



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.

X-----X

RESOLUTION NO. 16 – 107

In an *Urgent Motion* dated 16 October 2017, Protestee Leila de Lima prayed for the dismissal of the instant protest in view of the acceptance by Protestant Francis N. Tolentino of an alleged *permanent appointment* as Political Adviser under the Office of the President of the Philippines during the pendency of the instant protest which constitutes an abandonment of the protest.

Protestant Tolentino filed his *Opposition* dated 27 October 2017, stating, among others, that the acceptance of a *primarily confidential position*, as in his case, does not constitute abandonment of an electoral protest.

When the matter was presented for consideration during the meeting on 22 November 2017, the Acting Secretary of the Tribunal was directed to request from the Office of the President copies of the Appointment Papers and Oath of Office of Protestant Tolentino. The Tribunal deferred the resolution of the said motion until these documents would have been obtained.

In a letter dated 07 December 2017, but released on 12 December 2017, the Office of the President, thru Ms. Rizalina N. Justol, Deputy Executive Secretary for Finance and Administration, furnished the Tribunal copies of the requested documents.

On 05 March 2018, Protestee de Lima filed a *Motion to Resolve* (Re: Urgent Motion dated 16 October 2017), reiterating her position that by accepting an incompatible office, Protestant Tolentino has effectively abandoned his protest.

The matter was presented for consideration during the Tribunal meeting held on 08 March 2018. Considering, however, the failure to muster a quorum during the said meeting, action on the motion was deferred anew.

ACTING on the *Motion to Resolve* dated 05 March 2018, the Executive Committee of the Tribunal resolves to **INFORM** Protestee de Lima that her *Urgent Motion* dated 16 October 2017 shall be included in the agenda during the next meeting of the Tribunal.

SO ORDERED.

18 April 2018.



ANTONIO T. CARPIO
Senior Associate Justice
• Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member