



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

FRANCIS N. TOLENTINO,
Protestant,

SET Case No. 001-16

-versus-

LEILA M. DE LIMA,
Protestee.

X-----X

RESOLUTION NO. 16-44

Pursuant to the Omnibus Order dated 19 January 2017 issued by the Hon. Judge Hermes B. Montero, Regional Trial Court, 7th Judicial Region, Branch 59, Toledo City, Ma. Gay A. Emi-Puentenegro, Clerk of Court V, in her letter dated 06 March 2017, informed the Tribunal of the pending electoral protest for the position of Mayor of Tuburan, Cebu, docketed as EPC CASE NO. 2016-9 (*Daphne A. Lagon vs. Democrito M. Diamante*), with a request for consent to allow the trial court to have first access to the contested ballot boxes thereby avoiding the protested ballots from being transported back and forth from Tuburan, Cebu to Manila then back again to Toledo City, Cebu.

A perusal of the aforesaid Omnibus Order shows that ALL the seventy-nine (79) clustered precincts of Tuburan, Cebu are subject of the local protest. Per records of the Tribunal, twenty-one (21) of these 79 precincts are included in the Pilot Precincts of Protestant Tolentino, namely :

Clustered Precinct Number	Clustered / Grouped Precincts
1	1A, 1B, 5A, 5B
2	2A, 3A, 3B, 4A, 4B
3	6A, 6B, 7A, 7B
4	8A, 8B, 9A, 10A
5	11A, 11B, 12A

6	13A, 14A
7	15A, 15B, 16A, 16B, 17A, 17B
8	18A, 18B, 20A, 20B, 20C
9	19A, 19B, 21A, 21B
10	22A, 22B, 23A
11	24A, 24B, 24C
12	25A, 25B, 26A, 26B, 29A, 29B
13	27A, 27B, 27C, 28A
14	30A, 30B, 31A, 32A, 32B
15	33A, 33B, 34A, 34B
16	35A, 35B, 36A, 36B, 37A, 37B
17	38A, 38B, 41A, 41B
18	39A, 39B, 40A
19	42A, 42B, 42C, 44A
20	43A, 43B, 45A, 45B
21	46A, 46B, 47A, 47B

The Senate Electoral Tribunal (SET), under COMELEC Resolution No. 2812, dated 17 October 1995, enjoys second preference, after the Presidential Electoral Tribunal (PET), in the custody and revision of ballots and election documents. However, it is the duty of all the adjudicatory tribunals to coordinate and make arrangements with each other for the expeditious disposition of their respective protest cases. In the past, SET had allowed the courts, subject to certain conditions, to take prior custody of the ballot boxes and election documents for revision and appreciation purposes in the protests pending before them considering that the term of office being contested is limited to three (3) years.

The PET, in a Resolution dated 28 March 2017, granted the request of RTC, Branch 59, Toledo City to have first access to the subject ballot boxes. Per SET timetable, collection of the aforesaid ballot boxes will be undertaken in June 2017. Such being the case, allowing the Regional Trial Court, Branch 59, Toledo City temporary prior custody of the above-enumerated clustered precincts in the municipality of Tuburan, Cebu Province will not cause any delay in the resolution of the instant electoral protest; *provided, however*, that said ballot boxes must be made available for transfer to the Tribunal not later than 19 June 2017; *provided, further*, that no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest.

WHEREFORE, the Executive Committee of the Tribunal resolves to **GRANT** the request of the Regional Trial Court, Branch 59, Toledo City for the temporary prior custody of the ballot boxes pertaining to the above-enumerated clustered precincts in the municipality of Tuburan, Cebu Province, for its use in connection with EPC CASE NO. 2016-9 (*Daphne A. Lagon vs. Democrito M. Diamante*). However, no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest.

The Regional Trial Court, Branch 59, Toledo City shall take such measures to safeguard and preserve the integrity of the subject ballots and election documents and materials and shall further ensure that the same are ready for transfer to the Tribunal not later than 19 June 2017.

SO ORDERED.

24 April 2017.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member