



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

**FRANCIS N. TOLENTINO,**  
Protestant,

-versus-

**SET Case No. 001-16**

**LEILA M. DE LIMA,**  
Protestee.

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**RESOLUTION NO. 16 – 129**

In a Resolution dated 14 August 2018, the Presidential Electoral Tribunal in P.E.T. Case No. 005 (Ferdinand 'Bongbong' R. Marcos, Jr. vs. Maria Leonor 'Leni Daang Matuwid' G. Robredo) directed the Senate Electoral Tribunal (SET):

“to **DELIVER** the fifty-four (54) ballot boxes, election documents and other election paraphernalia involved in SET Case No. 001-16 (Tolentino vs. De Lima), which were not included during the retrieval, particularly those from the Municipalities of Oton, Santa Barbara and Dumangas.”

The aforesaid directive, however, is silent as to who will shoulder the expenses for the transport of the ballot boxes. As the cost of transporting the ballot boxes, election documents and paraphernalia involved in an election protest from and to their places of origin is not programmed into the budget of the SET, such expenses are shouldered by the party requesting the collection and revision of ballots and election documents. Thus, the cost of collecting subject ballot boxes from the Province of Iloilo was charged against the cash deposit of Protestant Francis N. Tolentino.

Be that as it may, the SET Canvass Board Service (CBS) is directed to deliver the said ballot boxes to the PET, upon prior coordination with Atty. Linuel G. Alindogan, Head of the PET Retrieval Team. The cost of such transfer shall be charged against the cash deposit of Protestant Tolentino. However, the PET shall cause the return of the ballot boxes to their places of origin in Iloilo, the cost of which shall be borne by therein Protestant Marcos. Protestant Tolentino shall be relieved from the obligation of returning and spending for the return of these ballot boxes. It should be noted that the norm in cases where ballot boxes are involved in two or more protests is to provide for an equitable sharing, between or among the Protestants, of the expenses for the collection and return of contested ballot boxes and election documents.

Further, records show that SET has in its custody only fifty-three (53) ballot boxes, not fifty-four (54) as stated in the PET Resolution. These are as follows: twenty-two (22) from the Municipality of Dumangas; fifteen (15) from the Municipality of Oton; and sixteen (16) from the Municipality of Santa Barbara.

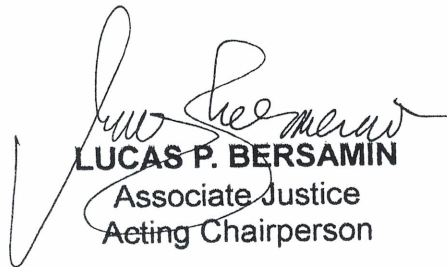
**ACCORDINGLY**, the Executive Committee of the Tribunal Resolves to:


1. **DIRECT** the SET Canvass Board Service (CBS) to deliver to the Offices of the Presidential Electoral Tribunal (PET) the fifty-three (53) ballot boxes from the Municipalities of Oton, Santa Barbara and Dumangas, Province of Iloilo;
2. **REQUIRE** Atty. Linuel G. Alindogan, Head of the PET Retrieval Team, to coordinate with CBS the schedule and other details of the transfer of subject ballot boxes;

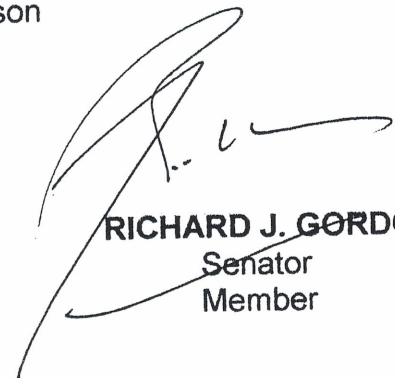
3. **DIRECT** the SET Financial Management Service to charge against the cash deposit of Protestant Tolentino the expenses to be incurred relative to the transport of aforesaid ballot boxes; and
4. **REQUIRE** the PET to cause the return of the subject ballot boxes to their places of origin in the Province of Iloilo at the expense of therein Protestant Marcos, and at no extra cost on the part of herein Protestant Tolentino.

**SO ORDERED.**

11 September 2018.

  
**LUCAS P. BERSAMIN**  
Associate Justice  
Acting Chairperson

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice  
Member

  
**RICHARD J. GORDON**  
Senator  
Member