



**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 - 133**

The Tribunal resolves to **CONFIRM** the following Resolutions issued by the Executive Committee from 25 April to 11 September 2018:

1. **Resolution No. 16-109** dated 25 April 2018, which **DIRECTED** the stenographic reporter to **TRANSCRIBE** all the stenographic notes and **SUBMIT** the same to the Acting Secretary of the Tribunal within fifteen (15) working days from receipt of the Resolution;
2. **Resolution No. 16-110** dated 27 April 2018, which:
  - a. **NOTED** the *Manifestation* of Protestant Tolentino dated 08 March 2018, manifesting his continuing objection to the inclusion in the revision proceedings the nine (9) ballot boxes of Pagbilao, Quezon and one (1) ballot box of Calbayog City, Western Samar and that his participation in the revision proceedings should not be construed as a waiver of his right to further object and subsequently question the integrity, accuracy and authenticity of the contents therein;
  - b. **FOUND** the explanations of the following to be **SATISFACTORY**:
    - 1.) Mr. Aristo G. Catalla, Municipal Treasurer of Pagbilao, Quezon on why the ballot boxes that were turned-over to the SET Collection Team contained 2013 ballots and election documents;
    - 2.) Ms. Ma. Evelyn O. Junio, Assistant City Treasurer of Calbayog City on why the ballot box for Clustered Precinct No. 8 contained 2013 ballots and election documents;

- 3.) Ms. Ofelia C. Adesas, ICO Municipal Treasurer of San Jorge, Western Samar on why the ballot box which purportedly pertains to Precincts Nos. 15 and 15A/B contains ballots and election documents pertaining to Precincts Nos. 17 A/B;
  - 4.) Ms. Grace A. Jomillo, Municipal Treasurer of Dumangas, Iloilo on why the contents of the ballot box for Clustered Precinct No. 8 which was turned over to the SET Collection Team contained ballots and election documents belonging to another Clustered Precinct; and
  - 5.) Ms. Francisca M. Jumao-as, Municipal Treasurer of Tuburan, Cebu on why certain ballot boxes contained wet or damaged ballots and election documents.
- c. **FOUND** the explanation submitted by the Commission on Elections (COMELEC) with respect to the questioned Ballot ID of two (2) clustered precincts of San Jorge, Western Samar to be **SATISFACTORY**;
  - d. **FOUND** the explanations on why certain ballot boxes contained wet or damaged ballots and election documents, given by Mr. Sancen D. Caroro, City Treasurer of Dipolog City, Zamboanga del Norte and Ms. Mary Ann P. Bautista, City Treasurer of San Fernando City, Pampanga, to be **UNSATISFACTORY** and imposed upon them a **FINE** of FIVE THOUSAND PESOS (PHP5,000.00) each, to be paid to the Tribunal within a non-extendible period of fifteen (15) days from receipt of the Resolution; and
  - e. **DIRECTED** the Acting Secretary to cause the service of the Resolution to Municipal Treasurer Alona U. Friades of Tongkil, Sulu through the Provincial Treasurer of Jolo, Sulu, **REQUIRING** her to **EXPLAIN** why the ballot box for Clustered Precinct No. 15 which was turned-over to the SET Collection Team contained ballots and election documents belonging to another Clustered Precinct and to **SHOW CAUSE** why she should not be held in contempt of the Tribunal for this irregularity, both within ten (10) days from receipt of the Resolution.
3. **Resolution No. 16-111** dated 15 May 2018, which **DENIED** for lack of merit Protestant Tolentino's *Motion for Reconsideration* of Resolution No. 16-106, praying that the eight (8) clustered precincts from the Province of Lanao del Sur which were not retrieved due to security reasons be substituted with other contested precincts.

4. **Resolution No. 16-112** dated 15 May 2018, which resolved to **INFORM** the COMELEC, Second Division, that it may conduct its proceedings in relation to EAC No. 25-2017 (*Yusoph vs. Lajid*) in the premises of the Senate Electoral Tribunal located at the Electoral Tribunals Building, COA Compound, Batasan Road, corner Commonwealth Avenue, Quezon City, upon prior coordination of its preferred schedule with the Acting Secretary of the Tribunal.
5. **Resolution No. 16-113** dated 30 May 2018, which:
  - a. **LIFTED** the Order holding in abeyance the implementation of the proposed system date change of the Consolidation and Canvassing System (CCS) laptops pertaining to protested precincts;
  - b. **DIRECTED** Protestant Tolentino to coordinate directly with the Commission on Elections for the audit logs of the CCS laptops; and
  - c. **DENIED** Protestant Tolentino's request for an unedited copy of the video footage taken during the demonstration of the system date change of the CCS laptop conducted on 25 January 2018.
6. **Resolution No. 16-114** dated 30 May 2018, which **NOTED** the **COMPLIANCE** of Mr. Sancen D. Caroro, City Treasurer of Dipolog City, Zamboanga Del Norte, with Resolution No. 16-110 dated 27 April 2018 by transmitting to the Tribunal Postal Money Order Checks in the amount of FIVE THOUSAND PESOS (PHP5,000.00) in full payment of the FINE imposed upon him.
7. **Resolution No. 16-115** dated 01 June 2018, which **REQUIRED** the COMELEC to **COMMENT**, within five (5) days from receipt of the Resolution, on Protestant Tolentino's *Motion* dated 22 May 2018, praying that the Tribunal (a) direct the COMELEC to issue the necessary orders to access the *raw audit log* files of the CCS laptops covering the protested precincts and/or (b) order SMARTMATIC, if necessary, to assist the COMELEC in accessing such files.
8. **Resolution No. 16-116** dated 13 June 2018, which **ALLOWED** the transfer of the one hundred fifty-two (152) Vote Counting Machines (VCMs) and six (6) CCS kits, covered by the Tribunal's Protection Order, from its current location to the racking system within the COMELEC Warehouse in Sta. Rosa City, Laguna, subject to the observance of proper safeguards and measures to preserve and protect the integrity of the VCMs and CCS kits; and required the COMELEC to give the Tribunal and the parties prior notice of the date of actual transfer and allow their duly authorized representatives to observe the activity.

9. **Resolution No. 16-117** dated 18 June 2018, which **GRANTED** the COMELEC additional period of fifteen (15) days from 10 June 2018, or until 25 June 2018, within which to file the comment required in Resolution No. 16-115 dated 01 June 2018; and **NOTED** Protestant Tolentino's *Manifestation* dated 08 June 2018.
10. **Resolution No. 16-118** dated 20 June 2018, which resolved to:
  - a. **ORDER** the resumption of the reception of evidence on 04 July 2018 with **WARNING** that no further postponement shall be allowed;
  - b. **DIRECT** the parties' respective counsel to appear before the Hearing Commissioner, Atty. Lamberto B. Delleva, on 27 June 2018 at 10:00 o'clock in the morning, Room 208 (Hearing Room) for a conference to discuss the schedule for the presentation of evidence;
  - c. **DIRECT** the counsel for Protestant to submit during the aforesaid conference the list of witnesses to be presented and the dates for their presentation; the list of witnesses or documents for which the issuance of subpoena is needed; and the specific addresses and designations of the witnesses to be subpoenaed, with **WARNING** that no motion for the presentation of additional evidence for the Protestant shall be entertained;
  - d. **GRANT** Protestant Tolentino's *Urgent Motion for Partial Reconsideration* dated 20 March 2018 only with respect to the presentation of Mr. Felix Muga II;
  - e. **DIRECT** Protestant Tolentino to submit the address of Mr. Ferdinand P. de Leon or his suitable replacement to facilitate the issuance of subpoena;
  - f. **DIRECT** the Hearing Commissioner to issue the necessary *Subpoena Ad Testificandum* to Messrs. Ivan Uy and Drex Laggui subject to the submission by Protestant's counsel of the schedule for their presentation;
  - g. **GRANT** Protestant Tolentino's *Motion* to recall Director Teopisto E. Elnas, Jr. of the Election and Barangay Affairs Department of COMELEC to the witness stand; and
  - h. **REQUIRE** the COMELEC to submit to the Tribunal certified true copies of the Municipal Certificates of Canvass (MCOC), Statement of Votes by Municipality (SOVM) and Statement of Votes by Precincts (SOVP) of Bocaue and Sta. Maria, Bulacan, and the MCOC of Pantao Ragat, Lanao del Norte, within ten (10) days from receipt of the Resolution.

11. **Resolution No. 16-119** dated 25 June 2018, which **GRANTED** the COMELEC additional period of fifteen (15) days from 25 June 2018 or until 10 July 2018, within which to file the Comment required in Resolution No. 16-115 dated 01 June 2018.
12. **Resolution No. 16-120** dated 03 July 2018, which **ALLOWED** the transfer of the Voter's Registration Records (VRR) and the Election Day Computerized Voters Lists (EDCVL) of Clustered Precinct No. 11 (69A, 70A, 70B) of Akbar, Basilan and Clustered Precinct No. 13 (23A, 23B, 24A, 25A, 25B) of Tabuan-Lasa, Basilan to the custody of the Election Records and Statistics Department of the Commission on Elections (COMELEC-ERSD), *provided, however*, that said VRR and EDCVL must be returned to the Tribunal not later than 01 August 2018; *provided, further*, that it employs measures to safeguard and preserve the integrity of the subject election documents; and **DIRECTED** the Canvass Board Service of the Tribunal to coordinate with the COMELEC-ERSD and to notify the parties herein of the actual date of transfer of the aforesaid documents.
13. **Resolution No. 16-121** dated 03 July 2018, which **DENIED** Protestant Tolentino's *Motion for Partial Reconsideration [of Resolution No. 16-113 dated 30 May 2018]* for lack of merit.
14. **Resolution No. 16-122** dated 10 July 2018, which **REQUIRED** Protestant Tolentino to file a REPLY to the COMELEC's *Comment (On Protestant Francis N. Tolentino's Motion dated 22 May 2018)*, within three (3) days from receipt of the Resolution.
15. **Resolution No. 16-123** dated 10 August 2018, which **PARTIALLY GRANTED** the *Motion (to Call Again Messrs. Roderick Ilagan and Felimon Enrile)* only with respect to Mr. Roderick Ilagan and only for the purposes stated in the Resolution; and **DIRECTED** the Hearing Commissioner to issue the *subpoena ad testificandum* to Mr. Ilagan and schedule his presentation on 23 August 2018 at 9:00 o'clock in the morning.
16. **Resolution No. 16-124** dated 05 September 2018, which:
  - a. **REQUIRED** the COMELEC to release to Protestant Tolentino the audit logs, in the format that is feasible and legally permissible, within fifteen (15) days from receipt of the Resolution and manifest to the Tribunal its compliance within three (3) days from the release of the audit logs to the Protestant; and
  - b. **DIRECTED** Protestant Tolentino to coordinate directly with the COMELEC for the audit logs and shoulder whatever cost that may be incurred relative thereto.

17. **Resolution No. 16-125** dated 05 September 2018, which:
- a. **LIFTED** the Precautionary Order on the Election Management System (EMS) Servers covered by SET Resolution No. 16-01 dated 07 July 2016;
  - b. **ALLOWED** the COMELEC to back-up and/or clone the data in the EMS Servers in the presence of representatives of the Tribunal and the parties; and
  - c. **DIRECTED** the COMELEC to maintain custody and preserve the integrity of the backed-up or cloned data.
18. **Resolution No. 16-126** dated 11 September 2018, which **AUTHORIZED** Ms. Myrna P. De Jesus, Election Officer III, Bacolor, Pampanga, to transfer the ballot boxes, their contents and other election documents used in the 09 May 2016 National and Local Elections from the Municipal Warehouse to the function room located at the 2<sup>nd</sup> Floor of the Municipal Building, subject to strict observance and implementation of such measures as may be necessary to preserve and protect the integrity of the ballot boxes and election documents and paraphernalia.
19. **Resolution No. 16-127** dated 11 September 2018, which **NOTED** the **COMPLIANCE** of MARY ANN P. BAUTISTA, City Treasurer of San Fernando City, Pampanga, with Resolution No. 16-110 dated 27 April 2018, by paying the FINE imposed upon her in the amount of FIVE THOUSAND PESOS (Php5,000.00) as evidenced by Official Receipt No. 2183697 dated 29 August 2018.
20. **Resolution No. 16-128** dated 11 September 2018, which resolved to inform the COMELEC that the Tribunal interposes **NO OBJECTION** to the pull-out by its Information Technology Department of one (1) Secure Digital (SD) card duplicator stored at the Memory Configuration Room of the COMELEC Warehouse in Sta. Rosa City, Laguna, in connection with the on-going laboratory testing of the EMS, CCS, Vote VCMs / Optical Mark Readers (OMR) in preparation for the 2019 National and Local Elections.
21. **Resolution No. 16-129** dated 11 September 2018, which resolved to:
- a. **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;

- b. **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;
- c. **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
- d. **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.

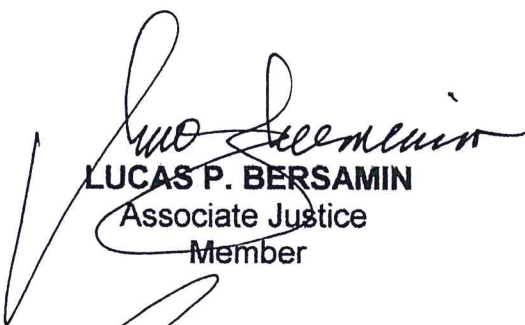
22. **Resolution No. 16-130** dated 11 September 2018, which resolved to **NOTE** the *Manifestation* of the COMELEC dated 06 September 2018, informing the Tribunal of the pull-out on 14 September 2018 of twenty-nine (29) units of unused 2016 CCS Contingency Laptops stored at the COMELEC Warehouse in Sta. Rosa City, Laguna to be issued to the Offices of the Commissioners named therein.

**SO ORDERED.**

27 September 2018.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**LUCAS P. BERSAMIN**  
Associate Justice  
Member



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



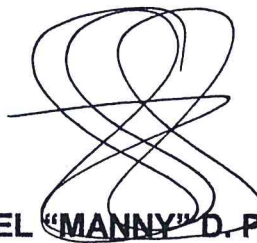
**RICHARD J. GORDON**  
Senator  
Member



**MARIA LOURDES "NANCY" S. BINAY**  
Senator  
Member



**JOEL VILLANUEVA**  
Senator  
Member



**EMMANUEL "MANNY" D. PACQUIAO**  
Senator  
Member



**FRANKLIN M. DRILON**  
Senator  
Member

**ANTONIO "SONNY" F. TRILLANES IV**  
Senator  
Member