



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 - 135

Before the Tribunal is a *Motion for the Return of Payments* dated 01 October 2018 filed by Protestant Francis N. Tolentino praying that the amount of Three Million Three Hundred Fifteen Thousand Seven Hundred Eighty-Five & 36/100 Pesos (P3,315,785.36) be returned to him. The said amount represents the cost of retention by the Commission on Elections (COMELEC) of One Hundred Fifty-One (151) Vote Counting Machines (VCM)¹ and Six (6) Consolidation and Canvassing System (CCS) laptops.

To recall, Protestant Tolentino, in his *Omnibus Motion* dated 07 June 2017, sought clarification as to the ownership of the aforesaid VCMs and CCS laptops. In Resolution No. 16-53 dated 28 June 2017, the Tribunal directed the Protestant to thresh out the issue of ownership with the COMELEC. To this date, this has not been resolved.

It may be recalled further that on 13 March 2017, the Tribunal was informed by the COMELEC, through its Law Department, that the two (2) Uninterruptible Power Supply (UPS) units of the Election Management System (EMS) Server

¹ 45 VCMs enumerated in Protestant's Manifestation dated 18 November 2016 and 106 VCMs listed in his Motion dated 18 November 2016.

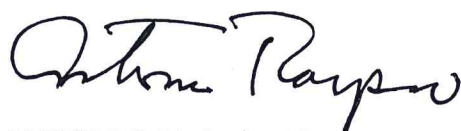
failed to function² which rendered the EMS non-operational. Since the configuration of the VCM depended on the EMS, the VCMs which were retained by the COMELEC upon the request of the Protestant were not used during the revision proceedings.

In view of the foregoing circumstances, the Tribunal has retained in its safekeeping the aforesaid amount which was intended to be turned-over to the COMELEC as reimbursement for the cost of retaining the VCMs and CCS laptops requested by the Protestant.

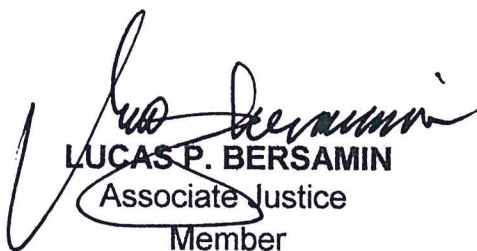
ACTING on the Protestant's *Motion for the Return of Payments*, the Executive Committee of the Tribunal resolves to REQUIRE the Commission on Elections to Comment thereon within ten (10) days from receipt of this Resolution.

SO ORDERED.

24 October 2018.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice
Member



ESTELA M. PERLAS-BERNABE
Associate Justice
Member

² COMELEC Manifestation dated 07 March 2017.