



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 - 121

In Resolution No. 16-113 dated 30 May 2018, the Tribunal denied Protestant Tolentino's request for an unedited copy of the video footage taken during the demonstration of the system date change of the Consolidation and Canvassing System (CCS) laptop conducted on 25 January 2018 by the Commission on Elections (COMELEC). In his *Motion for Partial Reconsideration* dated 08 June 2018, Protestant anchors his plea on the following grounds:

1. He shall use the unedited footage or its functional equivalent, not only to validate the notes, photos and video footages taken by his representative, but more so, as basis of his objection or concurrence in the process of changing the system date which was already directed by the Tribunal to be implemented;
2. Having the unedited video footage of the demonstration as reference will facilitate the coordination between the COMELEC and Protestant in endeavoring to implement the system date change of all CCS laptops in the protested precincts and therefore, would speed up the activity; and
3. He invokes his constitutional right to access public records, particularly the unedited video footage of the 25 January 2018 demonstration.

The Tribunal is not persuaded by the Protestant's insistence. As ruled in Resolution No. 16-113, there is no valid justification which necessitates the release of the video footage to the Protestant as the Tribunal made sure that the parties could make the most of what transpired during the demonstration.

Protestant was allowed to capture his own video recordings and photographs of the entire process. In addition to his counsel, he invited observers, including IT professionals, to witness the activity, ask countless questions and gather as much information as they wanted. Without doubt, Protestant was included in, involved in, and made part of the proceedings.

To reiterate, the Tribunal's unofficial video of the demonstration was not intended to be released to any of the parties to an electoral protest or to the public. Rather, it was intended for the exclusive use of the Tribunal. Although the demonstration was conducted within the Tribunal's premises, the fact remains that it was a COMELEC procedure. The release of the footage may compromise the confidentiality of COMELEC's processes.

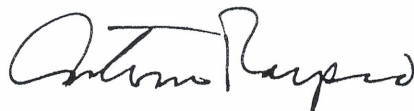
Protestant claims that the video footage is in the nature of a public record for which he has the constitutional right to access. Be that as it may, the Tribunal exercises inherent supervisory and protective powers over its own records and files. Should the Protestant genuinely need the video footage as reference, he may request to view the Tribunal's unofficial video footage of the system date change demonstration within the Tribunal's premises. This is consistent with Rule 135, Section 2 of the Rules of Court, which is suppletorily applicable to the proceedings of the Tribunal. To quote:

"Sec. 2. Publicity of proceedings and records. x x x x The records of every court of justice shall be public records and **shall be available for the inspection of any interested person, at all proper business hours, under the supervision of the clerk having custody of such records**, unless the court shall, in any special case, have forbidden their publicity, in the interest of morality or decency."

IN VIEW OF THE FOREGOING, the Executive Committee of the Tribunal Resolves to **DENY** the instant *Motion for Partial Reconsideration [of Resolution No. 16-113 dated 30 May 2018]* for lack of merit.

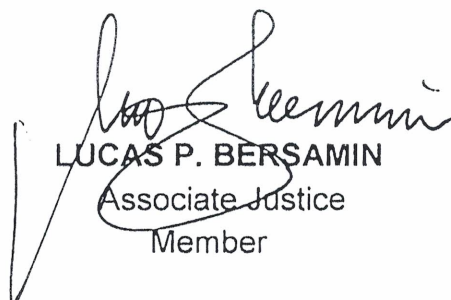
SO ORDERED.

03 July 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member


LUCAS P. BERSAMIN
Associate Justice
Member