



REPUBLIC OF THE PHILIPPINES
SENATE ELECTORAL TRIBUNAL
COA-NCR Bldg., Datasan Road, Quezon City

FRANCIS N. TOLENTINO,

Protestant,

SET Case No. 001-16

-versus-

LEILA M. DE LIMA,

Protestee.

X-----X

RESOLUTION NO. 16 - 103

In Resolution No. 16-47 dated 04 May 2017, the Tribunal allowed the Commission on Elections (Second Division) to take temporary prior custody of the ballot boxes, election documents and paraphernalia from the Provinces of Basilan and Maguindanao which are involved in EPC No. 2016-37 (*Abdusakur M. Tan vs. Mujiv S. Hataman*), an electoral protest for the position of Regional Governor, Autonomous Region of Muslim Mindanao (ARMM).

However, when the Tribunal commenced in July 2017 the collection of the ballot boxes in the ARMM identified as pilot precincts by Protestant Tolentino, the ballot boxes pertaining to the Municipalities of Sumisip, Tabuan-Lasa, Akbar, Tuburan, all of the Province of Basilan, as well as those of the Municipalities of Datu Odin Sinsuat and Barira, both of the Province of Maguindanao, were still in the custody of the respective municipal treasurers. Hence, the said ballot boxes were retrieved by the SET Collection Teams and are now in the custody of the Tribunal.

The Tribunal was likewise informed of another local protest pending before Branch 81, Regional Trial Court of Malolos City, Bulacan, docketed as EPC Case No. 04-M-2016 (*Kuya Jim Valerio, vs. Eleanor V. Tugna a.k.a. Joni JJV Villanueva*), involving the position of Municipal Mayor for Bocaue, Bulacan. The Tribunal, invoking its preferential right in the custody of ballots, likewise collected twenty (20) ballot boxes from the Municipality of Bocaue, Bulacan last 25 July 2017.

Although the revision of ballots and election documents pertaining to the aforesaid areas have been completed, Tribunal proceedings are not yet over. The Tribunal needs to retain custody of the ballot boxes for the conduct of further validation and verification process.

While the Tribunal had invoked its preferential right in the custody of the contested ballot boxes as provided for in COMELEC Resolution No. 2812 dated 17 October 1995, the Tribunal and the other adjudicatory bodies are not precluded from coordinating with one another so as not to delay the resolution of electoral protests pending before their respective jurisdictions. In the past, the Tribunal had allowed the COMELEC and the courts to conduct their respective proceedings within the Tribunal premises to avoid a cyclical return and retrieval of the contested ballot boxes from one custody to another.

Thus, the Tribunal deemed it best to allow the concerned adjudicatory bodies to conduct their respective revision and/or appreciation proceedings, if they so desire, within the premises of the Tribunal while the above-captioned case remains pending.

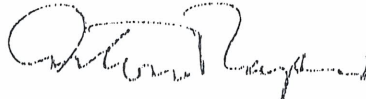
ACCORDINGLY, the Executive Committee of the Tribunal Resolves to:

1. **INFORM** the Electoral Contests Adjudication Department (ECAD), Second Division, of the Commission on Elections that it may conduct its revision and/or appreciation proceedings in relation to EPC Case No. 2016-37 (*Abdusakur M. Tan vs. Mujiv S. Hataman*) in the premises of the Senate Electoral Tribunal located at the Electoral Tribunals Building, COA Compound, Batasan Road, corner Commonwealth Avenue, Quezon City;
2. **INFORM** the Honorable Presiding Judge of Branch 81, Regional Trial Court, Malolos City, Bulacan, that he may conduct the revision/recount proceedings in relation to EPC Case No. 04-M-2016 (*Kuya Jim Valerio vs. Eleanor V. Tugna a.k.a. Joni JJV Villanueva*) in the premises of the Tribunal; and

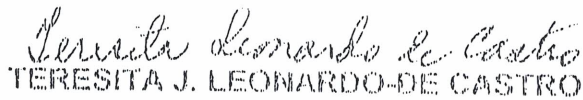
3. **REQUEST** the COMELEC-ECAD (Second Division) and the Honorable Presiding Judge of RTC Branch 81, Malolos City, Bulacan, to communicate their preferred schedules to the Acting Secretary of the Tribunal.

SO ORDERED.

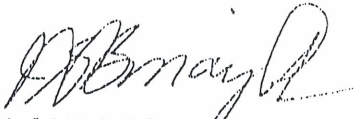
08 March 2018.



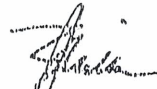
ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



MARIA LOURDES "NANCY" S. BINAY
Senator
Member



JOEL MILLANUEVA
Senator
Member