



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. 14-052 dated February 27, 2014 which reads as follows:

On January 16, 2014, protestant filed his *Motion for Reconsideration (to the Resolution dated 28 November 2013)* dated January 13, 2014, stating, *inter alia*:

xxx xxx xxx

5. The position of the Honorable Tribunal that Protestant failed to state the jurisdictional requirements such as the number of votes credited and the protested precincts and the detailed specification of the acts or omissions complained of is clearly without basis. The allegations in the Election Protest and the annexes thereto undoubtedly cover all the necessary requirements and stated all the necessary elements.

6. It is well-settled in jurisprudence that annexes to a complaint are deemed part thereof and should be considered together with, the formal allegations therein in order to arrive at a correct conclusion as to the nature of the action. In the case at bar, the Election Protest filed by Protestant and the annexes attached thereto clearly show that the Electoral Protest complies with the form and content pursuant to 2011 HRET Rules.

xxx xxx xxx

12. Given the high number of invalid votes in 211 precincts, it is necessary to look into the ballots of specific precincts because the elections returns which were used as the basis for the canvassing of votes and the proclamation of the winning candidate shows that the same contains a total of 7,648 invalid votes and were tainted by fraud, election fraud, anomalies and irregularities.

The Tribunal will not reconsider.

As stated in Resolution No. 13-216 which dismissed the present election protest for failure to state a cause of action, a conscientious review of the copies of election returns (Annexes "A" to "A-3") shows a

HRET Case No. 13-020 (EP)

Luis Raymund F. Villafuerte vs. Diosdado Ignacio Jose Maria M. Arroyo

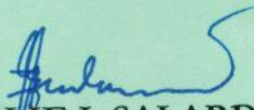
Second District, Camarines Sur

Resolution No.14-052

total number of 227 clustered precincts, while the tabulated results (Annexes "B" to "B-6") indicate a total of 211 clustered precincts only. Protestant, therefore, failed to specify which of the 211 clustered precincts, out of the 227 clustered precincts, that are included in his election protest. This omission will prevent protestee from being apprised of the issues which he has to meet and make it virtually impossible for the Tribunal to determine which ballot boxes have to be collected.

The Supreme Court, in *Fernando vs. Pastor M. Endencia, Judge of First Instance of Bulacan, et. al.* (No. 46099, 66 Phil 148, 150, August 30, 1938) observed that, "[w]hile the election law does not say so directly, it is clearly inferred from its relevant provisions that where the grounds of contest are that legal votes were rejected and illegal votes received, the motion of protest should state in what precincts such irregularities occurred. xxx The specification in the motion of protest of the election precinct or precincts where the alleged irregularities occurred, is required in order to apprise the contestee of the issues which he has to meet. xxx"

WHEREFORE, the Tribunal **DENIES WITH FINALITY** protestant's *Motion for Reconsideration (to the Resolution dated 28 November 2013)* dated January 13, 2014.


GIRLIE I. SALARDA
Secretary of the Tribunal

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