



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. 19-04

Petitioner Efren A. Adan seeks a reconsideration of this Tribunal's Resolution No. 19-02 dated 05 September 2019 denying his *Motion to Suspend Proceedings Pending Resolution of the Issue on Jurisdiction*.

In his *Motion for Reconsideration* filed on 03 October 2019, he alleged among others, that: a) pending resolution of the Tribunal's jurisdiction to hear the case, petitioner is in a situation where he is half hearted to pursue his cause of action against respondent considering that he is always entertaining the possibility that should the Tribunal later on rule that it lacks the required jurisdiction, then all his efforts will be rendered nugatory; b) he is not necessarily asking for a hearing on the issue of jurisdiction but the issue on jurisdiction be resolved with finality before the Tribunal proceed with the consideration of the main action; and c) should the Tribunal proceed with the consideration of the case without first

categorically resolving the issue on jurisdiction, the respondent will consider the Tribunal's action as a manifestation that it recognizes its jurisdiction over the case, thus, it is estopped from declaring that it has no jurisdiction to hear the instant case.

We DENY the Motion for Reconsideration. Petitioner Adan's persistence to obtain a separate ruling on the issue of jurisdiction before the Tribunal proceed to consider matters related to the main issue is misplaced and without merit. Petitioner Adan miserably failed to convince the Tribunal to reverse its ruling.

Be that as it may, we take this opportunity to discuss further the reasons for the DENIAL of Petitioner Adan's *Motion to Suspend Proceedings*.

To reiterate, the primary reason for Petitioner Adan's *Motion to Suspend Proceedings Pending Resolution of the Issue on Jurisdiction* is the Tribunal's alleged lack of jurisdiction over the person of Respondent which was raised by Respondent Pimentel himself. Had the *Motion to Suspend Proceedings* been filed by the Respondent, it would technically be in the nature of a motion to dismiss which is prohibited under Rule 28 of the 2013 SET Rules. There is no reason not to consider the same prohibited even if filed by a Petitioner.

It is a matter of public policy that election cases ought to be resolved with dispatch. In a long list of decisions, the Supreme Court has always emphasized the special and expeditious nature of election cases, the early resolution of which should not be hampered by any unnecessary delays. The 2013 Rules of the Tribunal had been designed in order to achieve expeditious proceedings. Under Rule 28, a mere *Motion for Postponement* is listed as among the prohibited motions purposely to avoid delay. With more reason that the *Motion to Suspend Proceedings* falls under this prohibition.

Moreover, Petitioner Adan should not be allowed to dictate the pace at which the petition will be resolved as his rights are not the only ones affected. The rights of the Respondent are prejudiced, as well, since his title to public office would remain under a cloud of doubt. Petitioner Adan's assertion that the Tribunal would be estopped from declaring that it has no jurisdiction to hear the case if it proceeds without first resolving the issue on jurisdiction runs counter to the Tribunal's

inherent power, as a Constitutional body, to control its processes and adopt suitable procedures for the disposition of every contest brought before it.

Thus, pursuant Resolution No. 19-03 (Preliminary Conference Order) dated 05 September 2019, the parties are directed to appear before the Director of the Tribunal's Legal Service, as the duly designated Hearing Commissioner, on 29 October 2019 at 9:00 o'clock in the morning, Room 208, Electoral Tribunals' Building, COA Compound, Commonwealth Avenue cor. Batasan Road, Quezon City, for the conduct of the following: a) Marking of the documentary exhibits of the parties; and b) Setting the dates for the presentation of evidence.

In connection with the aforesaid Preliminary Conference Order, Petitioner Adan, in his *Comment (On the Preliminary Conference Order)*, pointed out that Exh. "A-Adan" (Decision of the Tribunal in SET Case No. 001-07, entitled Aquilino L. Pimentel III vs. Juan Miguel F. Zubiri) did not state the purpose of the said exhibit which is "*to prove that Juan Miguel F. Zubiri's proclamation as the 12th winning senatorial candidate by the COMELEC-NBC was annulled, therefore void from the very beginning and of no effect.*"

However, a perusal of Petitioner Adan's *Preliminary Conference Brief* and the transcript of stenographic notes does not sustain the alleged failure to state such purpose in the Preliminary Conference Order. Be that as it may, Petitioner Adan's proposed correction to the Preliminary Conference Order is duly noted.

On the part of Respondent Pimentel, he manifested that he concurs with the substance and contents of the Preliminary Conference Order, the same being faithfully reflective of the contents of the Preliminary Conference Briefs of the parties.¹

Meanwhile, the Tribunal has been experiencing difficulty in the service of its resolutions, orders, and notices to both the petitioners and/or their counsel due to the lack of personnel in their respective offices to receive the documents. Worst,

¹ Manifestation in Lieu of Comment (To the Preliminary Conference Order) filed by Respondent on 27 September 2019.

even the security guards stationed therein are not willing to receive the Tribunal's processes. This has been the scenario since the very first resolution was served upon the petitioners.

Having filed a case before the Tribunal, common sense dictates that the petitioners and/or their counsel should anticipate that the Tribunal would be serving its resolutions, orders or notices at any time during the pendency of the case. The failure of petitioners to post/assign any responsible person tasked to receive the official documents coming from the Tribunal manifests an apparent lack of respect to the Tribunal and to the entire judicial process.

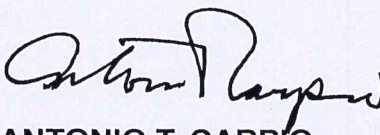
Petitioners and/or their respective counsel are, therefore, warned, that if the problem stated herein persists after the issuance of this resolution, the matter shall be dealt with more severely by the Tribunal.

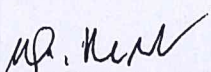
IN VIEW OF THE FOREGOING, the Tribunal Resolves to:

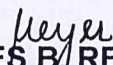
1. **DENY** Petitioner Adan's *Motion for Reconsideration* dated 03 October 2019, which seeks a reversal of Resolution No. 19-02 issued by the Tribunal on 05 September 2019, for lack of merit;
2. **DIRECT** the parties to appear before the Director of the Tribunal's Legal Service, who had been designated as Hearing Commissioner, on 29 October 2019 for the marking of documentary exhibits and setting of the schedule for the presentation of evidence;
3. **NOTE** the proposed correction of Petitioner Adan to Resolution No. 19-03 (Preliminary Conference Order) dated 05 September 2019;
4. **NOTE** the *Manifestation in Lieu of Comment (To the Preliminary Conference Order)* filed by Respondent Pimentel on 27 September 2019;

5. **REMIND** petitioners and/or their respective counsel to appoint or designate a responsible person to receive the resolutions, orders, and notices of the Tribunal in their offices; and
6. **WARN** petitioners and/or their counsel that the continued absence of a responsible person to receive the resolutions, orders and notices of the Tribunal in their offices after their receipt of this resolution, shall be dealt with more severely by the Tribunal.

SO ORDERED.
17 October 2019


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson


ESTELA M. PERLAS-BERNABE
Associate Justice
Member


ANDRES B. REYES, JR.
Associate Justice
Member

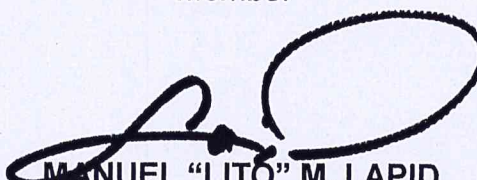

RICHARD J. GORDON
Senator
Member

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