



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 - 106

In Resolution No. 16-64 dated 14 September 2017, Protestant Francis N. Tolentino was required, among others, to designate as substitute pilot precincts for the uncollected Mindanao ballot boxes, fifty-four (54) precincts from among his other contested precincts which were initially included as pilot precincts in his Preliminary Conference Brief dated 05 October 2016. Instead, however, of identifying his substitute precincts, Protestant Tolentino filed a *Manifestation and Motion* dated 12 October 2017, stating that he intends to pursue the collection of the fifteen (15) ballot boxes pertaining to the Municipality of Al-Barka, Basilan and the thirty-nine (39) ballot boxes from Lanao del Sur, subject of the order for substitution.

Aforesaid Motion was granted in Resolution No. 16 - 81 dated 22 November 2017. The Tribunal, thus, directed the Canvass Board Service (CBS) to coordinate with the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) on the collection schedule and security arrangements for the collection operations in the Provinces of Basilan and Lanao del Sur.

Upon prior coordination with the Regional Trial Court, Branch 2, Isabela City, Basilan which had temporary custody of the fifteen (15) ballot boxes pertaining to the Municipality of Al-Barka, Basilan in connection with the proceedings in Election Protest No. 04-16 (*Bhenzar J. Yusoph vs. Darussalam S. Lajid*), the CBS was informed that the ballot boxes were already turned over to the

Electoral Contests Adjudication Department of the Commission on Elections (COMELEC). The Tribunal, invoking its preferential right in the custody and revision of ballots, retrieved said ballot boxes from the COMELEC on 20 February 2018.

With respect to the proposed collection in Lanao del Sur, the AFP advised CBS not to proceed due to security concerns. Thus, the 39 pilot precincts remained uncollected. Records, however, show that of the 39 uncollected ballot boxes, only 8 are for revision while 31 are for annulment of election results. CBS also failed to collect one (1) ballot box from Tongkil, Sulu which is also for revision.

To recall, Protestant Tolentino identified 751 clustered precincts as his pilot precincts. He prayed for the annulment of the election results in 88 clustered precincts and the revision of ballots in 663 clustered precincts. After the completion of the revision proceedings involving the second batch of ballot boxes on 07 March 2018, CBS reported that a total of 654 ballot boxes had been revised. Only the aforesaid nine (9) ballot boxes which were uncollected were not revised.

Culled from statistical reports, the total actual voters from the nine (9) unrevised precincts is 3,375. This constitutes only one percent (1%) of the actual voters from all the 663 pilot precincts for revision totalling 328,052. This, therefore, will not have a substantial effect on the revision results. For this reason, the Tribunal considers said precincts withdrawn from the pilot precincts but these remain to be part of the contested non-pilot precincts.

IN VIEW OF THE FOREGOING, the Executive Committee of the Tribunal Resolves to DECLARE that the revision proceedings involving the pilot precincts is deemed terminated.

SO ORDERED.
18 April 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice
Member