



REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**

COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,  
Protestant,

SET Case No. 001-16

-versus-

LEILA M. DE LIMA,  
Protestee.

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**RESOLUTION NO. 16 - 98**

Before the Tribunal are two (2) separate Urgent Motions filed by Protestant Francis N. Tolentino, both dated 12 February 2018:

*Urgent Motion* (To Request for the  
Suspension of Presentation of Evidence for  
Seven Calendar Days after Completion of  
Decryption and Authentication of Ballots)

It is Protestant's position that the decryption of the SD cards will allow him "to compare whether the counting results as indicated in the picture image of the ballots will jive (*sic*) with the actual count in the paper ballots." The request for seven (7) working days suspension of the presentation of evidence after all the ballots are decrypted and authenticated will allow him ample time to thoroughly review and compare the printouts vis-à-vis the actual ballots; afford him the opportunity to scrutinize such decrypted ballots, submit comments / observations and make claims or objections thereto; allow him to streamline his presentation of evidence and ultimately speed up the process and minimize further delays to the proceedings.

Protestant Tolentino further requests that the period of suspension should not be charged to the maximum period of thirty (30) working days for the reception of his evidence as provided in Rule 64 of the 2013 Rules of the Senate Electoral Tribunal.

*Urgent Motion* (To Cause the Electronic Comparison of Decrypted and Authenticated Ballots with Actual Ballots)

Protestant Tolentino prays that in the event a software is available that will enable the electronic comparison of the results of the authenticated printouts of the decrypted ballots vis-à-vis the actual ballots, comparison be done electronically as such software would hasten the comparison and thus tend to speed up the proceedings considerably. Protestant, however, manifested that said request is without prejudice to his earlier motion to suspend the proceedings.

In addition, Protestant prays that in the event any discrepancy exists between the results of an authenticated printout of a decrypted ballot and the count in a corresponding actual ballot, the results from such clustered precinct be accordingly annulled.

Our Ruling

For the first *Urgent Motion*, the Tribunal sees no cogent reason to suspend the presentation of evidence for seven (7) working days after the conclusion of the decryption and authentication proceedings. Protestant should be reminded that the electronic images of the ballots for only twelve (12) clustered precincts form part of his evidence as may be gleaned from the Amended Preliminary Conference Order dated 09 May 2017. Upon decryption of the twelve (12) SD cards, the Information and Communication Systems and Judicial Records Management Service (ICSJRMS) of the Tribunal shall release immediately to the Protestant copies of the Digital Video Discs (DVDs) for his evaluation. The number of SD cards does not warrant a suspension of the hearings.

Anent the second *Urgent Motion*, Protestant Tolentino need not move for the electronic comparison of the printouts of decrypted ballots with the actual ballots as this activity is considered as forming part of the Tribunal's internal deliberations. These deliberations are no different from judicial deliberations, which are considered confidential and privileged.<sup>1</sup> Whether the verification and validation process will be made manually or electronically should be left to the sound discretion of the Tribunal.

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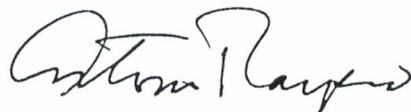
<sup>1</sup> JOSELITO R. MENDOZA vs. COMMISSION ON ELECTIONS and ROBERTO M. PAGDANGANAN, G.R. No. 188308, October 15, 2009.

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

1. **DENY** the *Urgent Motion* (To Request for the Suspension of Presentation of Evidence for Seven Calendar Days after Completion of Decryption and Authentication of Ballots) for lack of merit;
2. **DENY** the *Urgent Motion* (To Cause the Electronic Comparison of Decrypted and Authenticated Ballots with Actual Ballots) for lack of merit; and
3. **DIRECT** the Information and Communication Systems and Judicial Records Management Service (ICSJRMS) of the Tribunal to release immediately to the Protestant copies of the Digital Video Discs (DVDs) of the decrypted ballots pertaining to the twelve (12) clustered precincts which form part of Protestant's evidence as stated in the Amended Preliminary Conference Order dated 09 May 2017 upon decryption of the said precincts.

**SO ORDERED.**

**20 February 2018.**



**ANTONIO T. CARPIO**  
Senior Associate Justice



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



**LUCAS P. BERSAMIN**  
Associate Justice  
Member