



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. 16-19

The Tribunal resolves to **CONFIRM** the following resolutions issued by the Executive Committee:

1. **Resolution No. 16-13** dated 08 November 2016, which **DENIED** the *Motion for Reconsideration of SET Resolution No. 16-10 dated 29 September 2016* filed by counsel for Protestant on 06 October 2016;
2. **Resolution No. 16-14** dated 08 November 2016, which **DENIED** the *Manifestation with Urgent Motion* filed by counsel for Protestant on 24 October 2016 and the *Manifestation with Reiterative Motion to Prohibit the Comelec from Continuing with the Release of 1,356 VCMs Allegedly Not Used During the 2016 Automated Elections* filed by counsel for Protestant on 27 October 2016;
3. **Resolution No. 16-15** dated 09 November 2016, which **REQUIRED** Protestant to **MANIFEST** within a non-extendible period of three (3) days from receipt of the resolution his intended course of action with respect to the machines and equipment still in the custody of the Comelec by reason of his protest;

4. **Resolution No. 16-16 dated 14 November 2016**, which:
 - a) **REQUIRED** Protestee to **COMMENT**, within a non-extendible period of five (5) days from receipt of the resolution, on the *Motion to Admit Supplemental Protest* and, without giving due course thereto, on the *Supplemental Protest* filed by counsel for Protestant on 10 November 2016; and
 - b) **NOTED** the *Entry of Appearance* of AGABIN VERZOLA & LAYAOEN LAW OFFICES as collaborating counsel for Protest and **DENIED** the request that it be furnished copies of all pleadings, orders, resolutions, etc. intended for the Protestant.

5. **Resolution No. 16-17 dated 22 November 2016**, which:
 - a) **GRANTED** the *Withdrawal of Appearance* of Ho & Uy Law Firm as counsel for Protestant, **NOTED** the appearance of AGABIN VERZOLA & LAYAOEN LAW OFFICES as lead counsel for Protestant and **DIRECTED** that it be furnished copies of all pleadings, orders, resolutions, etc. intended for the Protestant;
 - b) Without prejudice to the Tribunal's ruling on Protestant's failure to seasonably submit his Preliminary Conference Brief, **DIRECTED** the Commission on Elections to retain custody and possession of six (6) Consolidated Canvassing System (CCS) Laptops and the forty-five (45) Vote Counting Machines (VCMs) enumerated in Protestant's *Manifestation* dated 18 November 2016 as well as the 106 VCMs and their Secure Digital (SD) Cards enumerated in Protestant's *Motion* filed on 21 November 2016, **SUBJECT** to the payment by Protestant of additional cash deposit to cover the costs of the said machines and equipment; and
 - c) **REQUIRED** Protestant to deposit with the Tribunal not later than 29 November 2016 the amount of P3,315,785.36, representing the cost of the aforesaid machines and equipment.

6. **Resolution No. 16-18 dated 29 November 2016**, which:
 - a) **GRANTED** the *Urgent Clarificatory Manifestation and Motion* filed by Protestant Tolentino on 28 November 2016;
 - b) **MODIFIED** Resolution No. 16-17 dated 22 November 2016;
 - c) **DIRECTED** the Commission on Elections to retain custody only of 6 CCS laptops and the 45 VCMs enumerated in Protestant

Tolentino's *Manifestation* dated 18 November 2016 as well as the 106 SD Cards mentioned in his *Motion* also dated 18 November 2016, together with all the other SD Cards covered by the Precautionary Order issued before Resolution No. 16-17; and

- d) **NOTED** the undertaking of Protestant Tolentino to deposit with the Tribunal the amount of One Million One Hundred Fourteen Thousand One Hundred Twenty Two and 96/100 Pesos (Php1,114,122,96), not later than 01 December 2016, representing the cost of the aforesaid machines and equipment.

SO ORDERED.

01 December 2016.


ANTONIO T. CARPIO
 Senior Associate Justice
 Chairperson


TERESITA J. LEONARDO-DE CASTRO
 Associate Justice
 Member


ARTURO D. BRION
 Associate Justice
 Member


CYNTHIA A. VILLAR
 Senator
 Member

GRACE L. POE
 Senator
 Member


MA. LOURDES "NANCY" S. BINAY
 Senator
 Member


RICHARD J. GORDON
 Senator
 Member


FRANKLIN M. DRILON
 Senator
 Member

ANTONIO "SONNY" F. TRILLANES IV
 Senator
 Member