





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

## NOTICE

Sirs/ Mesdames:

Please take notice that in HRET Case No. 13-020 (EP), *Luis Raymund F. Villafuerte, Jr. vs. Diosdado Ignacio Jose Maria M. Arroyo (Second District, Camarines Sur)*, the Tribunal issued Resolution No. 13-216 dated November 28, 2013 which reads as follows:

On May 31, 2013, Luis Raymund F. Villafuerte, Jr. filed a verified protest against Diosdado Ignacio Jose Maria M. Arroyo. Protestee was proclaimed as Member of the House of Representatives for the Second District of Camarines Sur on May 16, 2013 with 65,926 garnered votes.

Protestant is basing his protest on the following grounds: (1) the credibility of the results of the election on account of the high number of alleged invalid votes cast; and (2) massive fraud and irregularities during the casting and canvassing of votes.

In his protest, protestant prays for the issuance of a temporary restraining order and/or writ of preliminary injunction to enjoin protestee from discharging the functions and duties as congressional representative of the Second District of Camarines Sur during the pendency of the protest, annulment of protestee's proclamation, issuance of an order for the COMELEC to release the audit log and all other accountable forms of all 211 PCOS machines in the Second District of Camarines Sur to determine the exact time of transmission results of each precinct, and the manual recount of the votes.

It was noted, upon thorough evaluation of the protest, that the individual and clustered precinct numbers and location of the contested precincts were not stated in the petition.

On August 15, 2013, the Tribunal issued Resolution No. 13-065 directing the protestant to show cause why his protest should not be dismissed for being insufficient in form and substance in accordance with Rule 21 of the 2011 HRET Rules.

On September 13, 2013, protestant submitted a *Compliance* dated September 12, 2013 claiming that he is contesting all the individual and clustered precincts per municipality or city, as evidenced by copies of

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election returns and the tabulated results of the individual and clustered precincts per municipality attached to his initiatory pleading.

However, a careful evaluation of the protest reveals that protestant protested a total of 211 clustered precincts out of a total of 261 clustered precincts in the Second Congressional District of Camarines Sur, contrary to his subsequent claim that he is protesting all the individual and clustered precincts in said legislative district. Likewise, a conscientious review of the copies of election returns (Annexes "A" to "A-3") shows a total number of 227 clustered precincts, while the tabulated results (Annexes "B" to "B-6") indicate a total of 211 clustered precincts only. More so, there are clustered precincts in the election results which are not included in the tabulated results and vice versa.

The protest therefore violates Rule 16 of the 2011 HRET Rules which provides:

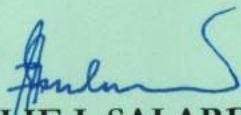
*"RULE 16. Election Protest. – × × ×*

*An election protest shall state:*

1. *The date of proclamation of the winner and the number of votes obtained by the parties per proclamation;*
2. *The total number of contested individual and clustered precincts per municipality or city;*
3. *The individual and clustered precinct numbers and location of the contested precincts; and*
4. *The specific acts or omissions complained of constituting the electoral frauds, anomalies or irregularities in the contested precincts."*

In sum, the protest is insufficient in form and substance considering that it does not contain a statement as to the specific and total number of contested individual and clustered precincts per municipality and the individual and clustered precinct numbers and location of the contested precincts, thus effectively failing to state a cause of action.

**WHEREFORE**, the instant protest is **DISMISSED** for failure to state a cause of action.

  
**GIRLIE I. SALARDA**  
*Secretary of the Tribunal*

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Copy furnished:

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