



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 – 63

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

1. **Resolution No. 16-52 dated 29 May 2017**, which GRANTED the Commission on Elections additional period of fifteen (15) days from 16 May 2017 or until 31 May 2017 within which to file the comment required in Resolution No. 16-46 dated 09 May 2017.
2. **Resolution No. 16-53 dated 28 June 2017**, which resolved to:
 - a. **DIRECT** Protestant Tolentino to thresh out the issue of ownership of the Vote Counting Machines (VCMs), Consolidated Canvassing System (CCS) laptops, and other paraphernalia specified in his Motion dated 18 November 2016 with the Commission on Elections;
 - b. **DENY** Protestant Tolentino's request for a summary of cost estimates for the return of the ballot boxes, election documents, and election paraphernalia;
 - c. **DENY** Protestant Tolentino's request to hold in abeyance the payment of P2,440,328.39; and **REQUIRE** him to pay the said amount within a period of ten (10) days from notice of the Resolution;

- d. **NOTE** the additional deposit of Protestant Tolentino in the amount of Two Million Two Hundred One Thousand Six Hundred Sixty-Two Pesos and Forty Centavos (P2,201,662.40) as evidenced by Official Receipt No. 2183442 dated 13 June 2017;
 - e. **NOTE** Protestant Tolentino's Manifestations dated 08 June 2017 and 13 June 2017, as well as his Manifestation *Ad Cautelam* dated 13 June 2017;
 - f. **NOTE** the Manifestation filed by Protestant Tolentino on 15 June 2017 containing the list of his representatives in the collection of ballot boxes, election documents and election paraphernalia, their specific areas of assignment and specimen signatures; and
 - g. **NOTE** the Manifestation filed by Protestee de Lima on 15 June 2017 identifying her representatives in the collection of ballot boxes, election documents and paraphernalia in the Province of Quezon.
3. **Resolution No. 16-54 dated 18 July 2017**, which resolved to:
- a. **REQUIRE** the COMELEC to submit to the Tribunal and to the parties within fifteen (15) days from receipt of the Resolution a written explanation on the impact of the proposed system date change, assessing the risks involved, if any, and to identify the Information Technology (IT) resource persons who prepared and/or contributed in the preparation of its explanation;
 - b. **REQUIRE** the parties to evaluate the COMELEC's explanation and submit their respective comments within ten (10) days from receipt thereof, copy furnished the other party;
 - c. **DIRECT** the COMELEC to hold in abeyance the implementation of the proposed system change until further notice from the Tribunal; and
 - d. **NOTE** the *Manifestation* filed by the COMELEC Law Department on 21 June 2017 and the *Technical Report on the Election Management System Server* detailing the events that transpired during the conduct of Power-Up, Diagnostics and Power-Down of the Election Management System Server on May 12 and 13, 2017 at the Memory Configuration Room, COMELEC Warehouse, Sta. Rosa City, Laguna.
4. **Resolution No. 16-55 dated 19 July 2017**, which resolved to:
- a. **DENY** Protestee de Lima's *Urgent Motion for Reconsideration (Re: SET Resolution No. 16-53)* dated 06 July 2017 and *Urgent Motion to Resolve (Re: Urgent Motion for Reconsideration Dated 06 July 2017)* dated 12 July 2017 for being moot and academic;

- b. **DIRECT** the Canvass Board Service to continue with the collection of ballot boxes and election documents in Mindanao in accordance with the schedule proposed by the Armed Forces of the Philippines;
 - c. **NOTE** the *Manifestation* filed by Protestee de Lima on 22 June 2017 identifying her representatives in the collection of the ballot boxes and election documents and paraphernalia from the designated pilot precincts of Protestant Tolentino in the Provinces of Iloilo and Cebu;
 - d. **NOTE** the *Manifestation* filed by Protestant Tolentino on 28 June 2017 identifying his representatives in the collection of ballot boxes and election documents and paraphernalia from his designated pilot precincts in the Provinces of Cebu and Iloilo;
 - e. **NOTE** the *Manifestation* filed by Protestee de Lima on 29 June 2017 identifying her representatives in the collection of the ballot boxes and election documents and paraphernalia from the designated pilot precincts of Protestant Tolentino in the Province of Western Samar;
 - f. **NOTE** the *Manifestation* filed by Protestant Tolentino on 04 July 2017 identifying Emmanuel G. Causaren and John Lord Mendoza as his new representatives in the collection of ballot boxes and election documents and paraphernalia from his designated pilot precincts in the Province of Western Samar; and
 - g. **NOTE** the additional deposit of Protestant Tolentino in the amount of Two Million Four Hundred Forty Thousand Three Hundred Twenty-Eight Pesos and Thirty-Nine Centavos (P2,440,328.39) as evidenced by Official Receipt No. 2183449 dated 10 July 2017.
5. **Resolution No. 16-56 dated 02 August 2017**, which resolved to:
- a. **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
 - b. **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.

6. **Resolution No. 16-57 dated 15 August 2017**, which resolved to:
 - a. **DIRECT** Hon. Danilo M. Bucoy, Presiding Judge of the Regional Trial Court, Branch 2, Isabela City, Basilan to expedite its proceedings in Election Protest No. 04-16 (*Bhenzar J. Yusoph vs. Darussalam S. Lajid*) and ensure that the fifteen (15) ballot boxes pertaining to the Municipality of Al-Barka, Basilan are ready for transfer to the custody of the Tribunal not later than 14 September 2017;
 - b. **REQUIRE** the Municipal Treasurer of Al-Barka, Basilan to **SHOW CAUSE** within a non-extendible period of fifteen (15) days from receipt of the Resolution why he should not be held liable for contempt of the Tribunal in view of his failure to comply with the directive of the Tribunal contained in Resolution No. 16-01 dated 07 July 2016; and
 - c. **REQUIRE** Acting Election Officer Omar A. Nur of Al-Barka, Basilan to **SHOW CAUSE** within a non-extendible period of fifteen (15) days from receipt of the Resolution why he should not be held liable for contempt of the Tribunal for the misleading information contained in his letter dated 03 August 2016.
7. **Resolution No. 16-58 dated 15 August 2017**, **GRANTING** the Commission on Elections additional period of fifteen (15) days or until 24 August 2017 within which to file the written explanation required in Resolution No. 16-54 dated 18 July 2017.
8. **Resolution No. 16-59 dated 23 August 2017**, which resolved to:
 - a. **NOTE** without action Protestant Tolentino's *Opposition [To Protestee's Urgent Motion for Reconsideration (Re: SET Resolution No. 16-53)] dated 6 July 2017* for being moot and academic, Protestee de Lima's *Urgent Motion for Reconsideration* being opposed having been denied in Resolution No. 16-55 dated 19 July 2017;
 - b. **NOTE** the *Manifestation* filed by Protestant Tolentino on 13 July 2017 designating his representatives in the collection of ballot boxes and election documents and paraphernalia from his designated pilot precincts in the Provinces of Tawi-Tawi, Basilan, Sulu, Lanao del Norte, Zamboanga del Norte, Maguindanao, North Cotabato and Lanao del Sur;
 - c. **NOTE** the *Manifestation* filed by Protestee de Lima on 20 July 2017 identifying her representatives in the collection of the ballot

boxes and election documents and paraphernalia from the designated pilot precincts of Protestant Tolentino in the Provinces of Bulacan and Pampanga;

- d. **NOTE** the *Manifestation* filed by Protestant Tolentino on 01 August 2017, authorizing Raian Dagonio Marasigan as additional representative to observe the collection of ballot boxes and election documents and paraphernalia from his designated pilot precincts in the Provinces of Sulu and Maguindanao and in the Municipalities of Pikit, North Cotabato and Malabang, Lanao del Sur;
 - e. **NOTE** the *Manifestation* filed by Protestee de Lima on 03 August 2017 identifying her representatives in the collection of the ballot boxes and election documents and paraphernalia from the designated pilot precincts of Protestant Tolentino in the Provinces of the Autonomous Region in Muslim Mindanao (ARMM) and the Province of Lanao del Norte; and
 - f. **NOTE** the *Manifestation* filed by Protestee de Lima on 10 August 2017 identifying her representatives in the collection of the ballot boxes and election documents and paraphernalia from the designated pilot precincts of Protestant Tolentino in the Provinces of Zamboanga del Norte, Maguindanao, North Cotabato and Lanao del Sur.
9. **Resolution No. 16-60 dated 23 August 2017**, which resolved to:
- a. **CLARIFY** that the clearance granted to HRET in SET Resolution No. 16-51 dated 25 May 2017 covers all the ballot boxes and election documents and paraphernalia pertaining to the Province of Tawi-Tawi involved in HRET Case No. 16-007 (*Ajihil vs. Sahali*), as well as the other electoral precincts enumerated in the HRET letter dated 08 May 2017;
 - b. **INFORM** the HRET that the ballot box and election documents and paraphernalia pertaining to Clustered Precinct No. 18 (Clustered/Grouped Precincts Nos. 43A, 44A, 44B) of Panglima Sugala (Balimbing), Tawi-Tawi are now in the custody of SET; while those pertaining to Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A and 8B) of the Municipality of Turtle Islands are currently in the custody of the Regional Trial Court, Branch 5, Bongao, Tawi-Tawi;
 - c. **NOTE** the letters of Atty. Joselito C. Frial, counsel for Protestant in HRET Case No. 16-007 (*Ajihil vs. Sahali*), dated 02 August and 04 August 2017, and **INSTRUCT** him to coordinate directly with HRET regarding the collection of the election paraphernalia and other pertinent documents involved in the aforesaid election protest; and

- d. **GRANT** Hon. Abdulmoin M. Pakam, Presiding Judge, Regional Trial Court, Branch 5, Bongao, Tawi-Tawi up to 01 September 2017 to deliver to the Tribunal the ballot box, election documents and paraphernalia for Clustered Precinct No. 4 (Clustered/Grouped Precincts Nos. 8A and 8B) of the Municipality of Turtle Islands, Province of Tawi-Tawi.

10. Resolution No. 16-61 dated 31 August 2017, which resolved to **GRANT** the *Second Motion for Extension to File Written Explanation* thereby giving the Commission on Elections an additional period of fifteen (15) days or until 08 September 2017 within which to comply with Resolution No. 16-54 dated 18 July 2017.

11. Resolution No. 16-62 dated 05 September 2017, which resolved to **AUTHORIZE** Atty. Jose M. Tolentino, Jr., Executive Director of the COMELEC, to transfer the election documents and SD cards relative to the 09 May 2016 National and Local Elections from the Ground Floor, Palacio del Gobernador Building (Quadrants "B" and "D") to another location within the COMELEC premises, subject to the observance of proper safeguards to preserve and protect the integrity of the election documents and SD cards.

SO ORDERED.

14 September 2017.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member



MARIA LOURDES "NANCY" S. BINAY
Senator
Member



GRACE L. POE
Senator
Member



RICHARD J. GORDON
Senator
Member



FRANKLIN M. DRILON
Senator
Member



JOEL VILLANUEVA
Senator
Member



ANTONIO "SONNY" F. TRILLANES IV
Senator
Member