



REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**

**REYMAR R. MANSILUNGAN,**  
Petitioner,  
-versus-

**SET Case No. 001-19**

**AQUILINO “KOKO” PIMENTEL III,**  
Respondent.

X-----X

**EFREN A. ADAN,**  
Petitioner,  
-versus-

**SET Case No. 002-19**

**AQUILINO “KOKO” PIMENTEL III,**  
Respondent.

X-----X

**RESOLUTION NO. 19 – 03**

**PRELIMINARY CONFERENCE ORDER**

At the Preliminary Conference conducted by the Tribunal on 05 September 2019 at the Supreme Court *En Banc* Conference Room, Second Floor, Supreme Court Building I, Padre Faura, Manila, Protestant Reymar R. Mansilungan and his counsel, Atty. Leon M. Puertollano, Petitioner Efren A. Adan and his counsel, Atty. Rodrigo A. Melchor and Respondent Aquilino “Koko” Pimentel III and his counsel, Atty. George Erwin M. Garcia, appeared.

Prior to the conduct of the Preliminary Conference, the Tribunal deliberated on the *Motion to Suspend Proceedings Pending Resolution of the Issue on Jurisdiction* filed by Petitioner Adan on 04 September 2019, or a day before the scheduled Preliminary Conference. After hearing the respective positions of Petitioner Adan and Respondent Pimentel, the Tribunal resolved to DENY the Motion and proceeded with the conduct of the Preliminary Conference. The counsel for Petitioner Adan registered his continuing objection to the proceedings.

**I. FACTS ADMITTED BY THE PARTIES**

1. Respondent Pimentel filed his Certificate of Candidacy (COC) and was one of the senatorial candidates for the 14 May 2007 National and Local Elections.
2. Respondent was not initially proclaimed as one of the winning senatorial candidates during the 2007 elections.
3. Respondent filed an election protest before the Senate Electoral Tribunal docketed as SET Case No. 001-07 (Aquilino L. Pimentel III vs. Juan Miguel F. Zubiri).
4. Respondent was declared by the Senate Electoral Tribunal as the 12<sup>th</sup> winning Senator in the 2007 elections in a decision dated 11 August 2011.
5. Respondent served the 2007-2013 term from 11 August 2011 until the end of said term on 30 June 2013, or a period of one (1) year and ten (10) months.
6. Prior to 11 August 2011, it was Juan Miguel Zubiri who assumed and performed the duties and functions as Senator for a period of four (4) years and two (2) months.
7. Respondent filed his COC for senatorial post in the 13 May 2013 National and Local Elections, won and served the full six-year term from June 30, 2013 to June 30, 2019.
8. Respondent filed his COC for the 13 May 2019 National and Local Elections, and was subsequently proclaimed on 22 May 2019 by the National Board of Canvassers as the 10<sup>th</sup> winning senatorial candidate.
9. At the time the Petitions for Quo Warranto were filed on 31 May 2019, and Summons was issued on 25 June 2019, Respondent Pimentel has not yet assumed office as Senator of the 18<sup>th</sup> Congress.

**II. ISSUES TO BE RESOLVED****A. Factual**

1. WHETHER OR NOT THE PETITIONERS HAVE THE LEGAL STANDING TO FILE THE INSTANT PETITIONS FOR QUO WARRANTO.

B. Legal

- 1. WHETHER OR NOT THE SENATE ELECTORAL TRIBUNAL HAS ACQUIRED JURISDICTION OVER THE RESPONDENT CONSIDERING THAT HE HAS NOT YET ASSUMED OFFICE AS A MEMBER OF THE 18<sup>TH</sup> CONGRESS WHEN THE PETITIONS FOR QUO WARRANTO WERE FILED AND THE CORRESPONDING SUMMONS WAS ISSUED.
- 2. WHETHER OR NOT THE RESPONDENT VIOLATED THE TWO-TERM LIMIT RULE IMPOSED FOR MEMBERS OF THE SENATE UNDER SECTION 4, ARTICLE VI OF THE 1987 CONSTITUTION.

III. EVIDENCE OF THE PARTIES

A. Documentary Evidence

1. For Petitioner Adan

Exhibit No.	Description	Purpose
"A- Adan"	Decision of the Senate Electoral Tribunal dated 11 August 2011 in the case entitled Aquilino L. Pimentel III vs. Juan Miguel F. Zubiri docketed as SET Case No. 001-07	To establish the fact that respondent was the 12th duly elected Senator during the 14 May 2007 National and Local Elections and the lawful occupant of the said position for the term covering the period 1 July 2007 to 30 June 2013.
"A1-Adan"	The dispositive portion of the decision	
"B- Adan"	Voter's ID of Petitioner Adan issued by COMELEC	To prove that Petitioner Adan is a registered voter and has the legal standing to file the instant Petition for <i>Quo Warranto</i> against the Respondent.

2. For Petitioner Mansilungan

Exhibit "A - Mansilungan" - Decision of the Senate Electoral Tribunal dated 11 August 2011 in the case entitled Aquilino L. Pimentel III vs. Juan Miguel F. Zubiri, docketed as SET Case No. 001-07;



Exhibit “A1 - Mansilungan” - The dispositive portion of the decision; and

Exhibit “B - Mansilungan” - Documentary evidence to prove his legal standing to file the Petition for *Quo Warranto* against Respondent Pimentel.

3. For Respondent Pimentel

The following documentary evidence for the Respondent were admitted by both Petitioners Adan and Mansilungan being public documents:

Exhibit No.	Description	Purpose/s
“1”	Decision of the Senate Electoral Tribunal dated August 11, 2011 and Entry of Judgment dated August 23, 2011 in the case entitled “Aquilino L. Pimentel III vs. Juan Miguel F. Zubiri” docketed as SET Case No. 001-07	To prove the following, among others: (a) That it was only on August 11, 2011 that the Respondent became a Senator for purposes of his 2007 to 2013 term; (b) That the Respondent was proclaimed as the 12th winning senatorial candidate for the 2007 Election by virtue of a decision rendered by the Senate Electoral Tribunal in an election protest case;
“2”	Service Record of the Respondent issued by the Human Resources Management Service of the Senate of the Philippines	(c) That the Respondent was not able to serve the entire 2007 to 2013 term; (d) That for the 2007 to 2013 term, the Respondent was only able to serve as a Senator for a period of one (1) year and ten (10) months;
“3”	Certificate of Employment of the Respondent issued by the Human Resources Management Service of the Senate of the Philippines	(e) That the Respondent did not violate the term limit rule imposed by Section 4, Article VI of the 1987 Constitution for Members of the Senate; (f) That the Respondent is eligible to assume and hold the office of a Senator for his 2019 to 2025 term; and

		(g) To prove all other allegations set forth in the Respondent's <i>Verified Answer Ad Cautelam with Special and Affirmative Defenses</i> .
"4"	Comelec Law Department Opinion dated April 3, 2018 signed by the Comelec Law Department Director Maria Norina S. Tangaro-Casingal	To prove the following, among others:  (a) That no less than the Commission on Elections (COMELEC) is of the position that the Respondent is eligible to run for the senatorial post in the 2019 Elections;
"5"	Decision of the Commission on Elections dated February 13, 2019 in the consolidated cases entitled "Ferdinand S. Topacio vs. Senator Aquilino 'Koko' Pimentel III and Glen A. Chong vs. Senator Aquilino 'Koko' Pimentel III" and docketed, respectively, as SPA Nos. 18-005 (DC) and 18-147 (DC)	(b) That the Respondent was not able to serve the entire 2007 to 2013 term;  (c) That the Respondent did not violate the term limit rule imposed by Section 4, Article VI of the 1987 Constitution for Members of the Senate;  (d) That the Respondent is eligible to assume and hold the office of a Senator for his 2019 to 2025 term; and  (e) To prove all other allegations set forth in the Respondent's <i>Verified Answer Ad Cautelam with Special and Affirmative Defenses</i> .

B. Testimonial Evidence

1. For Petitioner Adan

The counsel for Petitioner Adan reserved the right to present the COMELEC officer concerned to prove the fact that Petitioner Adan is a registered voter.



## 2. For Petitioner Mansilungan

The counsel for Petitioner Mansilungan manifested that he intends to present Petitioner Mansilungan himself to prove that the latter has the legal standing to file the Petition for *Quo Warranto* against Respondent Pimentel.

## 3. For Respondent Pimentel

The counsel for Respondent Pimentel manifested that although the testimony of the Respondent is included in the Preliminary Conference Brief, he expressed his intention not to present any testimonial evidence in order to expedite the disposition of the petitions considering that these involve legal issues.

Respondent's counsel also manifested that if Petitioners Adan and Mansilungan can present a Certification from the concerned Election Officers of COMELEC showing that they are registered voters for purposes of the 2019 elections, then there would be no need for the presentation of testimonial evidence. The counsel for Respondent expressed willingness to admit said Certifications following the principle of regularity in the performance of official functions.

# IV. RECEPTION OF EVIDENCE

No evidence shall be allowed to be presented and offered during the hearing other than those that had been identified during the preliminary conference. The Tribunal, however, may in its discretion allow the introduction of additional evidence if the interest of justice so requires.

The actual marking of the exhibits and the reception of the parties' evidence shall be done at the Tribunal premises. The Director of the Tribunal's Legal Service is hereby designated as Hearing Commissioner, under the supervision of the Secretary of the Tribunal.

The Secretary of the Tribunal is directed to furnish copies of this Resolution to the parties, through their respective counsel. The parties are given a period of five (5) days from receipt thereof to move for corrections or to submit any comment,


which shall be restricted solely to whether or not this Resolution faithfully reflects the admissions and stipulations of the parties.


The contents of this Resolution shall control the subsequent course of the proceedings.

**WHEREFORE**, the parties, through their counsel, are given five (5) days from receipt of this Resolution to submit any comment, which shall be restricted solely to whether or not this Resolution faithfully reflects the admissions and stipulations of the parties. The parties and their respective counsel cannot add any new matter with respect to the issues agreed upon and the evidence to be presented.

**SO ORDERED.**  
**05 September 2019.**

(ON LEAVE)  
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

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

  
**FRANCIS H. JARDELEZA**  
Associate Justice  
Member

**RICHARD J. GORDON**  
Senator  
Member

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



**PIA S. CAYETANO**  
Senator  
Member

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



**FRANKLIN M. DRILON**  
Senator  
Member



**MANUEL "LITO" M. LAPID**  
Senator  
Member