



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.

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RESOLUTION NO. 16 - 94

Protestant Francis N. Tolentino, in his *Manifestation and Motion* dated 31 January 2018, seeks reconsideration of Resolution No. 16-90 dated 17 January 2018. Protestant prays that the Tribunal reconsider its declaration that he is deemed to have waived his right to photocopy the ballots claimed and/or objected to by his party revisors as well as other election documents contained in the ballot boxes which were opened for photocopying from 29 December 2017 to 05 January 2018 and from 19 January 2018 to 30 January 2018.

The dispositive portion of SET Resolution No. 16-90 dated 17 January 2018 reads:

"ACCORDINGLY, the Executive Committee of the Tribunal Resolves to:

1. REQUIRE Protestant Tolentino to PROVIDE one (1) additional photocopying machine and ensure that the same must be in good working condition every day until completion of the photocopying activity; and SUBMIT the names and "1 x 1" ID pictures of his representatives who will man/operate the photocopying machine, both within two (2) days from receipt of this Resolution;

2. DECLARE that Protestant Tolentino is deemed to have waived his right to photocopy the ballots claimed and/or objected to by his party revisors as well as the other election documents contained in the ballot boxes which were opened for photocopying from 29 December 2017 up to 05 January 2018; and
3. ORDER that the actual photocopying activity shall start not later than 8:30 in the morning. The absence of a representative to operate the party's copier shall be deemed a waiver of the right to photocopy the ballots claimed and/or objected to by the party concerned as well as the other election documents contained in the ballot boxes which were opened for photocopying during the said period of absence."

Protestant explained that his failure to photocopy the ballots claimed and/or objected to by his party revisors as well as the other election documents contained in the ballot boxes which were opened for photocopying from 29 December 2017 to 05 January 2018 was due to the delay in the delivery of the toner brought about by the holidays. He added that the stoppage in photocopying from 19 January 2018 until 30 January 2018 was caused by unexpected issues which he encountered with his photocopying supplier.

Upon close perusal of the Tribunal's records, photocopying of the ballots claimed and/objected to by the parties started last 04 December 2017. As of 06 February 2018, Protestee de Lima was able to photocopy around fifty percent (50%) of the Six Hundred Fifty (650) contested clustered precincts which were revised while Protestant Tolentino was able to photocopy only about thirty percent (30%) of said clustered precincts due to the delays aforementioned.

In fact, on 30 January 2018, Protestant Tolentino had only one (1) photocopying machine deployed contrary to the directive in Resolution No. 16-90. Further, the personnel named in the aforesaid *Manifestation* who were purportedly tasked to operate the machine were hesitant to do so as they were allegedly not knowledgeable of its operation. Thus, no photocopying activity for Protestant Tolentino was conducted on that day. From the resumption of his photocopying activity on 31 January up to 09 February 2018, no additional photocopying machine was deployed by Protestant Tolentino in defiance of Tribunal Resolution No. 16-90.

Be that as it may, the Tribunal, in the interest of justice and fair play, allows Protestant Tolentino to photocopy those ballots and election documents which he failed to photocopy from 29 December 2017 to 05 January 2018 and from 19 January 2018 to 30 January 2018, subject to the condition that the photocopying activity must be completed by 23 March 2018 and no further extension shall be allowed. Further, he should be charged accordingly for the costs of all the security seals used during the reopening of the ballot boxes which were already photocopied by Protestee de Lima.

The photocopying activity unreasonably consumes the valuable time and resources of the Tribunal. Thus, the Executive Committee of the Tribunal has to put a deadline as to when the photocopying of ballots and election documents should be concluded. At the rate the photocopying activity is being undertaken by Protestee de Lima, she will be able to complete all the revised clustered precincts on or before 23 March 2018. Hence, the setting of said date as the time limit for both parties.

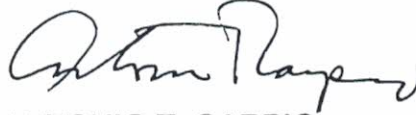
IN VIEW OF THE FOREGOING, the Executive Committee of the Tribunal Resolves to:

1. **ALLOW** Protestant Tolentino to photocopy those ballots and election documents which he failed to photocopy from 29 December 2017 to 05 January 2018 and from 19 January 2018 to 30 January 2018;
2. **DIRECT** both parties to conclude their photocopying activities not later than 23 March 2018, with warning that no further extension shall be allowed;
3. **REQUIRE** Protestant Tolentino to **DEPLOY** additional photocopying machines to fast track the activity in order to meet the time limit set and to **SUBMIT** the names and "1 x 1" ID pictures of his representatives who will operate the photocopying machines, both within two (2) days from receipt of this Resolution; and

4. **DIRECT** the Financial Management Service of the Tribunal to charge against the cash deposit of Protestant Tolentino the costs of all the security seals used during the reopening of all ballot boxes which were already photocopied by Protestee de Lima.

SO ORDERED.

12 February 2018.



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