF DECRYPTED BALLOT IMAGES. HOWEVER, CALIM WAS ADMITTED BECAUSE THE TOTAL NUMBER OF ACTUAL VOTERS IN THE EDCVL (430) TALLIES WITH THE TOTAL NUMBER OF PAPER BALLOTS FOUND INSIDE THE BALLOT BOX (430 INCLUDING THIS VCM-REJECTED BALLOT). ELECTION RETURNS COUNTED 469 BALLOTS ONLY. IT APPEARS THAT THE VOTER OF T HIS BALLOT WAS NOT GIVEN A REPLACEMENT BALLOT.	1	1	
8	JANAYJANAY	RVRI	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED VCM REJECTED BALLOT IS CONSIDERED NOT REPLACED AS PER EDCVL (495) VERSUS MOV (493), RR (493) VERSUS ER (492)	1	1	
16	SENORA ASCION (CALO)	RVRI	VALID BALLOT/VA LID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED RVRI-THE BALLOT WITH NO BARCODE NO, 46170016-104-3592-01-0 IS NOT INCLUDED IN THE LIST OF DECRYPTED BALLOT IMAGES. AS PER EDCVL, THERE WERE 495 ACTUALS VOTERS WHILE ON THE ER, THERE WERE 494 + 3 VCM REJECTED BALLOTS. THE ACTUAL PHYSICAL COUNT OF BALLOTS IS 497 INCLUDING 3 VCM REJECTED BALLOTS. HENCE, THE BALLOT SHOULD BE ADMITTED AS A VALID BALLOT BECAUSE OF NO REPLACEMENT WAS GIVEN.	1	1	
Total						3	3	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. Of Ballots	Votes Added	Remarks
6	POBLACION	RVRI	VALID BALLOT/ VALID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED THE BARCODE OF THIS VCM REJECTED BALLOT 46180006-126-1260-01-0. THIS IS NOT LISTED ON THE DECRYPTED BALLOT IMAGES. THE PAC TEAM GATHERED THE FF DATA TO EVALUATE IF THE CLAIM IS ADMITTED	1	1	
11	POBLACION	RVRI	VALID BALLOT/ VALID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED THE OTHER REJECTED BALLOTS RVRI WITH BARCODE 46180011-215-4710-01-0. WILL BE ADMITTED BECAUSE THE 554 VOTERS BASED ON EDCVL ARE MUCH HIGHTER THAN 550 ACTUALLY VOTED ON ELECTION PETITION	1	1	
13	ALANGILAN	RVRI	VALID BALLOT/ VALID VOTE	ADMITTED	EDCVL WAS REQUESTED TO VALIDATE THE TOTAL NO OF VOTERS. UPON CHECKING NO OF VOTERS IS EQUAL TO THE NO OF PHYSICAL BALLOTS. NO REPLACEMENT BALLOT WAS GIVEN TO THE VOTER WHICH IS ENOUGH TOP ADMIT THE PROTESTEES CLAIM ON THE VCM REJECTED BALLOT. ONE VOTE ADDED TO PROTESTEE	1	1	
24	CAWITAN	RVRI	VALID BALLOT/ VALID VOTE	ADMITTED	BALLOT BARCODE 46180024-540-1344-01-0, THIS IS NOT IN THE BALLOT LIST OF DECRYPTED BALLOT IMAGE AND IT'S A VCM REJECTED BALLOT HOWEVER VOTE IS ADDED BECAUSE THE TOTAL NUMBER OF ACTUAL VOTERS IN EDCVL IS MORE THAN THE TOTAL NUMBER OF BALLOTS IN PHYSICAL COUNT. EDCVL = ACTUAL VOTES = 567 PHYSICAL COUNT BALLOTS = 565	1	1	
25		RVRI	VALID BALLOT/ VALID VOTE	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED	1	1	

ANNEX “A-88-A”

34	MABUHAY	RV/R1	VALID BALLOT/ VALID VOTE	ADMITTED	NO INFIRMITY ON BALLOT & OVAL SHADING FOR CLAIMANT IS AMBIGUOUS BUT SAME IS CONSISTENT WITH THOSE MADE FOR OTHER POSITIONS THIS BALLOT IS INCLUDED IN THE TOTAL NUMBER OF ACTUAL VOTERS IN EDCVL 423 AND TALLY WITH THE PHYSICAL COUNT IN REVISION REPORT AND PA	1	1	
50	SAN FRANCISCO	RV/R1	VALID BALLOT/ VALID VOTE	ADMITTED	OVAL FOR MARCOS, BONGBONG IS CLEARLY SHADED. BALLOT FOUND W/ ACCIDENTAL INK SMUDGE AT THE LOWER PORTION. CLAIM IS ADMITTED BECAUSE BALLOT IS INCLUDED TO THE TOTAL NUMBER OF ACTUAL VOTERS. AS PER MOV: ACTUAL VOTER: 471. REJECTED BALLOTS 3, AS PER ER: BALLOTS COUNTED: 468, AS PER REVISION /PA: PHYSICAL COUNT: 468+3 REJECTED BALLOT = 471 AS PER EDCVL: 471 VOTERS WITH SIGNATURE	1	1	
Total						7	7	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Findings	No. of ballots	Votes added	Remarks
2	POBLACION I	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	As per list of voters. The total no. of voters who actually voted is 651. Therefore the VCM-rejected ballot is admitted. RVR barcode no. 4690002-509-5252-01-0	1	1
5	POBLACION III	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	Oval for Leni Robredo is clearly shaded. Ballot found with staple marks at the upper portion and with markings "rejected" with BEI signatures at the back of the ballot. However claim is admitted because the ballot is included to the total no. of actual voters. As per MOV: actual voters: 510; rejected ballots 4 as per ER: ballot counted; 506 As per revision report/PA; physical count: 506 + 4 rejected ballot = 510 As per EDCVL: 510 voters with signature or thumbmark (including 3 BEI) No infirmity on ballot and oval for claimant is clearly shaded. VCM rejected was valid according to the data appears in EDCVL 486 versus ER 485 so the VCM rejected ballot was not given a replacement.	1	1
25	CANAWAY	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED		1	1
Total						3	3

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Findings	No. of ballots	Votes added	Remarks
13	BALUGO	RVR1-RVR3	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. The claim for the VCM-rejected ballots with barcode no. 46200013-292-2738-01-0 (RVR1) 46200013-596-1564-01-0 (RVR2) and 46200013-64-1179-01-0 (RVR3) with clear shadings and Robredo were admitted because ballot and vote do not suffer any infirmity. Data as per MOV = 551. ER = 649, physical count = 551 , EDCVL = 551 (INCLUDING 1 BEI)	3	3
21	CANGMATING	RVR1	VALID BALLOT/VA LID VOTE	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. This ballot is included in the total no. of actual voters in EDCVL-636 tallied with physical count	1	1
Total						4	4

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Ruling	Findings	No. of ballots	Votes added	Remarks
45	POLO	RVR1	VALID BALLOT/VA LID VOTE	Admitted	Barcode of ballot is 46210045-506-2825-01-0 THIS IS NOT in the list of decrypted ballot image and its a VCM- rejected, Ballot is added because the total no of actual voters in EDCVL is the same with the total no. of actual ballots in physical count. EDCVL actual voters = 540. physical count ballots = 540.	1	1	
55	SAN JOSE	RVR1	VALID BALLOT/VA LID VOTE	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. As per ER, the no. of vote casted is 567. This coincides with the physical count of ballots in which is 567 plus 1 VCM rejected ballot and with the EDCVL data which has 568 actual voters. Thus the claim for this VCM rejected ballot is admitted because the voter was not given a replacement ballot.	1	1	
65	STA. CRUZ VIEJO	RVR1-RVR2	VALID BALLOT/VA LID VOTE	Admitted	No infirmity on ballot and oval for claimant is clearly shaded. (2) VCM rejected ballots with barcodes RVR1-46210065-74-1020-01-0 and RVR2-46210065-156-1036-01-0 are admitted based on the actual voters on MOV and EDCVL data follows: MOV (actually voted) -.453, ER (actually voted) 451, RR (total ballots) 455, EDCVL (total who actually voted) 456 (include 3 BEI).	2	2	
Total						4	4	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. Of Ballots	Votes Added	Remarks
5	BAGO	RVRI	BALLOT/VALI	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. RVRI - The ballot with barcode no. 46220005-578-3394-01-0 is not included in the list of decrypted ballot images as per EDCVL, there were 539 Actual voters including 3 BEI members, while in the MOV there were 539 Actual voters and in the ER only 536 ACTUAL VOTERS THE ACTUAL PHYSICAL COUNT OF APPEARS THAT THE VOTER WAS NOT GIVEN A REPLACEMENT.	1	1	
6	BAGO	RVRI	BALLOT/VALI	ADMITTED	No infirmity on ballot and oval for claimant is clearly shaded. Voters were not given a replacement ballot as confirmed through the total numbers of voters who voted and signed from the list of voters (377) compared to Election Returns (374) and the ballots used during the elections (374 + 3 VCM- rejected ballot is admitted.	1	1	
9	CAMBAYE	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. VCMREJ BALLOT IS A VALIDBALLOT ACCORDING TO THE DATA ON EDCVL527 VERSUS ER525. THE PHYSICAL COUNT OF THE BALLOTS IS 527. HENCE, THE VCMREJ BALLOT WAS NOT GIVEN A REPLACEMENT	1	1	
15	LAG-IT	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. THE REJECTED BALLOT WILL BE ADMITTED BECAUSE THE NUMBER OF EDCVL WAS 346 AND MUCH HIGHER TO THE NUMBER OF ACTUALLY VOTED ON ELECTION RETURN WICH IS 344	1	1	

20	MATAUTA	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. VOTERS WERE NOT GIVEN A REPLACEMENT BALLOT SAS CONFIRMED THROUGH THE TOTAL NUMBER OF VOTERS WHO VOTED AND SIGNED FROM THE LIST OF VOTERS COMPARED TO THE BALLOTS USE INCLUDING THE BEI BALLOT DURING ELECTION AS PER MOV: 398 AS PER LIST OF VOTERS WITH SIGNATURE : 398 AS PER REVISION REPORT / PA/ PHYSICAL COUNT: 397 + 1 VCM REJECTED = 398 THEREFORE, THE VCM REJECTED BALOT IS ADMITTED THE BARCODE OF THE BALLOT IS 46220020-238-1839-	1	1		
31	PINOCAWAN	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED.	1	1		
39	TANLAD	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. THE BALLOT IS INCLUDED IN THE TOTAL NUMBER OF ACTUAL VOTERS IN EDCVL 451. PHYSICAL COUNT IS 450 AND ELECTION RETURN IS	1	1		
TOTAL						448	7	7	

20	MATAUTA	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. VOTERS WERE NOT GIVEN A REPLACEMENT BALLOT SAS CONFIRMED THROUGH THE TOTAL NUMBER OF VOTERS WHO VOTED AND SIGNED FROM THE LIST OF VOTERS COMPARED TO THE BALLOTS USE INCLUDING THE BEI BALLOT DURING ELECTION AS PER MOV: 398 AS PER LIST OF VOTERS WITH SIGNATURE : 398 AS PER REVISION REPORT / PA/ PHYSICAL COUNT: 397 + 1 VCM REJECTED = 398 THEREFORE, THE VCM REJECTED BALOT IS ADMITTED THE BARCODE OF THE BALLOT IS 46220020-238-1839-	1	1	
31	PINOCAWAN	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED.	1	1	
39	TANLAD	RVRI	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. THE BALLOT IS INCLUDED IN THE TOTAL NUMBER OF ACTUAL VOTERS IN EDCVL 451. PHYSICAL COUNT IS 450 AND ELECTION RETURN IS	1	1	
TOTAL						7	7	

ANNEX "A-93"

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	Findings	No. Of Ballots	Votes Added	Remarks
6	BALABAG EAST	RVR1	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. EDCVL WAS REQUESTED TO VALIDATE THE NO OF VOTERS FOR THE CLUSTER PRECINCT #6. UPON CHECKING NO OF VOTERS IS MORE THAN TO THE NO PF PHYSICAL BALLOTS AFTER EVALUATION WEDECIDED TO ADMIT THE VCM REJECTED CLAIMED BY PROTESTEE, EDCVL 561, ER 557 DO - 557 + VCM = 559	1	1	
17	BONG-AO	RVR1	BALLOT/VALI	ADMITTED	THERE IS A CLEAR SHADE ON THE OVAL FOR LENI ROBRERO. THE BARCODE OF THE BALLOT IS 46230017-525-4352-01-0. THIS IS NOT IN THE BALLOT LIST AND WAS CONSIDERED AS REJECTED. HOWEVER, THE CLAIM WAS ADMITTED BECAUSE IT WAS INCLUDED TO THE TOTAL NUMBER OF ACTUAL VOTERS. AS PER MOV: ACTUAL VOTERS - 487 AS PER ER BALLOTS COUNTED - 485 AS PER PA/REVISION PHYSICAL COUNT : 485 REJECTED : 1 = 486 AS PER BALLOT LIST : 485 AS PER LIST OF VOTERS WITH SIGNATURE : 486	1	1	
32	MALAUNAY	RVR1	BALLOT/VALI	ADMITTED	NO INFIRMITY ON BALLOT AND OVAL FOR CLAIMANT IS CLEARLY SHADED. VOTERS WERE NOT GIVEN A REPLACEMENT BALLOT SAS CONFIRMED THROUGH THE TOTAL NUMBER OF VOTERS WHO VOTED AND SIGNED FROM THE LIST OF VOTERS COMPARED TO THE BALLOTS USED. THEREFORE, THE VCM REJECTED IS ADMITTED. THE BARCODE OF THE BALLOT IS 46230032-63-176-01-0 AS PER MOV: 651 AS PER ER: 649 AS PER LIST OF VOTERS: 651 AS PER REVISION/PA PHYSICAL	1	1	
TOTAL						3	3	

CP No.	BARANGAY	EXH. No.	Grounds for Claims	Rulings on Claims	FINDING	NO. OF BALLOTS	VOTES ADDED	Remarks
0	0	0	0		0	0	0	0



Republic of the Philippines
House of Representatives
Electoral Tribunal Building
Commonwealth Avenue, Quezon City

NOTICE

resdames:

Please take notice that in HRET Case No. 13-023 (EP),
L. Daza vs. Harlin C. Abayon (First District, Northern Samar), the
al issued Resolution No. 15-052 dated September 24, 2015, which
s follows:

On September 3, 2015, Protestants Urgent Manifestation and Omnibus
Motion (RE: August 3, 2015 Resolution No. 15-033): 1. To Uphold The Validity
and Legitimacy of Protestants' Separate, Distinct and Independent Cause of Action,
for the Annulment of Election Results In Certain Identified Precincts On the
Ground Of Terrorism; 2. To Reiterate His Repeated Requests For the Resumption
Of Hearing On The Said Cause of Action, Giving Protestee 20 Days For His
Evidence Abundant, If Any; and 3. To Withdraw His Other Separate, Distinct and
Independent Cause of Action For The Re-count, Revision and Re-Appreciation Of
The Ballots In Certain Identified Precincts On The Ground Of The Inherent
Weakness and Inadequacy Of The PCOS Machines) of even date was filed with
the Tribunal, alleging, among others, the following:

1. In Resolution No. 15-033 dated August 3, 2015, the Tribunal,
invoking Rule 37 of the 2011 Rules of the House of
Representatives Electoral Tribunal (HRET), stated:

"Considering that revision, appreciation and reception
of evidence in all the protested clustered precincts had been
completed in the instant case, with more reason that the
determination of the merit or legitimacy is due. Should
there be no reasonable recovery, the Tribunal may dismiss
the protest without further proceedings. Otherwise, it
would proceed with the remaining contested precincts. It is
at this stage that revision and appreciation of ballots and
reception of evidence for protestee's defenses against
counterclaim and counter-protest could be conducted."

2. The dismissal of a protest under Rule 37-contempted, RE-APPRECIATED THE COPY
situation where the protest alleges and prays for the recount
and revision of ballots so that dismissal follows if no substantial
recovery is made. A dismissal of the entire protest under this
rule does not apply where a separate and distinct cause of

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2015-15-033

ANNEX "B"

action for the annulment of election results in certain identified precincts on the ground of terrorism is pleaded both in the body and relief of the protest- as in the present case. The protest can and must proceed independently of the result from the recount, revision and re-appreciation of ballots;

3. The Tribunal has long recognized that protestant's cause of action to annul the election results in the clustered precincts enumerated in the election protest is distinct, separate and independent from his other distinct cause of action which involves a recount and revision of the ballots cast in the clustered precincts also enumerated in the election protest; and

4. Considering that the present term of office of congressmen is fast drawing to an end on June 30, 2016, which is just less than ten (10) months away, protestant hereby withdraws his distinct, separate and independent cause of action for the recount, revision and re-appreciation of the ballots in the clustered precincts identified in the election protest, but he will proceed and continue with his other distinct, separate and independent cause of action for the annulment of election results in the other clustered precincts also identified in the election protest. That the Tribunal may authorize and adopt such course of action is indisputable because it had itself ruled in Resolution No. 15-013 dated February 23, 2015:

"As regards the alleged absence of jurisdiction of the Tribunal over a prayer for nullification of the results of elections xxx, the Tribunal reiterates its ruling in Resolution No. 14-055 dated February 27, 2014:

"xxx[A]fter the election and proclamation of the winning candidate, his or her right to office may only be questioned on the ground of vote-buying, terrorism, over-spending, or commission of prohibited acts defined in the election laws, through an election protest, which falls within the exclusive jurisdiction of this Tribunal under Section 17, Article VI of the 1987 Constitution."

In addition, the Order dated June 26, 2014 reads:

"xxx[T]he annulment of elections/failure of election results which falls under the jurisdiction of the COMELEC is therefore, separate and distinct from the annulment of elections which the Tribunal has the authority to declare whenever substantiated by clear and convincing evidence in electoral protests pending before it."

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BY DANIE B. BARBERA
JAN 05 - 15 2019

Protestant thus prays that the Tribunal uphold the validity and adequacy of his separate, distinct and independent cause of action for annulment of election results of the clustered precincts in the municipalities of Catarman, Lavezares and Victoria, Northern Samar, and affirm the withdrawal by protestant of his other separate, distinct and independent cause of action for the recount, revision and re-appreciation of the ballots on the ground of the inherent weakness and inadequacy of the Precinct Count Optical Scan machines in the clustered precincts of the Municipalities of Biri, Capul and San Isidro, Northern Samar, identified in his election protest.

On September 7, 2015, the Tribunal issued Resolution No. 15-046 which NOTED Protestant's Urgent Manifestation and Omnibus Motion (RE: August 3, 2015 Resolution No. 15-033) dated September 3, 2015, filed on even date, and REQUIRED protestee to comment thereon within a non-extendible period of ten (10) days from receipt.

On September 21, 2015, Protestant's Ex-Parte Manifestation (Re: protestee's Presentation of Evidence *Alimide*) of even date was filed, averring:

1. In the last *en banc* hearing of the Tribunal on September 7, 2015, the action on Protestant's Urgent Manifestation and Omnibus Motion (Re: August 3, 2015 Resolution No. 15-033) dated September 3, 2015 was deferred pending comment of the protestee within a non-extendible ten (10)-day period from receipt and since the resolution thereon was served upon the protestee on September 14, 2015, he has until September 24, 2015 to comply, which incidentally coincides with the next *en banc* hearing;

2. It is likely that protestee, as he has done in all pleadings previously filed, would submit his comment on the last day, that is, September 24, 2015 and worse, in the late afternoon of said date, after the next September 24, 2015 *en banc* hearing is over, thereby putting over the matter to the following *en banc* hearing, causing further delay in the case;

3. One of the three (3) reliefs in the said protestant's Manifestation and Omnibus Motion is to set the twenty (20)-day period for the presentation of protestee's evidence *abundante*, if any, to refute the protestant's already presented and admitted evidence. Such an issue of annulment, which is non-controversial because protestee himself invokes it, as shown in his own pleadings; and

HOUSE OF REPRESENTATIVES
ELECTORAL TRIBUNAL
ISJRM SERVICE
NOV 15 2015
PROTESTANT'S EX-PARTE MANIFESTATION

put pursuant to Rule 36 of the 2011 HRRT Rules of Procedure in relation with the HRRT Guidelines on the Revision of Ballots;

5. The revision/judicial recounting of ballots and its re-appreciation are indispensable in an election protest. This is precisely why under Rule 37 of the 2011 HRRT Rules of Procedure, the legitimacy of the election protest shall be determined by the initial revision of the protestant's pilot protested precincts;

6. Protestant's prayer to limit the issue to annulment of elections on the ground of terrorism, and to limit the presentation of evidence to that *alimide* to the ballots, is an affront to the primacy given to the ballots in an election protest to serve as the best and most conclusive evidence of the voter's will;

7. As for the limitation of the issue in this case to annulment of election results in certain identified protested precincts on the ground of terrorism, this theory of the protestant has no legal basis. It is even grossly non-procedural, especially at this point of the proceedings given that the recount and revision of the protested ballots were already terminated. The Tribunal cannot assent to the whims and caprices of the protestant. He should not be allowed to belatedly change the theory of his election protest as this would violate the constitutional rights of the protestant to be informed of the nature of the accusations against him and to due process. While the instant case is not a criminal proceeding, herein protestant is similarly entitled to be informed and notified, at the inception of the proceedings, as to the kind of election contest that was filed against him;

8. It must further be stressed that protestant's prayer to annul the election results on the ground of terrorism is akin to a prayer for declaration of a failure of election, which is not within the jurisdiction of the Tribunal. As affirmed by the Supreme Court in the case of *Militan v. Commission on Elections and Ampatuan*, G.R. No. 171248, April 2, 2007, a prayer to annul election results and a prayer to declare failure of elections based on allegations of fraud, terrorism, violence or analogous causes are actually of the same nature and are denominated similarly in the Omnibus Election Code. In addition, under Section 4 of Republic Act No. 7166, it is actually the Commission on Elections *En Banc* which has exclusive jurisdiction to declare a failure of elections/annulment of election results on the ground of terrorism;

NOV 15 2019
BY: DANIEL A. SARRERA
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LEGISLATIVE TRIUNAL
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9. Even on the assumption that the Tribunal has jurisdiction to take cognizance of annulment of election results on the ground of terrorism, it has to think twice before exercising such power as this will only result to a dangerous political dilemma;

10. The nullification of the election results in the pinpointed precincts of the protestant shall also give rise to the nullification of the election results in the other elective positions in the First District of Northern Samar, an endeavor which is unarguably beyond the ambit and jurisdiction of the Tribunal;

11. It is questionable how the Tribunal can determine and segregate which among the contested ballots deserve to be nullified on the ground of terrorism. It cannot simply assume which among the contested ballots will be invalidated on the ground of terrorism as this would result to disenfranchisement, proscribed under the prevailing election laws. It would be the height of injustice if the election results in certain precincts in the First District of Northern Samar will be nullified by the Tribunal on the basis of the speculative, self-serving and unsubstantiated accusation of the protestant on the alleged presence of massive terrorism during the last elections; and

12. Protestant has already abandoned his election protest when he moved for the withdrawal of the issue on recount, revision and re-appreciation of certain contested ballots. Said act is also an implied admission on the part of the protestee that he had miserably failed to establish the merit and legitimacy of his election protest based on the results of the recount/revision of ballots.

Consequently, protestee prays for the dismissal of the election protest filed against him and for the Tribunal to duly note the foregoing *Comment/Objection*.

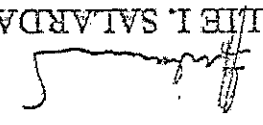
With respect to the jurisdiction of the Tribunal to annul the results of the elections in the event that allegations of terrorism or other election irregularities by a party to an election protest pending before the Tribunal has been established, it ruled in Resolution No. 14-055 issued on February 27, 2014, that after the election and proclamation of the winning candidate, his or her right to office may only be questioned on the ground of vote-buying, terrorism, over-spending, or commission of prohibited acts defined in the election laws, through an election protest.

HOUSE OF REPRESENTATIVES
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DATE

Case No. 13-023 (EP)
Hon. Martin C. Abayon
Hon. Northern Samar
No. 15-052

which falls within the exclusive jurisdiction of this Tribunal under Section 4, Article VI of the 1987 Philippine Constitution. In the Order issued on June 26, 2014, confirmed by Resolution No. 14-137 dated July 31, 2014, the Tribunal likewise ruled that the annulment of elections/failure of elections which falls under the jurisdiction of the Comelec is separate and distinct from the annulment of elections which the Tribunal has the authority to declare whenever substantiated by clear and convincing evidence in electoral protests pending before it.

WHEREFORE, the Tribunal NOTES Protestants' Ex-Parte Manifestation (Re: Protestants' Presentation of Evidence Abundant) dated September 11, 2015 and protestees' Strong Comment/Opposition (To Protestants' Urgent Manifestation and Omnibus Motion Dated September 3, 2015) With Motion To Dismiss The Instant Election Protest dated September 22, 2015; GRANTS the withdrawal by protestant of his cause of action for the recount, revision and re-appreciation of the ballots in the clustered precincts of the Municipalities of Biri, Capul and San Isidro, Northern Samar, identified in his election protest; DENIES protestees' motion to dismiss the instant election protest; DIRECTS the Hearing Commissioner to continue the reception of evidence in this case to enable the protestee to present his defenses on the issue of terrorism raised by the protestant in his protest; and HOLDS IN ABEYANCE proceedings relative to the annulment-protested precincts.


GIRALDE I. SALARDA
Secretary of the Tribunal

Engr. SARDILLO AGUILAR
JUVIA LAW OFFICES
2. Japan Place, F. Ortigas Avenue
Center, Pasig City
ARCELA LAW OFFICE
at Pasig
Floor, LAIKO Building, Cabildo St.
Pasig, Manila

HOUSE OF REPRESENTATIVES
ELECTORAL TRIBUNAL
ISURM SERVICE
CERTIFIED TRUE COPY
BY: DANIELA BARBERO
JANUARY 15 2019

Unit 802, Talpan Place, F. Ortigas Ave.,
Ortigas Center, Pasig City

ATTY. NAPOLEON UY GALIT
AND ASSOCIATES LAW OFFICES

4th Floor, Room 401, Tempus Place Condo,
No. 21 Matalino Street, Diliman, Quezon City

By:

IBP LICENSE NUMBER NO. 00570-05-09-95 Pasig City
PTR NO. 3337/10/February 20, 2015/Brangonan Rizal
MCLE Compliance No. IV-0023806 / July 28, 2014/Pasig City
E 435-10-03

being furnished with and notices to:

02250	Post Office	Letter Package No. 03 2015	Posted on	20	Preserve this receipt for reference in case of inquiry
COURT OF APPEALS PHILIPPINES					
Postmaster/Teller					

E. GARCIA LAW OFFICE

counsel for Protestee
4th Floor, LAIKO Building,
Mundo Street, Intramuros,
Manila 1002

THE SECRETARY OF THE TRIBUNAL

Manila-Quezon City

MEETINGS:

Please forward this URGENT MANIFESTATION AND OMNIBUS
PETITION to the Honorable Chairman/Tribunal for its appropriate
action immediately upon receipt hereof.

EXPLANATION

(Sec 11, Rule 13, 1997 Civil Procedure)

BY: DANIELA BARRERA
NOV 15 2019

HOUSE OF REPRESENTATIVES
ELECTIONS SERVICE
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In view of the lack of messengerial staff to effect a personal
service, a copy of this foregoing URGENT MANIFESTATION AND

HOUSE OF REPRESENTATIVES
ELECTORAL TRIBUNAL
ISSUE SERVICE
CERTIFIED TRUE COPY
BY: DANTE L. BARRERA
DATE: NOV 15 2013

NAPOLEON VY GALIT

MAJUS MOTION was sent by registered mail to the G.E. Garcia
Office at its indicated address and on the date indicated in
herein attached registry receipt.

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REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL
Electoral Tribunal Building
Commonwealth Avenue, Quezon City

RAUL A. DAZA,
Protestant,

- versus -

HARLIN C. ABAYON,
Protestee,
-----X

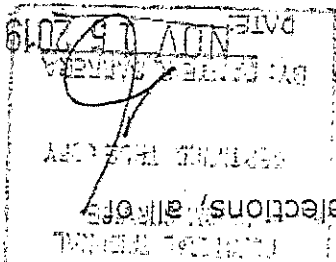
ELECTION PROTEST

PROTESTANT RAUL A. DAZA, by the undersigned counsel,
unto this Honorable Tribunal most respectfully states:

NATURE OF THE ACTION

1. This is an Election Protest for the position of Member,
House of Representatives for the First (1st) Legislative District of the
Province of Northern Samar.

2. Protestant RAUL A. DAZA (hereafter "protestant" for
brevity) assails and impugns the purported election results in the
contested TWENTY FIVE (25) clustered precincts in the
Municipalities of BIRI, CAPUL, CATARMAN, LAVEZARES, SAN
ISIDRO and VICTORIA. The elections in the said municipalities
were as the case maybe, attended by massive fraud, vote buying,
intimidation and employment of illegal and fraudulent devices and
schemes committed before, during and/or after the elections, all of



which benefited protestee Harlin Abayon (hereafter "protestee" for brevity).

THE PARTIES

3. Protestant RAUL A. DAZA is of legal age, married,

Filipino and a resident of University Homes, Barangay Cawayan, Catarman, Northern Samar. He was a candidate for the position of Member, House of Representatives, in the First (1st) Legislative District of Northern Samar and having filed his Certificate of Candidacy, was voted for the said office. Protestant Daza may be served with notices and other processes from this Honorable Tribunal through the undersigned counsel, MAGNO SARDILLO AGUILAR LITONJUA LAW OFFICES at Unit 802, Taipan Place, F. Ortigas Avenue, Ortigas Center, Pasig City. A certified true copy of the Certificate of Candidacy of Raul A. Daza, is hereto attached as Annex "A" and made an integral part hereof.

4. Protestee HARLIN C. ABAYON is of legal age, Filipino and a resident of Barangay Ward III, Poblacion, San Antonio, Northern, Samar. He was also a candidate for the position of Member, House of Representatives for the First (1st) Legislative District of Northern Samar and having filed his Certificate of Candidacy, was voted for the said office. Protestee is the presumptive winner in the recently concluded 13 May 2013 National and Local Elections. He may be served with summons and notices from this Honorable Tribunal at Barangay Ward III, Poblacion, San

Antonio, Northern, Samar and/or Unit 1205, Taipan Place, F. Ortigas Avenue, Ortigas Center, Pasig City. A certified true copy of the Certificate of Candidacy of Harlin C. Abayon is hereto attached as Annex "B" and made an integral part hereof.

JURISDICTIONAL FACTS

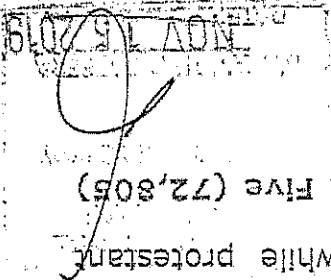
5. Protestant and protestee were duly registered candidates for the position of Member, House of Representatives in the First (1st) Legislative District of Northern Samar and were voted upon during the 13 May 2013 National and Local Elections.

6. On 17 May 2013, protestee was proclaimed as the presumptive winner for the position of Member, House of Representatives in the First (1st) Legislative District of the Province of Northern Samar. A certified true copy of the Certificate of Canvass and Proclamation of Winning Candidates is hereto attached as Annexes "C" and "D", respectively, and made integral parts hereof.

7. Hence, this protest is filed within the reglementary period.

8. Protestee allegedly obtained Seventy Two Thousand

Eight Hundred Fifty Seven (72,857) votes while protestant received Seventy Two Thousand Eight Hundred Five (72,805)



votes. The presumptive margin of protestee is Fifty Two (52)

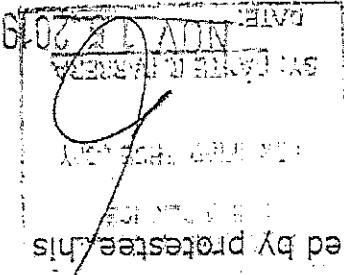
votes. A certified true copy of the Statement of Votes By City/Municipality together with the Statement of Votes by Precinct for Member, House of Representatives, for the First (1st) Legislative District of Northern Samar are hereto attached as Annex "E" to "J-2", respectively and made integral parts hereof.

9. Based on the Statement of Votes By City/Municipality and the City/Municipal Certificate of Canvass in these six (6) municipalities, protestant and protestee received the following total votes:

MUNICIPALITY		VOTES RECEIVED
	Daza	Abayon
BIRI	2,763	2,209
CAPUL	3,870	3,331
CATARMAN	19,233	15,447
LAVEZARES	5,058	8,082
SAN ISIDRO	6,260	4,190
VICTORIA	3,251	4,534

Copies of the Certified True Copies of the City/Municipal Certificate of Canvass are hereto attached as Annexes "K" to "P", respectively and made an integral part hereof.

10. The above results do not reflect the true will of the voters as they were secured through fraudulent and illegal acts, schemes, devices and machinations including, but not limited to fraud, vote buying, terrorism and threats employed by protestee, his cohorts, agents and supporters.



PROTESTED PRECINCTS

11. Protestant is contesting the election results in all the contested Twenty Five (25) clustered precincts in the six (6) municipalities of Lavezares, Catarmán, Victoria, Biri, Capul and San Isidro in the First (1st) Legislative District, Province of Northern Samar, as reflected in the Project of Precincts for the 13 May 2013 National and Local Elections. Certified true copies of the Project of Precincts for the six (6) municipalities in the First (1st) Legislative District of the Province of Northern Samar are hereto attached as Annexes "Q" to "V", respectively and made integral parts hereof.

12. In order to achieve a faithful and accurate determination of the true will of the electorate, this Honorable Tribunal must not only order a manual recount of the ballots, including the rejected ones, but also annul the results of the elections in the eight (8) barangays from the Municipalities of Lavezares, Catarmán and Victoria as shown by the table hereinbelow:

MUNICIPALITY	BARANGAY	INDIVIDUAL PRECINCT NUMBER	CLUSTERED PRECINCT NUMBER
LAVEZARES	Datag	0027A, 0027B	10
	Salvacion	0049A, 0050A	19
	Toog	0061A, 0061B, 0062A	25
	Chansvilla	0026A	9
	Mabini	0154A, 0154B, 0155A, 0155B, 0156A, 0156B	55
CATARMAN			

VICTORIA	Buenasuerte	0016A, 0016B, 0017A	6
	Luisita	0035A, 0036A	13
	Lungib	0037A, 0037B, 0038A	14

13. As will be discussed hereunder, protestant would have won decisively by a large margin had he not fell victim to the inherent weakness or inadequacy of the Precinct Count Optical Scan (PCOS) machines in the contested sixteen (16) barangays in the Municipalities of Biri, Capul and San Isidro, as shown by the table hereinbelow:

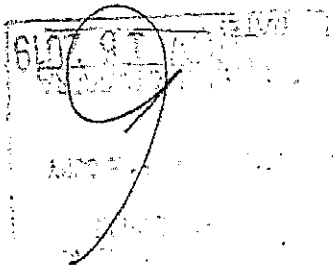
MUNICIPALITY	BARANGAY	INDIVIDUAL PRECINCT NUMBER	CLUSTERED PRECINCT NUMBER
BIRI	Poblacion (Biri)	0001A, 0001B, 0002A, 0002B	1
	Poblacion (Biri)	0003A, 0005A, 0005C	2
	Poblacion (Biri)	0004A, 0004B, 0006A, 0006B	3
	Macarthur	0009A, 0009B	4
	Kauswagan (Basud)	0007A, 0008A, 0008B	5
	Pio Del Pilar	0010A, 0010B	6
	Pio Del Pilar	0011A, 0011B	7
	Progreso	0012A, 0012B, 0013A	8
	San Antonio	0014A, 0014B, 0014C	9
	San Antonio	0015A, 0016A, 0017A	10
	San Pedro	0018A, 0019A, 0019B	11
	San Pedro	0020A	12
	Santo Niño	0021A, 0021B, 0022A	13
	Santo Niño	0023A, 0023B, 0024A	14
	Poblacion	0011A, 0012A,	5
	CAPUL		

SAN ISIDRO		Balite	
	Poblacion	0013A, 0014A, 0015A	
	Barangay 5	0016A, 0016B, 0017A, 0018A, 0019A	6
		0017A, 0017B, 0018A, 0018B, 0019A, 0019B	17

INHERENT WEAKNESS
AND INADEQUACY OF THE
PCOS MACHINES.

14. In Clustered Precinct No. 7 in Barangay Balite, Municipality of San Isidro, protestant received a minimum of Three Hundred Seventy Two (372) votes while protestee allegedly received One Hundred Ninety Eight (198) votes for a total of Five Hundred Seventy (570) votes from Six Hundred Eighty Four (684) valid ballots counted by the PCOS machine.

14.1. Thus, there were One Hundred Fourteen (114) votes for Representative cast by voters which were not counted by the PCOS machine in the said clustered precinct. Had these votes been counted, protestant would have obtained more votes and emerged as the winning candidate for Member, House of Representatives in the First (1st) District of Northern Samar. A copy of the Election Returns for the said clustered precinct is hereto attached as Annex "W" and made an integral part hereof.



15. Further, in Clustered Precinct Nos. 5 and 6 in Poblacion Barangay 5, Municipality of Capul, at least Two Hundred (200) valid ballots were rejected by the PCOS machine and/or were not accurately read, and these contained votes for protestant. Had this not occurred, protestant would have gained more votes and emerged as the winning candidate for Member, House of Representatives, in the First (1st) Legislative District of Northern Samar. This, considering the very slim presumptive overall margin of only Fifty Two (52) votes enjoyed by protestee.

16. Finally, in the entire Municipality of Biri, at least Seven Hundred Thirty Eight (738) valid ballots were rejected by the PCOS machine and/or were not accurately read, and these contained votes for protestant. Had these anomalies not occurred, protestant would have gained more votes and emerged as the winning candidate for Member, House of Representatives in the First (1st) Legislative District of Northern Samar. This, considering the very slim presumptive overall margin of only Fifty Two (52) votes enjoyed by protestee.

16.1. The Statement of Votes by Municipality and by Precinct of Biri shows that protestant received a minimum of Two Thousand Seven Hundred Sixty Three (2,673) votes while protestee received Two Thousand Two Hundred Nine (2,209) votes.

16.2. However, out of the Six Thousand Six Hundred
Ninety Four (6,694) registered voters, a total of
Five Thousand Seven Hundred Ten (5,710) voters
actually cast their votes.

16.3. Noteworthy is that only a total Four Thousand
Nine Hundred Seventy Two (4,972) votes were
received by both protestant and protestee combined so
that Seven Hundred Thirty Eight (738) ballots/votes
were not counted, of which a significant number were
votes for protestant considering that Biri was one of his
strong balliwicks. These votes would have been enough
to make protestant the winner of the last elections.
This, considering the very slim overall margin of only
Fifty Two (52) votes enjoyed by protestee.

16.4. Due to the inherent weakness or inadequacy of
the PCOS, legitimate votes for protestant were not read
by the PCOS machines and became stray. The PCOS
machines were simply not designed or equipped to read
votes for protestant in cases of inadvertent double
shading, insufficient shading or shading outside the oval
for protestant.

17. Thus, in the above-mentioned clustered precincts of San
Isidro, Capul and Biri, protestant was unduly prejudiced and
protestee unduly benefitted.

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TERRORISM BY NEW
 PEOPLE'S ARMY (NPA)
 ARMED PARTISANS.

18. The elections are an expression of the free will of the sovereign people in choosing whom they want to govern and represent them. However, in the recently concluded elections in the First (1st) Legislative District of Northern Samar, this constitutionally guaranteed right of the people was unduly denied them.

19. Prior to the 13 May 2013 National and Local Elections in the First (1st) Legislative District of Northern Samar, the National Democratic Front (NDF), whose armed wing is the New People's Army (NPA) had already shown its animosity and hostility towards protestant, setting the stage for the NPA armed partisans to employ threats, intimidation and terrorism in the contested precincts of Cataman, Lavezares and Victoria.

20. As early as November 2012, the National Democratic Front-Eastern Visayas (NDF-EV) posted a statement in their website (<http://www.ndfp.net/joom15/index.php>) declaring protestant and his son, Governor Paul Daza as "enemies of the people of Northern Samar". A printed copy of the NDF-EV Statement is hereto attached as Annex "X" and made an integral part hereof.

20.1. In their statement, the NDF-EV falsely accused protestant for alleged "*reign of greed and terror*" in the Province of Northern Samar.

20.2. In the contested and other barangays of the First (1st) Legislative District of Northern Samar, the NDF and its collaborators distributed copies of a comic magazine entitled "Si Juan Sumuroy", which unjustly and baselessly vilified protestant and his son, Governor Paul Daza. The narrator in the comics magazine was the well-known NPA Commander - Jierix, a publicly known and ardent supporter of protestee. A copy of the comics magazine is hereto attached as Annex "Y" and made an integral part hereof.

21. The active and systematic terrorism, intimidation and threats by the NPA armed partisans included, among others: the holding by them of pulong-pulong in the protested and other barangays in the last week of April 2013, where they exhorted the voters into voting against protestant and his son, Governor Paul Daza, threatening them with physical harm if they did not follow the former's biddings; and during the first week of May 2013, the NPA armed partisans visited the homes of known Liberal Party leaders and supporters, again threatening them with physical harm if they voted for protestant and his son, Governor Paul Daza.

22. The results of the elections in these barangays show that these members of the NPA armed partisan were successful in their above-described terroristic acts:

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24. Thus, the results of the election for Member, House of Representatives, in the protested clustered precincts in Catarmán, Lavezares and Victoria should be annulled as they were irretrievably tainted by fear of bodily harm from the terrorist threats and intimidation by the NPA armed partisans, which effectively stultified and frustrated the free will of at least a majority, if not almost all of the voters, in the contested clustered

23. Protestant heavily lost in those contested clustered precincts, which were traditionally his bailiwicks. Had not the NPA armed partisans, terrorized, threatened and intimidated the voters there with physical harm, protestant would have readily won the recently concluded elections.

MUNICIPALITY OF CATARMAN			
Barangay	Precinct Number	DAZA	ABAYON
Mabini	0154A, 0154B, 0155A, 0155B, 0156A, 0156B	172	283
MUNICIPALITY OF LAVEZARES			
Barangay	Precinct Number	DAZA	ABAYON
Toog	0061A, 0061B, 0062A	85	188
Salvacion	0049A, 0050A	53	224
Datag	0027A, 0027B	46	143
Chansvilla	0026A	14	108
MUNICIPALITY OF VICTORIA			
Barangay	Precinct Number	DAZA	ABAYON
Buenasuerte	0016A, 0016B, 0017A	101	209
Luisita	0035A, 0036A	87	184
Lungib	0037A, 0037B, 0038A	169	181

precincts. The purported results of the elections in these barangays do not reflect the true will of the electorate.

**COMMON ALLEGATIONS
AND CONSIDERATIONS**

25. These electoral malpractices, anomalies and irregularities unjustly injured to the prejudice of protestant and unduly benefited protestee as protestant was unlawfully deprived of hundreds, if not thousands, of votes in his favor.

26. Hence, protestant should be credited with more votes than what was counted and canvassed in his favor while protestee deducted with equivalent votes from those counted and canvassed in his favor. Revision, recount and appreciation of all ballots, including the ballots rejected by the PCOS machines and the votes for Representative not counted by the machine are indispensable to ascertain the true and legitimate votes of protestant and protestee.

27. Further, for the same reasons and considerations described above, protestee's proclamation by the Provincial Board of Canvassers of Northern Samar was illegal and void ab initio.

28. Moreover, for the same reasons and considerations above described, protestant was the clear winner and protestee the inevitable loser in the election for Representative of the First (1st) Legislative District of Northern Samar in the 13 May 2013 National and Local Elections.

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29. In the meantime, to preserve and protect the sanctity of the ballots and other election documents in the contested clustered precincts it is absolutely essential, that this Honorable Tribunal issue an Order directing the Provincial Election Supervisor and Provincial Treasurer of the Province of Northern Samar to take the necessary precautionary measures to protect the integrity of the ballot boxes and other election documents and paraphernalia, including the Election Day Computerized Voter's List (EDCVL) in the said SIX (6) municipalities of Biri, Catarman, Capul, Lavezares, San Isidro and Victoria involved in the instant protest; and thereafter, another order directing the **TRANSFER AND DELIVERY** of said ballot boxes and other election documents and paraphernalia to the Honorable Tribunal for purposes of the revision/recount of the ballots.

30. Protestant is ready, willing and able to make the necessary deposits as may be required by the Honorable Tribunal for the payment of all expenses incidental to the bringing of the ballot boxes and other election documents and paraphernalia to the Honorable Tribunal.

PRAYER

WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Tribunal that:

1. Upon the filing of this Petition, an Order be issued

DIRECTING the Provincial Election Supervisor and Provincial

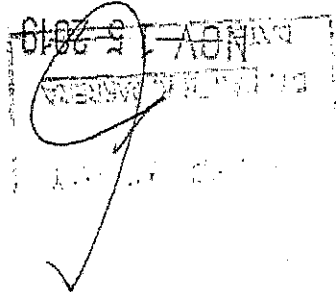
Treasurer of the Province of Northern Samar to take the necessary

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precautionary measures to protect the integrity of the ballot boxes and other election documents and paraphernalia, including the Election Day Computerized Voter's List (EDCVL) in the said SIX (6) municipalities involved in the instant protest;

2. Thereafter, another Order be issued DIRECTING the immediate TRANSFER AND DELIVERY of all ballot boxes from the Twenty Five (25) clustered precincts of the six (6) Municipalities of Biri, Catarmán, Capul, Lavezares, San Isidro and Victoria in the First (1st) Legislative District, Province of Northern Samar used in the 13 May 2013 National and Local Elections and their keys, the Books of Voters, Voter's Registration Record and Computerized Voter's List and other election documents, including the main compact flash cards and back up cards used;

3. A REVISION, RECOUNT and RE-APPRECIATION of ballots, including the ballots rejected by the PCOS machines and those votes for Representative not counted by the PCOS machines in the protested precincts in the Municipalities of Biri, Capul and San Isidro be undertaken;

4. The results of the elections in the contested clustered precincts in the Municipalities of Catarmán, Lavezares and Victoria be ANNULLED; and



Copy Furnished:

MARTIN C. ABAYON

Protestee

Barangay Ward III, Poblacion,
San Antonio, Northern Samar

and/or

Unit 1205, Taipan Place,
F. Ortigas Avenue, Ortigas Center,
Pasig City

EXPLANAT

Due to unavailability of messenger, a copy of the herein
"Election Protest" was sent to the above-named party by registered
mail.

MARIA LOURDES D. MAGNO

REPUBLIC OF THE PHILIPPINES
)
Quezon City
X-----X

VERIFICATION

I, RAUL A. DAZA, of legal age, Filipino, with postal address at
University Homes, Barangay Cawayan, Catarman, Northern Samar,
after having been duly sworn in accordance with law, do hereby
depose and state that:

1. I am the protestant in the above-entitled case.
2. I have caused the preparation of foregoing Election
Protest.
3. I have read the same and declare that the contents thereof
are true and correct of my own knowledge and belief, and based on
official and authentic records.
4. I hereby certify under oath that I have not commenced
any other action involving the same issues before this Honorable
Tribunal or any other court, tribunal or quasi-judicial agency, and
that to my knowledge, no such action or proceeding is pending
before this Honorable Tribunal or any other court, tribunal or
agency; and I hereby undertake to notify this Honorable Tribunal
within five (5) days from notice should I thereafter learn that a
similar action or proceeding has been filed or is pending before this
Honorable Tribunal or any other court, tribunal or agency.

REGISTRY RECEIPT

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5. After due hearing and evaluation of evidence:

- a. Protestant RAUL A. DAZA be declared the duly elected Member, House of Representatives in the First (1st) Legislative District of the Province of Northern Samar; and
- b. The proclamation of protestee HARLIN C. ABAYON be ANNULLED.

Protestant Daza prays for such other reliefs as are just and equitable under the premises.

Pasig City for Quezon City. 31 May 2013.

MAGNO SARDILLO AGUILAR LITONJUA
LAW OFFICES

Counsel for Protestant

Raul A. Daza

Unit 802, Taipan Place, F. Ortigas Avenue,
Ortigas Center, Pasig City

02.706.4272/02.706.4273

By



MARIA LOURDES D. MAGNO

Roll No. 50151

PTR No. 8048537/02 January 2013/Pasig City, F. Ortigas Center, Pasig City

MCLE Compliance No. IV-0016089/10 April 2013

IBP No. 08617/16 December 2009

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MARIA BERNADETTE V. SARDILLO

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bvsardillo@msalaw.ph

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7/27/2011

51-17092-1-2

ATTY. CHRISTALYN A. BALLICUD
Notary Public until December 31, 2014
Roll No. 60102
PTR No. 8007164 / 06 March 2013 / Quezon City
IBP No. 876985 / 29 January 2013 / N. Samar
MCLE Compliance No. IV-0020080

Doc. No. 67
Page No. 37
Book No. 17
Series of 2013.

SUBSCRIBED AND SWORN to before me at Quezon City, this 31st day of May 2013, affiant showing his Senior's Citizen ID No. 3435 issued by the Office of Senior's Citizen Affairs on June 11 2012, personally known to me, who is the same person who personally signed before me, the foregoing Verification and acknowledged that he executed the same.

RAUL A. DAZA
Affiant

IN WITNESS WHEREOF, I have hereunto affixed my hand this 31st day of May 2013 in Quezon City.



Republic of the Philippines
House of Representatives Electoral Tribunal
Electoral Tribunal Building
Commissioners' Avenue, Quezon City

RAUL A. DAZA,

Protestant,

- versus -

HRET Case No. 13-023 (BP)
First District, Northern Samar

MARTIN C. ABAYON,

Protestee.

PRELIMINARY CONFERENCE ORDER

At the preliminary conference conducted on May 13, 2014 in the above-captioned case, protestant Raul A. Daza personally appeared together with main counsel, Atty. Maria Bernadette V. Sardiello, and collaborating counsel, Atty. Napoleon Uy Galic, while Atty. George Edwin M. Garcia, armed with Special Power of Attorney (SPA) signed on May 12, 2014, appeared for protestee.

In the course of preliminary conference, the following matters were taken up and agreed upon by the parties and/or their respective counsels:

I. Admitted Facts

1. Both protestant and protestee were the only two (2) duly registered candidates who were voted for the position of Member, House of Representatives in the First Legislative District, Northern Samar.
2. At the time of the May 13, 2013 national and local elections, protestant was the incumbent Member of House of Representatives in the First Legislative District, Northern Samar.
3. There were three hundred thirty-two (332) clustered precincts that functioned in the First Legislative District, Northern Samar during the May 13, 2013 national and local elections.
4. During the elections, protestant received a total of seventy-two thousand eight hundred five (72,805) votes, while protestee got seventy-two thousand eight hundred fifty-seven (72,857) votes.
5. On May 17, 2013, protestee was proclaimed as the winning candidate for Member, House of Representatives in the First Legislative District, Northern Samar, during the May 13, 2013 national and local elections.
6. Based on the Provincial/District Canvass, protestee won by a margin of fifty-two (52) votes.

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ELECTORAL TRIBUNAL
SOMAR, PHILIPPINES
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ANNEX "D"

7. On May 31, 2013, protestant filed the instant election protest within the reglementary period;
8. Based on the Statement of Votes by City/Municipality and the City/Municipal Canvass in the above-mentioned six (6) protested municipalities, protestant and protestee received the following total votes:

Municipality	Votes Obtained	
	Daza	Abayon
Bid	2,763	2,209
Capul	3,870	3,331
Cataman	19,233	15,447
Lavezares	5,058	8,082
San Isidro	6,260	4,190
Victoria	3,251	4,534

9. Notwithstanding his claim that the results of the conduct of the elections for Member, House of Representatives in the First Legislative District, Northern Samar was honest, credible and peaceful, protestee interposed a counter-protest praying that the ballots and related election documents and paraphernalia from all the ballot boxes in the barangays and precincts of the First Legislative District, Northern Samar be subjected to physical recounting/revision, examination and appreciation; and
10. Protestee paid the initial filing fee and cash deposit pursuant to Rules 31 and 32 of the 2011 HRET Rules.

II. Issues for Resolution

1. Whether or not the results of the elections for incumbent Member, House of Representatives in the protested clustered precincts of the municipalities of Lavezares, Cataman and Victoria should be annulled and set aside due to massive terrorism committed therein; and
2. Whether or not after revision, recount and/or re-appreciation of the contested ballots, protestant or protestee will emerge as the duly elected Member of the House of Representatives, First Legislative District of Northern Samar.

III. Evidence of the Parties

During the preliminary conference, counsels for protestant and protestee committed to submit within twenty (20) days thereafter, their respective exhibits, including in the case of the former, the judicial affidavits of witnesses except for those whose testimonies they intend to secure by way of subpoena, and agreed that the presentation of the testimonial evidence of the witnesses shall be simultaneous with the revision proceedings and that they would coordinate the hearing dates which they may even jointly manifest to the

However, on June 2, 2014, protestant filed a *Motion with Urgent Ex-Parte Omnibus Motion* (4) To Set for Hearing and (b) *Additional Time to Submit Judicial Affidavits* of even date, stating that (a) he is submitting his pre-marked documentary evidence, the judicial affidavits of his proposed nine (9) witnesses, and the affidavits of thirteen (13) more whose judicial affidavits he undertook to submit within a period of five (5) days thereafter; (b) he is requesting for leave from the Tribunal to be allowed to present an additional witness, Mr. Arnel Perado, whose judicial affidavit shall be furnished to the protestee prior to the presentation of evidence; and (c) he is likewise requesting for leave to be allowed to present the

A. Protestants' Documentary Evidence

EXHIBIT	DESCRIPTION	PURPOSE/S
"A"	Certificate of Candidacy of Protestant Kaul A. Daza	➤ To prove the fact of the candidacy of protestant during the May 13, 2013 national and local elections for the position of Member of the First Legislative District of Northern Samar.
"B"	Certificate of Candidacy of Protestee Martin Abayon	➤ To prove the fact of the candidacy of protestee during the May 13, 2013 national and local elections for the position of Member of the First Legislative District of Northern Samar.
"C"	Certificate of Canvass of Votes and Proclamation of Winning Candidates for Member of House of Representatives	➤ To prove that on May 17, 2013, protestee was proclaimed, contrary to the true and real results of the elections, as the purported winning candidate for Member of the First Legislative District of Northern Samar during the May 13, 2013 national and local elections; and ➤ To prove that based on the canvass of the election returns, protestee received a total of seventy-two thousand eight hundred fifty-seven votes (72,857).

testimonial evidence of the foregoing witnesses on dates agreed upon by the parties, particularly on June 10, 11, 16, 18, 19, and 20, 2014, at 10:00 A.M.

On same date, protestee submitted his *Folio of Exhibits and Other Evidence with Memorandum of Authorities and Motion (To Give Subpoena Ad Testificandum and Prerogative Term)* dated May 30, 2014.

In the Order dated June 4, 2014, the Tribunal (1) noted protestants' *Manifestation with Urgent Ex-Parte Omnibus Motion (A) To Set for Hearings and (B) Additional Time to Submit Judicial Affidavits* dated June 2, 2014 and protestee's *Folio of Exhibits and Other Evidence with Memorandum of Authorities and Motion (To Give Subpoena Ad Testificandum and Prerogative Term)* dated May 30, 2014, both filed on June 2, 2014; (2) deferred action on protestee's motion to issue subpoenas and *prerogative term* until such time that the Tribunal orders the presentation of his evidence; (3) granted protestants' request for the submission of judicial affidavits to replace the submitted affidavits of his thirteen (13) appointed witnesses; (4) granted protestants' request for the submission of judicial affidavits to replace the submitted affidavits of his thirteen (13) appointed witnesses; (5) days from receipt by the Tribunal of his said *Manifestation and Urgent Ex-Parte Omnibus Motion* on June 2, 2014, and presentation of Mr. Ariel Perido as additional witness, provided that Mr. Perido's judicial affidavit must be submitted on or before the Tribunal and furnished the protestee not later than three (3) days prior to such presentation on any of the dates hereinafter provided; and (4) except the June 10 and 11, 2014 setting, granted protestants' request for the presentation of the testimonial evidence of his witnesses on June 16, 18, 19, and 20, 2014, including two (2) more succeeding dates to be agreed upon by the parties in lieu of the June 10 and 11, 2014 setting.

<p>➤ To prove that protestee received a total of seventy-two thousand eight hundred and fifty votes (72,805) votes.</p>	<p>Provincial/District Certificate of Canvass</p>	<p>"D"</p>
<p>➤ To prove that based on the Provincial/District Certificate of Canvass, protestant received a total of seventy-two thousand and five hundred and eighty votes (72,857) votes; and</p> <p>➤ To prove that protestee received a total of seventy-two thousand eight hundred and fifty votes (72,805) votes.</p>	<p>Statement of Votes By City/Municipality for Member of House of Representatives of the First Legislative District of Northern Samar</p>	<p>"E" - "E-2"</p>
<p>➤ To show the total votes received by protestant and (14) municipalities of the First Legislative District of Northern Samar; and</p> <p>➤ To serve as bases for comparative analysis in the recovery of votes, gains and losses in the clustered precincts.</p>	<p>Statement of Votes By Precinct</p>	<p>"F" - "F-2"; "G" - "G-6"; "H" - "H-3"; "I" - "I-2"; "J" - "J-2"; "K" - "K"; "L" - "L"; "M" - "M"; "N" - "N"; "O" - "O"; and "P"</p>
<p>➤ To show the votes of protestant and protestee in the protected clustered precincts; and</p> <p>➤ To serve as bases for comparative analysis in the recovery of votes, gains and losses in the clustered precincts.</p>	<p>Project of Precincts</p>	<p>"Q" - "V"</p>
<p>➤ To prove the number of established precincts which functioned in the First Legislative District of Northern Samar during the May 13, 2013 national and local elections.</p> <p>HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL FORM SERVICE</p> <p>➤ To prove the minimum number of votes received by protestant in the protected clustered precincts;</p> <p>BY: DANIE R. SARRERA JUNE 15 2019</p>	<p>Election Returns</p>	<p>"W"</p>
<p>➤ To show that the votes recorded in the election returns were unlawfully</p>		

		<p>increased in favor of protestee, while votes for protestant were unlawfully reduced and/or made to appear that protestant received lesser number of votes; and</p> <p>➤ To prove that the votes received by protestant in the protested clustered precincts were not accurately read and counted by the respective PCOS machines.</p>	<p>Printed Copy of the National Democratic Front-Eastern Visayas Statement in their Website Dated November 13, 2012</p>	<p>Copy of the Comic Magazine Entitled, "Ako Si Juan Sumuroy"</p>	<p>"Y"</p>	<p>Revision Reports</p> <p>➤ To prove and confirm the overwhelming votes received by protestant, had protestee, his supporters and cohorts not committed massive electoral frauds and terrorism in the First Legislative District of Northern Samar during the May 13, 2013 national and local elections;</p> <p>➤ To show the objections and claims made by protestant in the course of the revision;</p> <p>➤ To establish ballot-related fraud or irregularities; To confirm protestant's causes of action as contained in his election protest;</p> <p>➤ To prove the fact of</p>
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<p>revision of ballots; and</p> <p>obtained by the parties.</p> <p>To prove the votes</p>	<p>Minutes of Voting</p>	<p>To show material data regarding the elections concerning number of registered voters, number of illiterate voters, number of voters who actually voted, number of used and unused ballots, presence of watchers, objections made during the voting and counting of ballots/votes, among others.</p>	<p>To prove the misreading, miscounting and misappreciation of votes and ballots and other</p> <p>To show the objections and claims of protestant</p> <p>To establish the grounds of the election protest</p> <p>To prove that protestant obtained the plurality of votes over protestee for the position of Member of the House of Representatives and that he should have obtained more votes than what is officially recorded; and</p> <p>To confirm that protestant is the real winner of the May 13, 2013 national and local elections for Member of the House of Representatives, First Legislative District of Northern Samar</p>	<p>Ballots Objected to and Claimed by Protestant as Identified and Listed in the Revision Reports</p>	<p>Audit Log</p> <p>Reports/Printed Ballot Images</p>
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MAY 15 2014
 BARBERA

is the real winner of the May 13, 2013 national and local elections for Member of the House of Representatives, First Legislative District of Northern Samar
 MAY 15 2014
 BARBERA

		<p>election fraud committed by protestee to the disadvantage of protestant</p> <p>➤ To show the inaccuracy and irregularities in the counting and misappreciation in the counting of votes by the PCOS machined ;</p> <p>➤ To establish the grounds of the election protest;</p> <p>➤ To confirm that protestant obtained the plurality of votes over protestee for the position of Member of the House of Representatives and that he should have obtained more votes than what is officially recorded; and</p> <p>➤ To prove that protestant is the real winner in the May 13, 2013 national and local elections for Member of the House of Representatives, First Legislative District of Northern Samar.</p>
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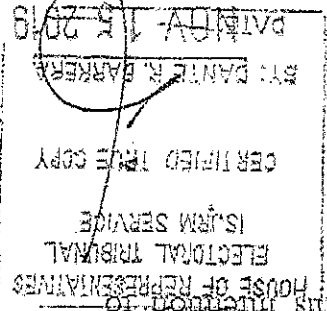
In his preliminary conference brief, protestant reserved the right to secure copies of the audit log reports and printed ballot images should the need therefore arise after the revision of the original ballots.

B. Protestants' Testimonial Evidence

In his preliminary conference brief, protestant manifested his intention to present the following witnesses:

1. PSSupt Isadas B. Tonog;
2. Mr. Beda Bogtong;
3. Mr. Pauland Garcia;
4. Mr. Guillermo Jumanill, Sr.;
5. Mr. Nazareno Maningcay;

Noteworthy is that in his Manifestation with Urgent Ex-Parte Committee Motion dated June 2, 2014, protestant merely submitted the judicial affidavits of nine (9) witnesses, namely Pauland P. Garcia, Damara P. Valera, Sr., Prince Joven B. Coban, Juniel M. Guardia, Renato Balbin, Renato P. Trementillo, Jr., Alejandro Casula, Bienvenido Cagsawa, and Beda M. Bugtong, as well as the affidavits of thirteen (13) witnesses, such as P/Supt. Teas B. Tonog, Mylene Byon Lacana, Rebeca Candia Romero, Shyrrel Byon Lacana, Francisco Glodo, Judas Roy Doren, Roger Tumamabac, Jenson, Jocelyn Garbino de Aris, Arles Goco Vacunawa, Bonifacio Nobles Garbino, Remedios Lobetiano-Pilar, Gil G. Canayra, and Carlos G. Canayra.



- 6. Mr. Damian P. Valera;
- 7. Mr. Prence Joven Oltan;
- 8. Mr. Juniel C. Guardia;
- 9. Ms. Mylene E. Lacana;
- 10. Mr. Felixberto C. Romero;
- 11. Ms. Shyril E. Lacana;
- 12. Mr. Francisco F. Glodo;
- 13. Mr. Judas Roy Doreu;
- 14. Mr. Roger T. Singzon;
- 15. Ms. Jocelyn G. De Asis;
- 16. Mr. Arles G. Vacunaway;
- 17. Mr. Bonifacio N. Garbillo;
- 18. Ms. Remedios L. Pilar;
- 19. Mr. Carlos G. Congayao;
- 20. Mr. Gil G. Congayao;
- 21. Mr. Ernesto Balbin;
- 22. Mr. Fausto Tremeno, Jr.;
- 23. Mr. Al Casullay and
- 24. Mr. Bienvenido Cagsawa

Purpose

- (1) To prove that prior to and during the May 13, 2013 national and local elections, massive electoral frauds, anomalies, terrorism, and threats were employed against the leaders and supporters of protestant; (2) To prove that protestant benefitted from these massive electoral frauds, anomalies, terrorism, and threats;
- (3) To prove that had these massive electoral frauds, anomalies, terrorism, and threats not been committed, protestant would have emerged as the winning candidate;
- (4) To prove that the results of the elections for Member of the House of Representatives in these barangays do not reflect the true will of the electorate; and
- (5) To prove that the results of the elections in these barangays should be annulled and set aside.

C. Protester's Documentary Evidence

EXHIBIT NO.	DESCRIPTION	PURPOSE/S
"1" (attached as Annex "1" in the Vethed Answer)	Certificate of Candidate of Protestee Harlin "Boy" Abayon for the position of Representative of the First Legislative District of Northern Samar	> To prove the fact of the candidacy of protestee during the May 13, 2013 national and local elections for the position of Member of the House of Representatives, First District of Northern Samar; and > To serve as guide in the appreciation of contested and

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LOCAL ELECTIONS
MEMBER-SERVICE
of Member of the House of
Representatives, First District of Northern
Samar; and
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DATE: NOV 15/2019

<p>claimed ballots.</p>	<p>➤ To prove the fact of the candidacy of protestee during the May 13, 2013 national and local elections for the position of Member of the House of Representatives, First Legislative District of Northern Samari and</p> <p>➤ To serve as guide in the appreciation of contested and claimed ballots</p>	<p>Certificate of Candidacy of Protestant Raul A. Data for the position of Representative of the First Legislative District of Northern Samari</p>	<p>"2" (attached as Annex "2" in the Verified Answer)</p>	<p>Certified true copy of the Project of Precincts (POPs) for the position of Representative of the First Legislative District of Northern Samari</p>	<p>➤ To show the number of clustered precincts that functioned and the barangays comprising each clustered precinct, in the First Legislative District of Northern Samari during the May 13, 2013 national and local elections; and</p> <p>➤ To serve as guide in the appreciation and recount of ballots and/or images and election paraphernalia.</p>	<p>Certificate of Canvass and Proclamation of Winning Candidate for Member of the House of Representatives of the First Legislative District of Northern Samari</p>	<p>"4" to "5-n" (attached as Annexes "4" to "5-n" in the Verified Answer)</p>	<p>➤ To show that protestee was duly elected and proclaimed as Member of the House of Representatives, First Legislative District of Northern Samari</p>	<p>Certified True Copies of the Statement of Votes by Precinct (SOVP) for the position of Representative of the First Legislative District of Northern Samari with a Certified True Copy of the Statistical Data of Number of Registered Voters and the Number of Voters Who Actually Voted during the</p>	<p>"6" to "6-n" (attached as Annexes "6" to "6-n" in the Verified Answer)</p>	<p>➤ To prove the actual votes obtained by the parties in the contested clustered precincts reported during the May 13, 2013 national and local elections;</p> <p>➤ To serve as basis in computing the undisputed or uncontested votes in the contested precincts and</p> <p>➤ As proof of the total number of registered voters and the number of voters who actually</p>	<p>Certified True Copy of the Statistical Data of Number of Registered Voters and the Number of Voters Who Actually Voted during the</p>	<p>"6" to "6-n" (attached as Annexes "6" to "6-n" in the Verified Answer)</p>
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May 13, 2013 National and Local Elections in the First Legislative District of Northern Samar	<p>7. "g" and series</p> <p>Copies of the Printed Election Returns for the Protested and Counter-Protested Clustered Precincts (would be available after the revision process)</p>	<p>8. "g" and series</p> <p>Minutes of Voting and Counting of Votes (MOV) in the Contested Precincts Kept Inside the Ballot Boxes from the Clustered Precincts (would be available after the revision process)</p>	<p>9. "g" and series</p> <p>Revision Reports and Annexes to be Prepared and Submitted by the Revision Committees in the Protested and Counter-Protested Clustered Precincts (would be available after the revision process)</p>
<p>10. "g" and series</p> <p>To prove that protestee garnered the overwhelming plurality of the votes cast</p> <p>To show that the votes for protestant and protestee reflected/recorded in the printed election returns are consistent with the electronically transmitted results; and</p> <p>To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>11. "g" and series</p> <p>To prove that no anomalies or irregularities were caused to be recorded in the Minutes by protestant's poll watchers;</p> <p>To show the material data concerning the elections with respect to the number of registered voters who actually voted, number of used and unused ballots, the presence of watchers and objections, and observations recorded/made during the voting, consolidation and canvass of votes; and</p> <p>To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>12. "g" and series</p> <p>To prove the fact of revision of ballots in the protested and counter-protested precincts;</p> <p>To confirm protestee's defenses and cause/s of action as contained in his counter-protest;</p> <p>To bring into the records the ballots objected to and/or claimed by protestee in the protested and counter-protested precincts</p>	<p>13. "g" and series</p> <p>To bring into the records the ballots objected to and/or claimed by protestee in the protested and counter-protested precincts</p>

		<p>precincts;</p> <p>➤ To prove that ballots were objected to and claimed by protestee as identified and enumerated in the Revision Reports; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
<p>"10" and series</p>	<p><i>Photocopies of the Contested and Revised Ballots (would be available after the revision process)</i></p>	<p>➤ To prove the rejection of ballots which should be considered as valid votes for protestees;</p> <p>➤ To prove the electoral fraud and irregularities committed by protestants;</p> <p>➤ To show the validity of the objections and claims of the protestees;</p> <p>➤ To establish that the counter-protest is meritorious;</p> <p>➤ To confirm that the protestee obtained the plurality of votes over all candidates for the contested position and that he should have obtained more votes than what is officially recorded; and</p> <p>➤ To prove the objections of the protestee to ballots for the protestant and claimed ballots made by the protestees; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
<p>"11" and series</p>	<p><i>Copies of ballot images as contained in the Compact Flash (CF) cards</i></p>	<p>➤ To serve as guide in the appreciation and recount of ballots;</p> <p>➤ To prove the actual votes of the parties as the scanned/counted by the PCOS machines on election day, should the paper</p>

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ballots cast appear to have been altered, substituted and/or tampered after the election day; and	
➤ To aid the Tribunal in the judicious resolution of the instant protest.	

The first five (5) documents had already been pre-marked as Exhibits "1" to "6-n", while those corresponding to Exhibits "7" to "11" and series, as indicated in the folio of exhibits, will accordingly be pre-marked after the revision proceedings. Protestee likewise reserved the right to present and submit additional documentary exhibits as may be necessary during the course of the proceedings.

Considering that the parties have common exhibits such as, among others, the certificates of candidacy of the parties, certified true copies of project of precincts, certificates of canvass of votes and proclamation of the winning Member of the House of Representatives for the First Legislative District of Northern Samar, and certified true copies of the statement of votes per precinct in all the precincts that functioned during the May 13, 2013 elections, counsel for protestee adduced that the submission of those may no longer be necessary.

D. Protestee's Testimonial Evidence

NAME AND DESIGNATION OF THE WITNESS	POSTAL ADDRESS	PURPOSE/S
MS. ARLENE C. CABACANG (Election Officer of the Municipality of Capul, N. Samar)	Maharlika Highway, Roblacon Sur, San Isidro, Northern Samar	➤ To testify on the fact that no election irregularities, intimidation, terrorism, and coercion to favor the protestee were reported in the various polling precincts that functioned during and after the May 13, 2013 elections; ➤ To testify that the May 13, 2013 election in the Municipality of Capul, Northern Samar was generally peaceful and conducted in an orderly manner; and ➤ To aid the Tribunal in the judicious resolution of the instant protest.
MS. MADRONA C. LAGRO (BEI Chairperson of CP)	Cats, Compound Capul, Northern Samar	➤ To testify on the fact that there were election irregularities, intimidation, terrorism, and

<p>No. 6-Brig. 5, Capul, Northern Samar</p>		<p>➤ To testify and disprove the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p> <p>➤ To testify on the fact that no election irregularities, and coercion to favor the protestee were transpired/ reported in her designated polling precinct (CP No. 6-Brig. 5, Capul, N. Samar);</p>
<p>MS. MILEN C. ESTERIA (BI Chairperson of CP No. 5-Brig. 5)</p>	<p>Cats, Compound, Capul, Northern Samar</p>	<p>➤ To testify and disprove the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p> <p>➤ To testify on the fact that no election irregularities, coercion to favor the protestee transpired or were reported in her designated polling precinct (CP No. 5-Brig. 5, Capul, N. Samar);</p>
<p>ATTY. RICOLFO SACABEN</p>	<p>Bobon, Northern Samar</p>	<p>➤ To testify on the fact that no election irregularities, intimidation, terrorism, electoral coercion to favor the protestee were reported in the various polling precincts that functioned during and after the May 13, 2013 elections; DANTE K. BARREDA NOV 15 2013</p> <p>➤ To testify that the May 13, 2013 election in the Municipality of Cataman, Northern Samar was generally peaceful and conducted in an orderly</p>

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<p>➤ To testify and disprove the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>(CP No. 17-Brty. Balite, San Isidro, N. Samar);</p>	<p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	
<p>➤ To testify that the May 13, 2013 election in the Municipality of Lavezates, Northern Samar was generally peaceful and conducted in an orderly manner; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>➤ To testify on the fact that no election irregularities, and intimidation, terrorism, and coercion to favor the protestee were reported in the various polling precincts that functioned during and after the May 13, 2013 elections;</p>	<p>MS. MARIVEL P. ORQUIN (Election Officer of Catarman, Northern Samar)</p>
<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee transported or were reported in her designated polling precinct (CP No. 10-Brty. Daga, Lavezates, N. Samar);</p> <p>➤ To testify and disprove the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p>	<p>➤ To testify and disprove the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p>	<p>MS. MARVIC E. CASTILLO (Election Officer of CP No. 10 - Brty. Daga, Lavezates, N. Samar)</p>

	<p>MR. ARVIN A. MATNOG (BEI Chairperson of CP No. 19 - Brgy. Salvacion, Lavezares, N. Samar)</p>	
<p>➤ To aid the Tribunal in the judicial resolution of the instant protest.</p> <p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee transpired or were reported in his designated polling precinct (CP No. 19-Brgy. Salvacion, Lavezares, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daga were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicial resolution of the instant protest.</p>	<p>Mc Arthur, Northern Samar</p>	<p>MS. MARIVIC F. MASBATH (BEI Chairperson of CP No. 25 - Brgy. Toog, Lavezares, N. Samar)</p>
<p>➤ To aid the Tribunal in the judicial resolution of the instant protest.</p> <p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee transpired or were reported in her designated polling precinct (CP No. 25 - Brgy. Daga, Lavezares, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daga were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicial resolution of the instant protest.</p>	<p>Brgy. Toog, Lavezares, Northern Samar</p>	<p>MR. JUNIB A. LARGO (BEI Chairperson of CP No. 9 - Brgy. Chansvilla, Lavezares, N. Samar)</p>
<p>➤ To aid the Tribunal in the judicial resolution of the instant protest.</p> <p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee transpired or were reported in his designated polling precinct (CP No. 9-Brgy. Chansvilla, Lavezares, N. Samar)</p>	<p>Brinqueta, Lavezares, Northern Samar</p>	

<p> Lavezares, N. Samar); ➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and ➤ To aid the Tribunal in the judicious resolution of the instant protest. </p>		
<p> ➤ To testify on the fact that no election irregularities, and intimidation, terrorism, and coercion to favor the protestee were reported in the various polling precincts that functioned during and after the May 13, 2013 elections; ➤ To testify that the May 13, 2013 election in the Municipality of Victoria, Northern Samar was generally peaceful and conducted in an orderly manner; and ➤ To aid the Tribunal in the judicious resolution of the instant protest. </p>	<p> Parola, Brgy. Cawayan, Cataman, Northern, Samar </p>	<p> MR. JAMES OMBROG BERNADAS Election Officer of Victoria, Northern Samar. Currently assigned as EO in the Mun. of Sibuyan Lobos, N. Samar) </p>
<p> ➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and ➤ To aid the Tribunal in the </p>	<p> Brgy. Liberald, Victoria, Northern Samar </p>	<p> MR. JEFFREY C. SENADJAN (BFI Chairperson of CP No. 6 - Brgy. Buenasuerte, Victoria, N. Samar) </p>

judicious resolution of the instant protest.	Brig. Brenas, Victoria, Northern Samar	MS. EMELITA P. BARCENAS (BEI Chairperson of CP No. 13 - Brig. Luisita, Victoria, N. Samar)	
➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee were reported in her designated polling precinct (CP No. 13-Brig. Luisita, Victoria, N. Samar);	➤ To testify and disprove the averments as regards the inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and	➤ To aid the Tribunal in the judicious resolution of the instant protest.	
➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee were reported in his designated polling precinct (CP No. 14-Brig. Lungib, Victoria, N. Samar);	➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and	➤ To aid the Tribunal in the judicious resolution of the instant protest.	
➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee were reported in the various polling precincts that functioned during and after the May 13, 2013 elections;	Brig. Sallag, Rosario, Northern Samar	MR. BLISEO B. ALCERA (Election Officer of the Municipality of Divil, Northern Samar)	

			<p>➤ To testify that the Municipality of Bitt, Northern Samar was generally peaceful and conducted in an orderly manner; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
		<p>MS. ROSALINDA D. DELA FUENTE (BEI Chairperson of CP No. 1 - Brgy. Poblacion, Bitt, N. Samar)</p>	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism, and coercion to favor the protestee transpired or were reported in her designated polling precinct (CP No. 1-Brgy. Poblacion, Bitt, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daya were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
	<p>Barangay Bitt, Poblacion, Northern Samar</p>	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transpired or were reported in his designated polling precinct (CP No. 2-Brgy. Poblacion, Bitt, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daya were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>MR. ROBERTO R. RIVERA (BEI Chairperson of CP No. 2 - Brgy. Poblacion, Bitt, N. Samar)</p>
	<p>Barangay Sto. Nino, Bitt, Northern Samar</p>	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transpired or were reported in his designated polling precinct (CP No. 2-Brgy. Poblacion, Bitt, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daya were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>MR. ROBERTO R. RIVERA (BEI Chairperson of CP No. 2 - Brgy. Poblacion, Bitt, N. Samar)</p>

MS. FREDA B. GALVEZ (BEI Chairperson of CP No. 3 - Brgy. Poblacion, Biri, N. Samar)	Barangay Poblacion, Biri, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transported or were reported in her designated polling precinct (CP No. 3-Brgy. Poblacion, Biri, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	instant protest
MR. DELFIN D. PAREDES (BEI Chairperson of CP No. 4 - Brgy. Mac Arthur, Biri, N. Samar)	Barangay Sto. Niño, Biri, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transported or were reported in his designated polling precinct (CP No. 4-Brgy. Mac Arthur, Biri, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	
MR. TITO F. GALVEZ (BEI Chairperson of CP No. 5 - Brgy. Kauswagan, Biri, N. Samar)	Barangay Poblacion, Biri, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transported or were reported in his designated polling precinct (CP No. 5-Brgy. Kauswagan, Biri, N. Samar);</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	

			<p>➤ To testify and disprove the averments as regards the inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
			<p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machines such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
			<p>➤ To testify and disprove the averments as regards the coercion to favor the protestee intimidation, terrorism and election irregularities, such as transpired or were reported in her designated polling precinct (CP No. 6-Brgy. Pio del Pilar, Brg. N. Samar);</p> <p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transpired or were reported in her designated polling precinct (CP No. 6-Brgy. Pio del Pilar, Brg. N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machines such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>
			<p>➤ To testify and disprove the averments as regards the coercion to favor the protestee intimidation, terrorism and election irregularities, such as transpired or were reported in his designated polling precinct (CP No. 7-Brgy. Pio del Pilar, Brg. N. Samar);</p> <p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transpired or were reported in his designated polling precinct (CP No. 7-Brgy. Pio del Pilar, Brg. N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor" by ABENTE R. BARBERA</p> <p>DATE NOV-15-2019</p>
			<p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>

MS. TERESITA A. CANESO (BEI Chairperson of CP No. 8 - Brgy. Progresso, Birt, N. Samar)	Barangay Poblacion, Birt, Northern Samar	<p>➤ To testify on the fact that no intimidation, terrorism and coercion to favor the protestee were reported in her designated polling precinct (CP No. 8-Brgy. Progresso, Birt, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daya were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	instant protest
MR. FRANKIE C. YAPIZ (BEI Chairperson of CP No. 9 - Brgy. San Antonio, Birt, N. Samar)	Barangay San Antonio, Birt, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee were reported in his designated polling precinct (CP No. 9-Brgy. San Antonio, Birt, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daya were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	
MS. GLORIA D. ALVARIO (BEI Chairperson of CP No. 10 - Brgy. San Antonio, Birt, N. Samar)	Barangay San Antonio, Birt, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee were reported in her designated polling precinct (CP No. 10-Brgy. San Antonio, Birt, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daya were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	

<p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>➤ To testify and disprove the averments as regards the coercion to favor the protestee transpired or were reported in his designated polling precinct (CP No. 11-Brgy. San Pedro, Brg. N. Samar);</p> <p>➤ To testify and disprove the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee transpired or were reported in her designated polling precinct (CP No. 12-Brgy. San Pedro, Brg. N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	<p>Barangay San Antonio, Brg. Northern Samar</p>	<p>Barangay San Antonio, Brg. Northern Samar</p>	<p>Barangay San Antonio, Brg. Northern Samar</p>	<p>MR. ROGELIO L. CALVO (BEI Chairperson of CP No. 11 - Brgy. San Pedro, Brg. N. Samar)</p>		<p>MS. MA. ELISA S. FLORES (BEI Chairperson of CP No. 12 - Brgy. San Pedro, Brg. N. Samar)</p>
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MS. ANALIE G. GUANAN (BEI Chairperson of CP No. 13 - Brgy. Santo Nino, Biri, N. Samar)	Barangay Poblacion, Biri, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee were reported in her designated polling precinct (CP No. 13-Brgy. Santo Nino, Biri, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	Instant protest
MS. MARVIC A. ESTAVILLO (BEI Chairperson of CP No. 14 - Brgy. Santo Nino, Biri, N. Samar)	Barangay Poblacion, Biri, Northern Samar	<p>➤ To testify on the fact that no election irregularities, such as intimidation, terrorism and coercion to favor the protestee were reported in her designated polling precinct (CP No. 14-Brgy. Santo Nino, Biri, N. Samar);</p> <p>➤ To testify and disprove the averments as regards the alleged "inherent weakness and inadequacy of the PCOS machine such that valid votes cast in favor of Protestant Daza were not read and counted in his favor"; and</p> <p>➤ To aid the Tribunal in the judicious resolution of the instant protest.</p>	Instant protest
P/SSUPT. MARIO ABRAHAM GONZALES LENAMING (OIC PNP PNP during the May 13, 2013 elections)	Northern Samar Police Provincial Office, Camp Carlos Delgado, Catarman, Northern Samar	<p>➤ To testify on the peaceful and orderly conduct of the election in the First Legislative District of Northern Samar.</p> <p>➤ To testify that there were no untoward incidents or election related irregularities, such as vote buying, massive terrorism,</p>	Instant protest

	ATTY. ANTONIO G. GULAY, JR. Provincial Election Supervisor of Northern Samar	Office of the Provincial Election Supervisor, Commission on Elections, Cataman, N. Samar Or at No. 547 P. Ybanez St., Poblacion 1, Hindang, Leyte	<p>➤ To testify on the peaceful and orderly conduct of the elections in the First Legislative District of Northern Samar</p> <p>➤ To testify that there are no untoward incidents or election-related irregularities such as vote buying, massive terrorism, intimidation, and/or coercion committed to favor the candidacy of the herein protestee that were transpired and reported in the First Legislative District of Northern Samar prior, during, and immediately after the May 13, 2013 elections; and</p> <p>➤ Such other matters as may aid in the prompt and judicious resolution of the instant protest case.</p>	
	MS. JEANNIE V. PIORORITA (Director, ITD of the Committee)	Commission on Elections, Palacio del Gobernador, Intramuros, Manila	<p>➤ To testify on the procedure for the transmission and consolidation of results and service of the transmission and consolidation of results and service of the transmission of the instant protest case.</p> <p>➤ Such other matters as may aid in the prompt and judicious resolution of the instant protest case.</p>	
	HON. SIXTO S. BRILLANTES, JR. (Chairman, Commission on Elections)	Commission on Elections, Palacio del Gobernador, Intramuros, Manila	<p>➤ To testify on the features and security marks of the official ballots used in the May 13, 2013 elections in the First</p>	

And/Or	ATTY. JOSE TOLENTINO (Executive Director, Commission on Elections)	MADAM HENRIETA DE VILLA (Chairperson, PPCRV)
Legislative District of Northern Samar and on whether these features/security or otherwise are present in the ballots found inside the ballot boxes of the protested/couter-protested precincts; and	Such other matters as may aid in the prompt and judicious resolution of the instant protest.	PPCRV National Office Room 301, Pius XII Catholic Center, United Nations Ave., Paco, Manila
Legislative District of Northern Samar and on whether these features/security or otherwise are present in the ballots found inside the ballot boxes of the protested/couter-protested precincts; and	To testify on the peaceful and orderly conduct of the elections in the First Legislative District of Northern Samar; and	To aid the Tribunal in the judicious resolution of the instant protest.

In his folio of exhibits, protestee included his authorities as regards the instant election protest, to wit: the 1987 Philippine Constitution; Omnibus Election Code, Batas Pambansa Bilang 881, 3 December 1985; 2011 HRET Rules of Procedure; COMELEC Resolution No. 9640, 15 February 2013; COMELEC Resolution No. 9776, 11 September 2013; COMELEC Resolution No. 9648, 22 February 2013; and relevant jurisprudential doctrines on election protest and appreciation of ballots.

A. Protestants' Pilot Precincts

Protestant contended that pursuant to Rule 37 of the 2011 HRET Rules, he shall dispense with the identification of the his pilot protested clustered precincts considering that the total number of protested clustered precincts is less than fifty percent (50%) of the total number of clustered precincts which functioned in the First Legislative District, Northern Samar during the May 13, 2013 national and local elections, as follows:

Municipality	Barangay	Individual Precinct Number	Clustered Precinct Number
LAVEZARBS	Datag	0027A,0027B	19
	Salvation	0049A,0050A	25
	Toog	0061A, 0062A	25
	Chansvilla	0026A	25
	Mabini	0154A, 0154B, 0155A,	55

VICTORIA		BIRI		CAPUL	
0155B,0156A, 0156B		0016A, 0016B,0017A	6		
	Buenasuerte				
	Luisita	0035A, 0036A	13		
	Lungib	0037A, 0037B, 0038A	14		
	Poblacion (Bm)	0001A, 0001B, 0002A, 0002B	1		
	Poblacion (Bm)	0003A, 0005A, 0005C	2		
	Poblacion (Bm)	0004A, 0004B, 0006A, 0006B	3		
	Macartbur	0009A, 0009B	4		
	Kauswagan (Basud)	0007A, 0008A, 0008B	5		
	Pio del Pilar	0010A, 0010B	6		
	Pio del Pilar	0011A, 0011B	7		
	Progreso	0012A, 0012B, 0013A	8		
	San Antonio	0014A, 0014B, 0014C	9		
	San Antonio	0015A, 0016A, 0017A	10		
	San Pedro	0018A, 0019A, 0019B	11		
	San Pedro	0020A			
	Santo Niño	0021A, 0021B, 0022A			
	Santo Niño	0023A, 0023B, 0024A			
	Poblacion	0011A, 0012A, 0013A, 0014A,			

SAN ISIDRO	Barangay 5	0015A	
	Poblacion	0016A, 0016B	
	Barangay 5	0017A, 0018A, 0019A	6
	Ballote	0017A, 0017B, 0018A, 0018B, 0019A, 0019B	17

B. Protestee's Pilot Precincts

Protestee had submitted a list of his designated pilot-protected precincts. However, it is only when the protest is not dismissed on the basis of revision and appreciation of ballots, as well as reception of evidence, in the herein involved protested precincts that the Tribunal subjects the counter-protected precincts to said proceedings in its entirety, that is, 100%. Hence, there is really no necessity for designating his pilot precincts.

IV. Other Matters

Protestee likewise raised the following concerns:

1. The hearing dates for the reception of evidence and other related matters will be proposed by the protestee during the conduct of the preliminary conferences;

2. He intends to secure photocopies of the contested ballots (ballots objected to by the protestee and objected to by protestee, minutes of voting (MOV), and other documents relevant to the instant case during the revision proceedings;

3. By virtue of Section 11 of the Guidelines on the Revision of Ballots for election protests under the Automated Election System (AES), protestee intends to secure copies of the printed ballot images as contained in the Compact Flash (CF) cards in the event that the integrity of any of the said CF cards used in the elections was not preserved or that the same was violated, or when there is proof of tampering or substitution;

4. To extensively delve into the merits of the case, it is hereby implored that all election documents in the protested and counter-protected precincts, such as but not limited to Election Day Computerized Voters' List (EDCVL), Voters Registration Record (VRR), and the Book of Voters, be retrieved together with the contested ballot boxes; and

5. Protestee reserves the right to move for the conduct of technical examination as the need arises of the ballots *vs.* the EDCVL, the Book of Voters, and other election documents used during the election process.

On the other hand, protestants counsel had also confirmed during the preliminary conference their interest in the conduct of such proceedings like revision/ reception of paper ballots, but with reservation as to: (1) printed ballot images, (2) technical examination and printing of digital images of ballots, audit logs and related matters, and

The parties are REMINDED that under Section 10 (d) of the Tribunal's Guidelines on the Revision of Ballots issued on January 19, 2011: "When it has been shown, in a preliminary hearing set by the parties or by the Tribunal, that the integrity of the ballots and ballot boxes used in the May 10, 2010 elections was not preserved, as when there is proof of tampering or substitution, the Tribunal shall direct the printing of the picture images of the ballots of the subject precinct stored in the data storage device for the same precinct. The Tribunal shall provide a non-partisan technical person who shall conduct the necessary authentication process to ensure that the data or image stored is genuine and not a substitute. It is only upon such determination that the printed picture image can be used for the revision." (as amended per Resolution dated February 10, 2011)

The parties are hereby INFORMED that, consistent with the purpose of a preliminary conference, i.e., to limit the number of witnesses and the amount of evidence, as well as to aid in the prompt disposition of the case, the presentation of any evidence other than those agreed upon and indicated in the Preliminary Conference Order will not be allowed unless a motion for their inclusion is filed five (5) days prior to the scheduled hearing before the Hearing Commissioner, subject to the approval of the Tribunal.

WHEREFORE, the parties are DIRECTED to submit any comment within a non-extendable period of three (3) days from notice of this Order, which will be restricted solely as to whether this Order faithfully reflects the admissions, stipulations and agreements of the parties. The parties and their respective counsels cannot add any new matter with respect to the issues agreed upon and the evidence to be presented.

SO ORDERED.

Quezon City, June 11, 2014.

For the Tribunal:

PRESBITERO J. VELASCO, JR.
Associate Justice, Supreme Court
Chairperson, HRET

HOUSE OF REPRESENTATIVES
ELECTIONAL TRIBUNAL
ISARM SERVICE
G.E. GARCIA LAW OFFICES CERTIFIED TRUE COPY
COUNSEL FOR PROTEST
Ground Floor, LAIKO Building, Cabildo Street, BARBERA
Intramuros, Manila
DATE: MAY 15, 2014

MAGNO SARDILLO AGUILAR
LITONJUA LAW OFFICES
Counsel for Protestants
Unit 802, Tapan Place, F. Ortigas Avenue
Ortigas Center, Pasig City

Copy furnished:

(RE: AUGUST 3, 2015 RESOLUTION NO. 15-033;

X _____

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1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved.

“ANNEX”

PROTESTANT, through counsel, before this Honorable Tribunal, respectfully alleges:

1. Invoking Rule 37 of the 2011 HRET Rules, this Honorable Tribunal - much to the protestant's alarm and apprehension - stated in page 7 of its Resolution No. 15-033 dated August 3, 2015:

"Considering that revision, appreciation and reception of evidence in all the protested clustered precincts had been completed in the instant case, with more reason that the determination of its merit or legitimacy is due. Should there be no reasonable recovery, the Tribunal may dismiss the protest without further proceedings. Otherwise, it would proceed with the remaining contested precincts. It is at this stage that revision and appreciation of ballots and reception of evidence for protestee's defenses, counterclaim or counter-protest could be conducted." (Bold supplied.)

validity and legitimacy of protestant's separate and independent cause of action for the annulment of election results in certain identified precincts the ground of terrorism

2. Protestant is apprehensive about and alarmed by the above pronouncement because Rule 37 might be misapplied to the instant protest.

2.1. Clearly from its own purview, Rule 37 applies where the protest has only one cause of action - the recount, revision and re-appreciation of ballots.

2.2. Noteworthy it is that Rule 37 follows and merely amplifies Rule 36.

"Rule 36. Revision of Ballots. - Revision of the ballots shall be conducted in accordance with the Guidelines on the Revision of Ballots

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promulgated on January 19, 2011 which are hereby reproduced as Annex 'A';

2.3. Rule 37 itself is about "Post-Revision Determination of the Merit or Legitimacy of Protest Prior to Revision of Counter-Protest; Pilot Precincts; Initial Revision." (Bold supplied.)

2.4. The revision, recount and re-appreciation of ballots in 17 clustered precincts in the Municipalities of Biri, Capul and San Isidro was conducted and completed on October 14 and 15, 2014, while the presentation of evidence *abundante* by protestant before Hearing Commissioner Eva Mina for the annulment of election results in eight clustered precincts in the Municipalities of Catarman, Lavezares and Victoria was separately conducted from June to December 2014.

3. Where a protest, as in this case, presents a separate and distinct cause of action for the annulment of election results in certain identified precincts on the ground of terrorism, the protest can and must proceed independently of the result from the recount, revision and re-appreciation of ballots.

4. Put otherwise, the dismissal of a protest under Rule 37 contemplates a situation where the protest only alleges and prays for the recount and revision of ballots so that dismissal follows if no substantial recovery is made. Certainly, a dismissal of the entire protest under this Rule does not apply where a separate and distinct cause of action for the annulment of election results in certain identified precincts on the ground of terrorism is pleaded both in the body and relief of the protest - as in the present case.

4.1. In his Election Protest, protestant clearly averred:

"10. The above results do not reflect the true will of the voters as they were secured through fraudulent and illegal acts, schemes, devices and machinations including, but not limited to fraud, vote buying, terrorism and threats employed by protestee, his cohorts, agents and supporters. (Page 87-88, 90-91, 93-94, 96-97, 99-100, 102-103, 105-106, 108-109, 111-112, 114-115, 117-118, 120-121, 123-124, 126-127, 129-130, 132-133, 135-136, 138-139, 141-142, 144-145, 147-148, 150-151, 153-154, 156-157, 159-160, 162-163, 165-166, 168-169, 171-172, 174-175, 177-178, 180-181, 183-184, 186-187, 189-190, 192-193, 195-196, 198-199, 201-202, 204-205, 207-208, 210-211, 213-214, 216-217, 219-220, 222-223, 225-226, 228-229, 231-232, 234-235, 237-238, 240-241, 243-244, 246-247, 249-250, 252-253, 255-256, 258-259, 261-262, 264-265, 267-268, 270-271, 273-274, 276-277, 279-280, 282-283, 285-286, 288-289, 291-292, 294-295, 297-298, 300-301, 303-304, 306-307, 309-310, 312-313, 315-316, 318-319, 321-322, 324-325, 327-328, 330-331, 333-334, 336-337, 339-340, 342-343, 345-346, 348-349, 351-352, 354-355, 357-358, 360-361, 363-364, 366-367, 369-370, 372-373, 375-376, 378-379, 381-382, 384-385, 387-388, 390-391, 393-394, 396-397, 399-400, 402-403, 405-406, 408-409, 411-412, 414-415, 417-418, 420-421, 423-424, 426-427, 429-430, 432-433, 435-436, 438-439, 441-442, 444-445, 447-448, 450-451, 453-454, 456-457, 459-460, 462-463, 465-466, 468-469, 471-472, 474-475, 477-478, 480-481, 483-484, 486-487, 489-490, 492-493, 495-496, 498-499, 501-502, 504-505, 507-508, 510-511, 513-514, 516-517, 519-520, 522-523, 525-526, 528-529, 531-532, 534-535, 537-538, 540-541, 543-544, 546-547, 549-550, 552-553, 555-556, 558-559, 561-562, 564-565, 567-568, 570-571, 573-574, 576-577, 579-580, 582-583, 585-586, 588-589, 591-592, 594-595, 597-598, 600-601, 603-604, 606-607, 609-610, 612-613, 615-616, 618-619, 621-622, 624-625, 627-628, 630-631, 633-634, 636-637, 639-640, 642-643, 645-646, 648-649, 651-652, 654-655, 657-658, 660-661, 663-664, 666-667, 669-670, 672-673, 675-676, 678-679, 681-682, 684-685, 687-688, 690-691, 693-694, 696-697, 699-700, 702-703, 705-706, 708-709, 711-712, 714-715, 717-718, 720-721, 723-724, 726-727, 729-730, 732-733, 735-736, 738-739, 741-742, 744-745, 747-748, 750-751, 753-754, 756-757, 759-760, 762-763, 765-766, 768-769, 771-772, 774-775, 777-778, 780-781, 783-784, 786-787, 789-790, 792-793, 795-796, 798-799, 801-802, 804-805, 807-808, 810-811, 813-814, 816-817, 819-820, 822-823, 825-826, 828-829, 831-832, 834-835, 837-838, 840-841, 843-844, 846-847, 849-850, 852-853, 855-856, 858-859, 861-862, 864-865, 867-868, 870-871, 873-874, 876-877, 879-880, 882-883, 885-886, 888-889, 891-892, 894-895, 897-898, 900-901, 903-904, 906-907, 909-910, 912-913, 915-916, 918-919, 921-922, 924-925, 927-928, 930-931, 933-934, 936-937, 939-940, 942-943, 945-946, 948-949, 951-952, 954-955, 957-958, 960-961, 963-964, 966-967, 969-970, 972-973, 975-976, 978-979, 981-982, 984-985, 987-988, 990-991, 993-994, 996-997, 999-1000)

xxx

"12. In order to achieve a faithful and accurate determination of the true will of the electorate, this Honorable Tribunal must not only order a manual recount of the ballots, including the rejected ones, but also annul the results of the elections in the eight (8) barangays from the Municipalities of Lavezares, Catarmun and Victoria as shown by the table hereinbelow:

MUNICIPALITY	BARANGAY	INDIVIDUAL PRECINCT NUMBER	CLUSTERED PRECINCT NUMBER
LAVEZARES	Datag	0027A, 0027B	10
	Saluacion	0049A, 0050A	19
	Toog	0061A, 0061B, 0062A	25
CATARMAN	Chansvilla	0026A	9
	Mabini	0154A, 0154B, 0155A, 0155B, 0156A, 0156B	55
VICTORIA	Buenasiente	0016A, 0016B, 0017A	6
	Luisita	0035A, 0036A	13
	Lungib	0037A, 0037B, 0038A	14

(Page 5. Bold supplied.)

xxx

"TERRORISM BY NEW PEOPLE'S ARMY (NPA) ARMED PARTISANS.

"18. The elections are an expression of the free will of the sovereign people in choosing whom they wish to govern and represent them. However, in the recently concluded elections in the First District of Northern Samar, this Honorable Tribunal must not only order a manual recount of the ballots, including the rejected ones, but also annul the results of the elections in the eight (8) barangays from the Municipalities of Lavezares, Catarmun and Victoria as shown by the table hereinbelow:

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constitutionally guaranteed right of the people was unduly denied them.

"19. Prior to the 13 May 2013 National and Local Elections in the First District of Northern Samar, the National Democratic Front (NDF), whose armed wing is the New People's Army (NPA) had already shown its animosity and hostility towards protestant, setting the stage for the NPA armed partisans to employ threats, intimidation and terrorism in the contested precincts of Catarman, Lavezares and Victoria.

"20. As early as November 2012, the National Democratic Front-Eastern Visayas (NDF-EV) posted a statement in their website (<http://www.ndfep.net/jcom15/index.php>) declaring protestant and his son, Governor Paul Daza as "enemies of the people of Northern Samar". A printed copy of the NDF-EV Statement is hereto attached as Annex "X" and made an integral part hereof.

"20.1. In their statement, the NDF-EV falsely accused protestant for alleged "reign of greed and terror" in the Province of Northern Samar.

"20.2. In the contested and other barangays of the First (1st) Legislative District of Northern Samar, the NDF and its collaborators distributed copies of a comic magazine entitled "Si Juan Sumuroy", which unjustly and baselessly vilified protestant and his son, Governor Paul Daza. The narrator in the comics magazine was the well-known NPA Commander -Jierix, a publicly known and ardent supporter of protestant. A copy of the comics magazine is hereto attached as Annex "Y" and made an integral part hereof.

"21. The active and systematic terrorism, intimidation and threats by the NPA armed partisans included, among others: the holding

by them of pulong-pulong in the protested and other barangays in the last week of April 2013, where they exhorted the voters into voting against protestant and his son, Governor Paul Daza, threatening them with physical harm if they did not follow the former's biddings; and during the first week of May 2013, the NPA armed partisans visited the homes of known Liberal Party leaders and supporters, again threatening them with physical harm if they voted for protestant and his son, Governor Paul Daza. (Bold supplied.)

"22. The results of the elections in these barangays show that these members of the NPA armed partisans were successful in their above-described terroristic tactics: (Bold supplied.)

MUNICIPALITY OF CATARMAN			
Barangay	Precinct Number	Daza	Abayon
Mabini	0154A, 0154B, 0155A, 0155B, 0156A, 0156B	172	283
MUNICIPALITY OF LAVEZARES			
Barangay	Precinct Number	Daza	Abayon
Toog	0061A, 0061B, 0062A	85	188
Salvacion	0049A, 0050A	53	224
Dava	0027A, 0027B	46	143
Chansilla	0026A	14	108
MUNICIPALITY OF VICTORIA			
Barangay	Precinct Number	Daza	Abayon
Buenasiente	0016A, 0016B, 0017A	101	
Luisita	0035A, 0036A	87	184
Lungib	0037A, 0037B	169	

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U. P. Test was

5. Protestant's other independent, distinct and separate cause

ANNULLED; x x x" (Page 15. Bold supplied.)

4. The results of the elections in the contested clustered precincts in the Municipalities of Catarmán, Lavezares and Victoria be

x x x₂₃

prayed:

4.2. In his Election Protest, protestant thus, *inter alia*

Protest, pp. 10-13)

"24. Thus, the results of the election for Member, House of Representatives, in the protested clustered precincts in Catarman, Lazares and Victoria should be annulled as they were irretrievably tainted by fear of bodily harm from the terroristic threats and intimidation by the NPA armed partisans, which effectively nullified and frustrated the free will of at least a majority, if not almost all of the voters, in the contested clustered precincts. The purported results of the elections in these barangays do not reflect the true will of the electorate (bold supplied)". (Election

readily won the recently concluded elections.

"23. Protestant heavily lost in those contested clustered precincts, which were traditionally his bailiwicks. Had not the NPA armed partisans terrorized, threatened and intimidated the voters there with physical harm, protestant would have

		0038A	
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"13. As will be discussed hereunder, protestant would have won decisively by a large margin had he not fell victim to the inherent weakness or inadequacy of the Precinct Count Optical Scan (PCOS) machines in the contested sixteen (16) barangays in the Municipalities of Biri, Capul and San Isidro, as shown by the table hereinbelow:

MUNICIPALITY	BARANGAY	INDIVIDUAL PRECINCT NUMBER	CLUSTERED PRECINCT NUMBER
	Poblacion (Biri)	0001A, 0001B, 0002A, 0002B	1
	Poblacion (Biri)	0003A, 0005A, 0005C	2
	Poblacion (Biri)	0004A, 0004B, 0006A, 0006B	3
	Macarthur	0009A, 0009B	4
	Kauswagan (Basud)	0007A, 0008A, 0008B	5
	Pio Del Pilar	0010A, 0010B	6
	Pio Del Pilar	0011A, 0011B	7
	Progreso	0012A, 0012B, 0013A	8
	San Antonio	0014A, 0014B, 0014C	9
	San Antonio	0015A, 0016A, 0017A	10
	San Pedro	0018A, 0019A, 0019B	11
	San Pedro	0020A	12
	Santo Nino	0021A, 0021B, 0022A	13

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6. This Honorable Tribunal has long recognized that protesters cause of action to annul the election results in the clustered precincts enumerated in the Election Protest is distinct, separate and independent of his other and distinct cause of action to recount and revise the ballots cast in the clustered precincts also enumerated in the Election Protest.

6.1. The Preliminary Conference Order dated June 11, 2014, listed two independent, distinct and separate issues in the instant Election Protest:

“3. A REVISION, RECOUNT and RE-APPRECIATION of ballots, including the ballots rejected by the PCOS machines and those votes for Representative not counted by the PCOS machines in the protested precincts in the Municipalities of Biri, Capul and San Isidro be undertaken.”

5.2. The Election Protest asseverated in detail not only the specific clustered precincts but also the numbers of ballots therein which protestant sought to recount and revise (pars. 14-17, pp. 7-9).

5.3. Consequently in his Prayer (p. 15), protestant prayed:

APUL	Santo Nino	0023A, 0023B, 0024A	14
	Poblacion	0011A, 0012A, 0013A, 0014A, 0015A	5
	Barangay 5	0016A, 0016B, 0017A, 0018A, 0019A	6
	Poblacion	0017A, 0017B, 0018A, 0018B, 0019A, 0019B	17

"II. Issues for Resolution

1. Whether or not the results of the elections for incumbent Member, House of Representatives in the protested clustered precincts of the municipalities of Lavezares, Cataman and Victoria should be annulled and set aside due to massive terrorism committed therein; and

2. Whether or not after revision, recount and/or re-appreciation of the contested ballots, protestant or protestee will emerge as the duly elected Member of the House of Representatives, First Legislative District of Northern Samar." (Bold supplied.)

6.2. The delineation of these two distinct, separate and independent issues in the Preliminary Conference Order comports with Rule 47, paragraph (6), which requires:

"(6) The fixing of the dates for the reception of evidence, including the matter of reception to be done simultaneously with the revision of the ballots if the evidence is intended to prove such causes of action or defenses or issues which are unrelated to the ballots or election documents." (Bold supplied.)

6.3. Acting on protestee's Comment (To the Preliminary Conference Order dated June 11, 2014), filed on June 20, 2014, this Honorable Tribunal ruled in its Order dated June 26, 2014:

"Protestee's prayer for the deletion of the issue in the Preliminary Conference Order dated June 11, 2014, is DENIED. Accordingly, the issue of 'Whether or not the results of the elections for incumbent Member of the House of Representatives in the protested clustered precincts of the municipalities of Lavezares, Cataman and Victoria should be annulled and set aside due to massive terrorism committed

therein," stands and remains subject to presentation of evidence and resolution". (Bold supplied.)

6.3. Accordingly, from June to December 2014, protestant presented before Commissioner Eva Mina his witnesses and documentary evidence for the annulment of the election results as alleged and prayed for in his Election Protest. The evidence were solely and entirely for the annulment of election results and nothing on the revision, recount and re-appreciation of ballots.

6.4. After protestant completed the presentation of his evidence, both testimonial and documentary, he filed on December 18, 2014, his Formal Offer of Exhibits, dated December 16, 2014, which was acknowledged by this Honorable Tribunal in Resolution No. 15-006 dated January 22, 2015, which read:

"WHEREFORE, the Tribunal NOTES

Protestant's Formal Offer of Exhibits dated

December 16, 2014, filed on December 18, 2014."

6.5. Later, this Honorable Tribunal in Resolution No. 15-013 dated February 23, 2015, "ADMIT(TED) protestant's documentary exhibits for the purposes for which they are being offered."

6.6. Notably, after this Honorable Tribunal allowed protestant to present before the Hearing Officer additional witnesses, including Army Col. Roberto Capulong, who were not named in the Preliminary Conference Order, protestant filed a Petition for Certiorari and Prohibition before the Supreme Court on February 13, 2015. G.R. No. 216505, *Congressman Harlin C. Abayon versus House of Representatives Electoral Tribunal (HRET) and Raul A. Daza*. Sustaining and confirming this Honorable Tribunal's the Supreme Court en banc resolved to deny the petition, thus:

"The Court Resolved to DISMISS the petition for failure to sufficiently show that any grave abuse of discretion was committed by the House of Representatives

Electoral Tribunal in rendering the challenged order and resolution which, on the contrary, appear to be in accord with the facts and applicable law and jurisprudence."

iteration of protestant's repeated requests for the resumption of hearing for the cause of action for the annulment of election results in certain identified precincts on the ground of terrorism, giving protestee days for his evidence allunde, if

7. As noted by this Honorable Tribunal on page 3 of its Resolution No. 15-033 dated August 3, 2015, in Protestant's Counter-Manifestation (Re: May 28, 2015 Protestee's Manifestation with Motion for Clarification) of June 19, 2015, he prayed that "protestee's twenty (20)-day reglementary period to present his evidence allunde, if any, on protestant's second cause of action to annul the results of the elections on the ground of terrorism in eight (8) clustered precincts enumerated in his election protest be set."

8. Likewise, as this Honorable Tribunal alluded to on page 4 of the same Resolution, protestant in his Supplemental Counter-Manifestation dated July 1, 2015, "Protestant has filed several motions/manifestations for this Tribunal to order the Hearing Commissioner to fix the twenty (20)-day period for protestee's presentation of his evidence allunde, if any, to rebut or contradict protestant's evidence on his cause of action to annul the election results in the involved protested precincts on the ground of terrorism by the NPA *partisans.*" (Bold supplied.)

9. Protestant hereby reiterates his repeated requests for the resumption of hearing on his cause of action for the annulment of election results in certain identified precincts on the ground of terrorism, giving protestee 20 days for his evidence allunde, if any, to rebut or contradict protestant's evidence on his cause of action to annul the election results in the involved protested precincts on the ground of terrorism by the NPA *partisans.*

Withdrawal of protestant's separate and independent cause of action for

recount, revision and re-
recognition of the ballots in the
clerical precincts identified in the
Election Protest

10. This Honorable Tribunal took note on page 4 of its
Resolution No. 15-033 dated August 3, 2015: "However, the
Tribunal has issued several resolutions denying such
motions/manifestations on the ground, as stated in Resolution
15-013 dated February 23, 2015, the setting of hearings for
presentation of protestee's evidence and the conduct of revision
of protestee's counter-protested precincts had been held in
obeyance in Resolution No. 15-006 dated February 22, 2015
pursuant to Rule 37 of the 2011 HRET Rules;"

11. Greatly concerned that the present term of office of
congressmen is fast drawing to an end on June 30, 2016, which
is just less than 10 months away, protestant hereby withdraws
his distinct, separate and independent cause of action for the
recount, revision and re-appreciation of the ballots in the
clustered precincts identified in the Election Protest, but he will
proceed and continue with his other distinct, separate and
independent cause of action for the annulment of election
results in the other clustered precincts also identified in the
Election Protest.

12. That this Honorable Tribunal may authorize and adopt
such course of action is indisputable because this Honorable
Tribunal itself in the present case has already ruled in
Resolution No. 15-013, dated February 23, 2015:

"As regards the alleged absence of
jurisdiction of the Tribunal over a prayer for
nullification of the results of elections x x x, the
Tribunal reiterates its ruling in Resolution No.
14-055 dated February 27, 2014:

"x x x After the election and proclamation
of the winning candidate, his or her right to
office may only be questioned on the ground of
vote-buying, terrorism, over-spending, or
commission of prohibited acts defined in the
election laws, through an election protest, which
falls within the exclusive jurisdiction of the
Tribunal under Section 17, Article VI of the 1987
Constitution."

"x x x [T]he annulment of elections/failure of election which falls under the jurisdiction of the COMELEC is therefore, separate and distinct from the annulment of elections which the Tribunal has the authority to declare whenever substantiated by clear and convincing evidence in electoral protests pending before it." (Bold supplied)

In addition, the Order dated June 26, 2014 reads:

RELIEF

WHEREFORE, protestant respectfully prays of this Honorable Tribunal:

1. To uphold the validity and legitimacy of his separate, distinct and independent cause of action for the annulment of election results of the clustered precincts in the Municipalities of Catarman, Lavezares and Victoria, Northern Samar, identified in his Election Protest;
2. To order the Hearing Officer to resume the hearing of the said cause of action, giving protestee 20 days for his evidence *alibide*, if any, on the said cause of action; and
3. To declare and affirm the withdrawal by protestant of his other separate, distinct and independent cause of action for the recount, revision and re-appreciation of the ballots on the ground of the inherent weakness and inadequacy of the PCOS machines in the clustered precincts of the Municipalities of Buti, Capul and San Isidro, Northern Samar, identified in his Election Protest;

protestant prays for other just and equitable relief.
 plember 3, 2015, Quezon City, Metro Manila.

DATE NOV 15 2019
 SY: DANIEL BARRERA
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MAGNO SARDILLO AGUILAR
LITONJUA LAW OFFICES
 Counsel for Protestant Rauli Daza

Unit 802, Taipan Place, F. Ortigas Ave.,
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ATTY. NAPOLEON VY GALIT
AND ASSOCIATES LAW OFFICES

4th Floor, Room 401, Tempus Place Condo,
No. 21 Matalino Street, Diliman, Quezon City

By:

IBP LITIGANT MEMBER NO. 00570-05-09-95 Pasig City
IBP ROLL OF ATTORNEY NO. 39912-05-09-95 Pasig City
PTR No. 3337/10/February 20, 2015/Brnaragonan Rizal
MCLE Compliance No. IV-00233806 / July 28, 2014 / Pasig City
E 435-10-03

by furnished with and notices to:

2. GARCIA LAW OFFICE

House for Protestee
Ground Floor, LAIKO Building,
Buldo Street, Intramuros,
Manila 1002

SECRETARY OF THE TRIBUNAL

Manila, Quezon City

RETINGS:

Please forward this URGENT MANIFESTATION AND OMNIBUS
OTION to the Honorable Chairman/Tribunal for its appropriate
non immediately upon receipt hereof.

EXPLANATION

(Sec 11, Rule 13, 1997 Civil Procedure)

In view of the lack of messenger staff to effect a personal
service, a copy of this foregoing URGENT MANIFESTATION AND
Protestant's Urgent Manifestation and Motion: Page 15 of 16

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DATE NOV 15 2019

URGENT MOTION was sent by registered mail to the G.F. Garcia
Office at its indicated address and on the date indicated in
herein attached registry receipt.

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COMMONWEALTH AVENUE, QUEZON CITY

MAE A. DAZA,
Protestant,

-versus-
HRET Case No. 2013-023

[First (1st) Legislative District,
Northern Samar]

MARTIN C. ABAYON,
Protestee.

-----X

URGENT MANIFESTATION

AND

MOTION

(Re: On the issue of Revision of Ballots
Of Counter-Contested Precincts)

PROTESTANT, through counsel, before this Honorable
Tribunal respectfully states:

1. On September 24, 2015, this Honorable Tribunal issued
Resolution No. 15-052, the dispositive part of which reads:

"WHEREFORE, the Tribunal x x x GRANTS the

withdrawal by protestant of his cause of action for the

recount, revision and re-appreciation of the ballots in

the clustered precincts of the Municipalities of Biri,

Capul and San Isidro, Northern Samar, identified in

his election protest; x x x DIRECTS the Electoral Tribunal

Commissioner to continue the reception of evidence in

this case to enable the protestee to present his copy

defenses on the issue of terrorism raised by the

protestant in his protest; and HOLDS IN ABAYON

proceedings relative to the counter-protested precincts."

2. Evident from the said Resolution, this Honorable Tribunal recognizes that protestant's cause of action to annul the election results in the clustered precincts enumerated in the election protest is distinct and separate from and independent of his other cause of action for the recount, revision and re-appreciation of the ballots cast in other clustered precincts also enumerated in the election protest.

2.1. This Honorable Tribunal in the said Resolution "GRANT(ED) the withdrawal by protestant of his cause of action for the recount, revision and re-appreciation of the ballots in the clustered precincts of the Municipalities of Biri, Capul and San Isidro, Northern Samar, identified in his election protest;"

2.2. Thus, this Honorable Tribunal "DIRECT(ED) the Hearing Commissioner to continue the reception of evidence in this case to enable the protestee to present his defenses on the issue of terrorism raised by the protestant in his protest;"

2.3. Put otherwise, what is now left before this Honorable Tribunal is only protestant's cause of action for annulment of the results in certain clustered precincts due to terrorism.

3. Compliant with the said Resolution, the Hearing Commissioner set a hearing on October 26, 2015 to schedule the dates for protestee to present his evidence on the issue of terrorism.

4. During the said hearing, the Hearing Commissioner issued an order granting protestee's request for pre-marking of his documentary exhibits sans any testimonial evidence marked in November 20, 2015; his submission of all his pre-marked exhibits on November 23 (later changed to 27), 2015 and the submission of his formal offer of exhibits on December 1, 2015, at 3:00 P.M.

Respectfully submitted.

in other just and equitable reliefs.

WHEREFORE, protestant respectfully prays that the protestants' counter-protest for the recount, revision and re-appreciation of the ballots in the counter-protested clustered precincts be dismissed.

PRAYER

6.1. It may not be amiss to note that the three-year term of a Representative in the current Congress already has just less than eight months to run.

"RULE 2. Constitution. - These rules shall be liberally construed in order to achieve a just, expeditious and inexpensive determination and disposition of every contest brought before the Tribunal."

6. Moreover, the termination and dismissal of the said protestee's counter-protest indisputably comports with Rule 2 of the 2011 Rules of this Honorable Tribunal, which enunciates:

5.2. Akin to a compulsory counter-claim in a civil suit, such protestee's counter-protest cannot stand alone.

5.1. The proceedings - specifically the recount, revision and re-appreciation of the ballots in the counter-protested clustered precincts - are already moot and academic, if not needlessly time-consuming.

5. Although this Honorable Tribunal in its above-mentioned Resolution of September 24, 2015, *"(H)ELD IN ABEYANCE proceedings relative to the counter-protested precincts,"* it has become timely, expedient and necessary that the said proceedings be terminated as a logical consequence of the withdrawal of protestant's cause of action for the recount, revision and re-appreciation of the ballots in the above-mentioned clustered precincts, granted by this Honorable Tribunal in the same Resolution.

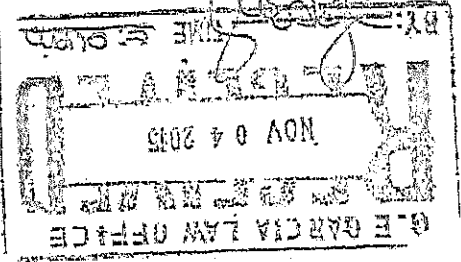
Quezon City, Philippines, November 4, 2015.

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PTR NO. 3337110 / February 20, 2015 / Binangonan Rizal
MCLE Compliance No. IV-0023806 / July 28, 2014 / Pasig City
☎ 485-10-03



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The Secretary of the Tribunal
HRT-Quezon City

meetings:

HOUSE OF REPRESENTATIVES
ELECTORAL TRIBUNAL
JUDICIAL BRANCH
SERIALS SECTION
NOV 04 2015
BY: NAPOLEON UY GALIT



Republic of the Philippines
House of Representatives
Electoral Tribunal Building
Commonwealth Avenue, Quezon City

NOTICE

please take notice that in HRET Case No. 13-023 (EP),
Daza vs. Harlin C. Abayon (First District, Northern Samar), the
Court issued Resolution No. 15-038 dated December 14, 2015, which reads as

readmes:

On November 5, 2015, protestant filed an Urgent Manifestation and
Motion (Re: On the Issue of Revision of Ballots of Counter-Protested Precincts)
dated November 4, 2015, averring that notwithstanding that the
Tribunal, in Resolution No. 15-052 dated September 24, 2015, "HELD
IN ABBEYANCE proceedings relative to the counter-protested
precincts," it has become untimely, expedient and necessary that said
proceedings be terminated as a legal consequence of the Tribunal's
grant of the protestant's withdrawal of his cause of action for the
recount, revision and re-appreciation of the ballots in the above-
mentioned clustered precincts. Protestants further maintains that (a) The
proceedings for the recount, revision and re-appreciation of the ballots
in the counter-protested clustered precincts are already moot and
academic, if not needlessly time-consuming; (b) The three (3)-year term
of a Representative in the current Congress has just less than eight (8)
months to run; and (c) Aside to a compulsory counter-claim in a civil suit,
protestant's counter-protest cannot stand alone.

On November 23, 2015, protestant filed his Comment (To Protestants'
Urgent Manifestation and Motion Dated November 4, 2015) dated November
14, 2015 and Manifestation dated November 23, 2015.

In his comment, protestant disagrees with protestants' contention
that the counter-protest should be terminated; that the recount, revision
and re-appreciation of the ballots in the counter-protested precincts are
already moot and academic; and that counter-protest cannot stand alone.
He submits that he has no intention whatsoever to withdraw his
counter-protest, and argues, *inter alia*, that:

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The Tribunal was correct when it held in abeyance proceedings relative
to the counter-protested precincts as the same is in line with the
provisions of Rule 37 of the 2011 HRET Rules;
Protestant was unable to demonstrate, based on the results of the
revision of ballots in the precincts he protested, that he stood a good

chance of winning, as in fact, the results of the revision were unfavorable to him since it merely confirmed protestee's victory and which led protestant to change his theory, praying for the annulment of election results;

The Tribunal has yet to make a determination of the merit or legitimacy of the protest through appreciation of ballots or election documents and/or reception of evidence. Pending such determination, it would be premature for the protestant to ask for the termination of the proceedings relative to the counter-protested precincts since the same belongs to the exclusive prerogative and wise determination of the Tribunal;

To say that the proceedings relative to the counter-protested precincts can be terminated merely on the basis of the withdrawal of protestants cause of action for the recount, revision and re-appreciation of the ballots in the protested precincts is tantamount to depriving a protestee of his day in court;

Being a protestant in his counter-protested precincts, the protestee cannot be divested of his own cause of action against protestant simply because the protestant changed his mind and withdrew his cause of action for the recount, revision and re-appreciation of the ballots in his protested precincts;

A protestee's cause of action is distinct from that of the protestants and, without a dismissal of the protest, the proceedings relative to the counter-protest cannot be terminated. Moreover, under Rule 50 of the JURY Rules, a protestee has the right to present his evidence not only in support of his defenses but also in support of his counterclaim and counter-protest. To deprive the protestee of such right is a clear violation of his right to due process;

Protestee takes exception to protestant's insinuation that the three (3)-year term of a Representative in the current Congress just has less than eight (8) months to run and, therefore, to proceed with the counter-protest is time-consuming. He should be reminded that he himself is to be blamed as to why the proceedings in this case dragged on as much as it has, having changed his theory every chance he gets; and

Since protestant has been given all the chances to present his evidence, protestee also deserves to be given an equal opportunity to adduce his own evidence.

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In his manifestation, protestee posits that the pre-marking of his documentary exhibits had already been completed and that his formal offer of evidence will be filed on December 1, 2015, as previously agreed upon during the last hearing.

On December 4, 2015, Protestee's Reply (To Protestee's Comment dated November 14, 2015, Reterating His Urgent Manifestation and Motion dated November 4, 2015, to Dismiss the Counter-Protest, and Praying for this Honorable Tribunal to Rule on Protestee's Formal Offer of Exhibits Presented at the Hearing on the Issue of Terrorism on November 23, 2015, and to Order the Parties to File their Memoranda within the Ten-Day Reglementary Period) of even date was filed, reiterating his contentions in his Urgent Manifestation and Motion (Re: On the Issue of Revision of Ballots of Counter-Protested Precincts), and averring that when this Tribunal rules on protestee's formal offer of documentary evidence with due consideration to protestant's comment thereon, the instant case becomes ripe for decision. Consequently, both the protestant and protestee should be accorded the opportunity to file their respective memoranda within the ten (10)-day reglementary period provided by Rule 62 of the 2011 HRR-T Rules.

Wherefore, the Tribunal GRANTS protestant's Urgent Manifestation and Motion (Re: On the Issue of Revision of Ballots of Counter-Protested Precinct) dated November 4, 2015; and DISMISSES protestee's counter protest. The Tribunal likewise NOTES protestee's Comment (To Protestant's Urgent Manifestation and Motion Dated November 4, 2015) dated November 14, 2015, filed on November 23, 2015; protestee's Manifestation dated November 23, 2015, filed on even date, and Protestant's Reply (To Protestee's Comment dated November 14, 2015, Reterating His Urgent Manifestation and Motion dated November 4, 2015, to Dismiss the Counter-Protest, and Praying for this Honorable Tribunal to Rule on Protestee's Formal Offer of Exhibits Presented at the Hearing on the Issue of Terrorism on November 23, 2015, and to Order the Parties to File their Memoranda within the Ten-Day Reglementary Period) dated December 4, 2015, filed on even date.

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CLERK SERVICE
GIRLIE I. SALARDA
Secretary of the Tribunal
BY: DANIE R. BARRERA
DATED NOV 18 2015
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Submitted:
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House of Representatives Electoral Tribunal
Electoral Tribunal Building
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NOTICE

Sirs/Mesdames:

Please take notice that in HRET Case No. 13-023 (EP), *Raul A. Daza vs. Harlin C. Abayon (First District, Northern Samar)*, the Tribunal issued Resolution No. 16-004 dated January 21, 2016, which reads as follows:

On January 4, 2016, protestee filed a Motion for Reconsideration [Of Resolution No. 15-058 Dated December 14, 2015] dated December 27, 2015, essentially positing that the Tribunal gravely erred in issuing Resolution No. 15-058, which granted protestant's motion on the issue of revision of ballots in the counter-protested precincts and dismissed protestee's counter-protest without stating clearly and distinctly the facts and the law on which the resolution is based, and for being violative of his right to due process of law, being himself a "protestant in his counter-protested precincts" with a "cause of action distinct from that of the protestant."

On January 11, 2016, in compliance with the January 8, 2016 Order directing protestant to comment on the motion for reconsideration, *Protestant's Comment and Opposition (Re: Protestee's December 27, 2015 Motion for Reconsideration of Resolution No. 15-058 dated December 14, 2015)* of even date was filed. Ancient protestee's allegation in his December 27, 2015 motion for reconsideration regarding the dismissal of the protest without stating clearly and distinctly the facts and the law on which the resolution is based, protestant substantially argued:

(1) The assailed Resolution No. 15-058 is not a decision that necessitates, as a constitutional and procedural requirement, the clear and distinct statement of the facts and the law on which it is based. It is actually a mere interlocutory order on what had become an incidental matter, the implementation of Resolution No. 15-052 issued on September 24, 2015, which had granted protestant's withdrawal of his cause of action for the recount, revision and re-appreciation of the ballots in the clustered precincts in the Municipalities of Bin, Capul and San Isidro, Northern Samar, and has long become final, executory and unassailable; and

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ANNEX "H"

(2) Granting *arguendo* that the subject resolution is a decision within the purview of the Constitution, the Rules of Court and the 2011 HRRT Rules, it clearly and distinctly expressed the facts and the law on which it is based. The resolution not only dismissed protestee's counter-protest, but also referred to and predicated its dismissal on "protestant's Urgent Manifestation and Motion (Re: On the Issue of Revision of Ballots of Counter-Protest) dated November 4, 2015," which itself distinctly stated the facts and the law on which it is based. This is permissible pursuant to decisions of the Supreme Court, citing the cases of *Hernando v. Court of Appeals*, 228 SCRA 429, 435 (1993) and *Mendoza v. Court of First Instance*, 51 SCRA 369, 375 (1973).

With respect to the alleged violation of protestee's right to due process of law as a consequence of the issuance of the questioned resolution, protestant countered the same, among others, in this wise:

(1) As held in the case of *Casimiro v. Landog*, G.R. No. 146137, June 8, 2005, "xxx[D]ue process is satisfied when the parties are afforded fair and reasonable opportunity to explain their side of the controversy or given opportunity to move for a reconsideration of the action or ruling complained of." For neither objecting to protestant's motion to withdraw his cause of action for recount, revision and re-appreciation of ballots nor moving to reconsider in any manner Resolution No. 15-052, protestee's belated clamor now for due process is either a mere after-thought or another subterfuge for delay; and

(2) The Tribunal has the inherent discretion to dismiss the protestee's counter-protest in light of *Pumping v. COMELEC*, 140 SCRA 193, 219-220 (1985) where the Supreme Court had ruled, "[O]f course, there may be election protests which may be disposed of without a recount of the ballots cast. There may be cases where, by reason of the fraudulent manner on which the entire election was conducted, the Court would be justified in annulling and setting the election aside from an examination of the ballots. There may be cases where all the ballots used at the election need not be examined."

A perusal of the assailed resolution shows that the dispositive portion thereof is preceded by a discussion of the respective arguments of representatives of both protestant and protestee. It embodies not only a conclusion, but also premises which the Tribunal considered and used as bases for action on protestant's motion for the dismissal of protestee's counter-protest. TRUE COPY

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BY: DANIEL K. BARRERA

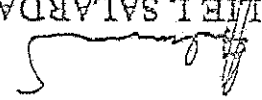
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FILED Case No. 13-023 (EP)
Raul A. Daza vs. Harbin C. Abayon
First District, Northern Samar
Resolution No. 16-004

protest. Implicit in the grant thereof was the adoption of the facts and the law invoked by protestant in his motion.

In addition, it is a settled jurisprudence that "what the fundamental law prohibits is total absence of opportunity to be heard. When a party has been afforded opportunity to present his side, he cannot feign denial of due process."

WHEREFORE, the Tribunal DENIES protestee's Motion for Reconsideration [Of Resolution No. 15-058 Dated December 14, 2015] dated December 27, 2015, filed on January 4, 2016.


GERLENE I. SALARDA
Secretary of the Tribunal

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