



REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**  
COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,  
Protestant,

- versus -

SET CASE No. 001-16

LEILA M. DE LIMA,  
Protestee.  
X- - - - - X

**RESOLUTION NO. 16-15**

It will be recalled that as early as July 2016, Commission on Elections (COMELEC) Commissioner Christian Robert S. Lim as Project Director, 2016 AES Project, informed the Tribunal that pursuant to the COMELEC AES Contract with Smartmatic-TIM, Inc., "all goods still in the possession of COMELEC as of 01 December 2016 because of any election contest or audit requirement shall be considered sold to COMELEC pursuant to its option to purchase, and the COMELEC shall pay the corresponding price [ . . . ] without prejudice to COMELEC requiring the protestant to shoulder such cost."<sup>1</sup>

To date, COMELEC is keeping in its custody under the terms of the precautionary order issued by the Tribunal in Resolution No. 16-01 dated 07 July 2016, as modified in Resolution No. 16-06 dated 15 August 2016, "VCM and its electric power supply and adaptor, the CCS Laptop itself, and all items which are necessary to subject the said VCM (pertaining to all of Protestant Tolentino's contested precincts) and CCS Laptop to a forensic audit."

Per Commissioner Lim, Protestant Tolentino may be required to pay Four Hundred Twenty Million Eight Hundred Seventy Thousand Six Hundred Fifteen and 20/100 Pesos (P420,870,615.20) for 20,263 VCMs subject of the Protest and

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<sup>1</sup> Letter dated 22 July 2016 addressed to the Chairperson of the Tribunal

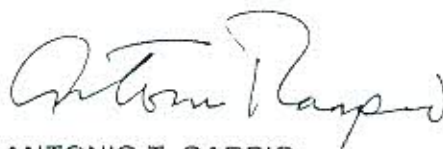
Twelve Million Five Hundred Ninety-Six Thousand Twenty-Five and 84/100 Pesos (P-12,596,025.84) for 32 CCS Laptops or a total of Four Hundred Thirty Three Million Four Hundred Sixty Six Thousand Six Hundred Forty One and 04/100 Pesos (P433,466,641.04) should these equipment be still in Comelec's possession by 01 December 2016.

Considering that the stipulated date of 01 December 2016 is fast approaching, and without prejudice to the Tribunal's ruling on Protestant Tolentino's failure to seasonably submit his Preliminary Conference Brief, it would be prudent to require Protestant Tolentino to make known his intended course of action with respect to the subject equipment. In this regard, Protestant Tolentino may consider retaining only a few VCMs to be used in the recount/revision of ballots, subject to the limitation that such option may entail.

ACCORDINGLY, the Executive Committee of the Tribunal resolves to require Protestant Tolentino to **MANIFEST** within a non-extendible period of three (3) days from receipt of this Resolution his intended course of action with respect to the equipment still in custody of the Commission on Elections by reason of the instant electoral protest. He shall furnish the Commission on Elections a copy of his Manifestation.

SO ORDERED.

09 November 2016.



ANTONIO T. CARPIO  
Senior Associate Justice  
Chairperson



TERESITA J. LEONARDO-DE CASTRO

Associate Justice  
Member



ARTURO D. BRION

Associate Justice  
Member