



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 - 48

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

1. Resolution No. 16-39 dated 21 March 2017, which:

- a) **ADMITTED** and **NOTED** the *Manifestation* of the COMELEC Law Department dated 07 March 2017, including the Memorandum/Technical Report and supporting photographs, informing the Tribunal that the Information and Technology Department of the COMELEC was unable to conduct the diagnostics of the Election Management System (EMS) Server in the Memory Configuration Room (MCR) of the COMELEC Warehouse in Sta. Rosa, Laguna scheduled on 24 February 2017 because the two Uninterruptible Power Supply (UPS) units of the EMS Server failed to function;
- b) **GRANTED** the requested authority for the Commission on Elections to:
 - 1) Reschedule the conduct of the diagnostics;
 - 2) Replace the two (2) defective Uninterrupted Power Supply (UPS) units;
 - 3) Proceed with the previously authorized diagnostic proceedings; and
 - 4) Remove the replacement UPS units once the diagnostics have been completed.

2. **Resolution No. 16-40 dated 27 March 2017**, which **NOTIFIED** the parties herein that all checks issued to the Tribunal pertaining to funds to be held in trust for the parties shall be made out in favor of "SENATE ELECTORAL TRIBUNAL FIDUCIARY FUND"; and **NOTED** the *Manifestations* of Protestant Tolentino dated 08 March 2017 and 15 March 2017.
3. **Resolution No. 16-41 dated 27 March 2017**, which **REQUIRED** the Commission on Elections to **COMMENT**, within five (5) days from receipt of the Resolution, on Protestant Tolentino's *Motion for Reconsideration*, praying for the reversal and setting aside of Resolution No. 16-37 dated 02 March 2017; reinstatement of Resolution No. 16-18 dated 28 November 2016; and holding in abeyance the payment of P2,201,662.40 pending the resolution of his Motion for Reconsideration.
4. **Resolution No. 16-42 dated 27 March 2017**, which **REQUIRED** Protestee de Lima to **COMMENT** within five (5) days from receipt of the Resolution, on Protestant Tolentino's *Comment (On Resolution No. 16-38 dated 2 March 2017)* and *Motion* dated 10 March 2017.
5. **Resolution No. 16-43 dated 06 April 2017**, which **GRANTED** the Commission on Elections additional period until 13 April 2017 within which to file **COMMENT** on Protestant's *Motion for Reconsideration (of Resolution No. 16-37 dated 02 March 2017)*.
6. **Resolution No. 16-44 dated 04 May 2017**, which **GRANTED** the request of the Regional Trial Court, Branch 59, Toledo City for the temporary prior custody of the ballot boxes pertaining to 21 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*).
7. **Resolution No. 16-46, dated 09 May 2017**, which **REQUIRED** the Commission on Elections and the counsel for Protestee de Lima to comment within five (5) days from receipt of the Resolution on Protestant's *Comment and Motion* dated 17 April 2017 praying for the appointment of an independent IT consultant, as may be agreed upon by the parties, to assess the COMELEC's proposed change in the system date of the Consolidated Canvassing System (CCS) Laptops; and for the COMELEC to hold in abeyance its implementation of said proposed change pending such independent IT expert's assessment.

- 8. **Resolution No. 16-47 dated 09 May 2017**, which **GRANTED** the request of the Commission on Elections (Second Division) for temporary prior custody of the ballot boxes and the contents therein, other election documents or paraphernalia, including the list of voters such as the Election Day Computerized Voter's List (EDCVL), Voter's Registration Records (VRR), and Book of Voters (BOV), as well as the data storage devices used in the 09 May 2016 Elections pertaining to certain clustered precincts in the Provinces of Basilan and Maguindanao for its use in connection with EPC No. 2016-37 (*Abdusakur M. Tan vs. Mujiv S. Hataman*).

SO ORDERED.

25 May 2017.



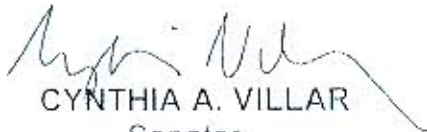
ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member

LUCAS P. BERSAMIN

Associate Justice
Member



CYNTHIA A. VILLAR
Senator
Member

GRACE L. POE

Senator
Member



MARIA LOURDES NANCY S. BINAY
Senator
Member



RICHARD J. GORDON
Senator
Member



FRANKLIN M. DRILON
Senator
Member



ANTONIO "SONNY" F. TRILLANES IV
Senator
Member