



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 - 51**

The House of Representatives Electoral Tribunal (HRET), in a letter dated 08 May 2017, requests authority for the temporary prior custody of the ballot boxes, list of voters with voting records, books of voters, data storage devices containing electronic data evidencing the content and results of the election, and other documents or paraphernalia used in the 09 May 2016 Elections, which are involved in the election protest cases pending before said Tribunal.

A perusal of the list of municipalities and clustered precincts subject of the HRET cases shows that two (2) ballot boxes pertaining to the Province of Tawi-Tawi are also included in the Pilot Precincts of Protestant Tolentino, namely :

Municipality	Precinct ID Nos.	Clustered Precinct Nos.
Panglima Sugala (Balimbing)	70010018	43A,44A, 44B
Turtle Islands	70080004	8A, 8B

Under COMELEC Resolution No. 2812, dated 17 October 1995, the Senate Electoral Tribunal enjoys second preference, after the Presidential Electoral Tribunal, in the custody and revision of ballots and other documents contained in the ballot boxes.

However, considering that the term of office being contested in congressional protests is limited to three (3) years, the Tribunal had, in the past, allowed the HRET to take prior custody of the ballot boxes and election documents for revision and appreciation purposes, subject to certain conditions. Considering further that the SET and HRET are housed in the same building, the use of ballots, election documents and paraphernalia can easily be coordinated between the two Tribunals.

Per SET timetable, revision of the ballots in the above-listed clustered precincts will be undertaken in August 2017. Such being the case, allowing the HRET temporary prior custody of the said ballot boxes and election documents or paraphernalia used in the 09 May 2016 Elections, 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 18 August 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 Tribunal resolves to **GRANT** the request of the HRET for temporary prior custody of the above-identified ballot boxes and election documents and paraphernalia for its use in connection with HRET Case No. 16-007 (*Ajihil vs. Sahali*). However, no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest.

The HRET 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 on 18 August 2017.

**SO ORDERED.**

25 May 2017.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice  
 Member

**LUCAS P. BERSAMIN**  
 Associate Justice  
 Member

*Cynthia A. Villar*  
**CYNTHIA A. VILLAR**  
 Senator  
 Member

**GRACE L. POE**  
 Senator  
 Member

*Ma. Lourdes "Nancy" S. Binay*  
**MA. LOURDES "NANCY" S. BINAY**  
 Senator  
 Member

*Richard J. Gordon*  
**RICHARD J. GORDON**  
 Senator  
 Member

*Franklin M. Drilon*  
**FRANKLIN M. DRILON**  
 Senator  
 Member

*Antonio "Sonny" F. Trillanes IV*  
**ANTONIO "SONNY" F. TRILLANES IV**  
 Senator  
 Member