



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,
Protestec.

X-----X

RESOLUTION NO. 16 – 56

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 other documents contained in the ballot boxes. SET's request for authority to take temporary prior custody of the ballot boxes and election documents pertaining to the pilot precincts of Protestant Tolentino was granted by PET in a Resolution dated 28 March 2017. Thus, the Tribunal, in Resolution No. 16-50 dated 25 May 2017, ordered the Canvass Board Service of the Tribunal to commence the collection of ballot boxes, election documents and other paraphernalia from the designated pilot areas of Protestant Tolentino not later than 19 June 2017.

Included in the list of pilot precincts submitted by the Protestant is Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A and 8B) of Turtle Islands, Province of Tawi-Tawi. This was scheduled for retrieval on 17 July 2017. The Hon. Abdulmoin M. Pakam, Presiding Judge of RTC, Branch 5, Bongao, Tawi-Tawi informed the SET Collection Team that the subject ballot box is involved in two (2) protest cases pending before said court (EPC No. 78-5, *Tang vs. Oliveros* and EPC No. 79-5, *Ibnosali vs. Sahibil*) involving the positions of

municipal mayor and vice-mayor. In his letter dated 17 July 2017, Judge Pakam requested that he be given until 10 August 2017 to turn over the subject ballot box to the custody of the Tribunal as he has yet to complete the appreciation of ballots and other relevant exhibits.

Protestant Tolentino likewise protested the ballot boxes pertaining to the Municipality of Marilao, Province of Bulacan. However, these are not included in the pilot areas of the Protestant. This being so, retrieval of these ballot boxes will come at a later date.

In a letter received by the Tribunal on 25 July 2017, Municipal Treasurer Edna I. Bautista of Marilao, Bulacan, seeks authority to transfer the ballot boxes and election paraphernalia used during the 2016 National and Local Elections from the ground floor of the New Municipal Building of the Municipal Government of Marilao, Bulacan located at NLEX Northbound Access Road, Barangay Patubig, Marilao, Bulacan, to the second floor of the adjacent building that will house the national offices/agencies based in Marilao, also within the compound of the municipal hall.

ACTING on the foregoing requests, the Executive Committee of the Tribunal Resolves to:

1. **GRANT** the request of Hon. Abdulmoin M. Pakam, Presiding Judge of RTC, Branch 5, Bongao, Tawi-Tawi to retain custody of the ballot box pertaining to Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A & 8B) of Turtle Islands, Province of Tawi-Tawi for further proceedings in EPC No. 78-5 (*Tang vs. Oliveros*) and EPC No. 79-5 (*Ibnosali vs. Sahibil*), *provided, however*, that the same shall be turned over to the custody of the Tribunal not later than 10 August 2017; *provided, further*, that the said transfer shall be at no cost to the Tribunal; and

2. **AUTHORIZE** Municipal Treasurer Edna I. Bautista of Marilao, Bulacan to transfer the ballot boxes and election paraphernalia from the ground floor of the New Municipal Building to the second floor of the adjacent building also within the compound of the municipal hall, subject to the observance of proper safeguards and measures to preserve and protect the integrity of the ballot boxes involved in the instant case.

SO ORDERED.

02 August 2017.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

TERESITA J. LEONARDO-DE CASTRO
TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member