



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.
X-----X

RESOLUTION NO. 16-07

The Tribunal Resolves to:

1. CONFIRM Resolution No. 16-01 of the Executive Committee dated 07 July 2016:
 - a. Directing the Secretary of the Tribunal to issue the corresponding SUMMONS to Protestee de Lima, requiring her to file her ANSWER to the Protest within a non-extendible period of fifteen (15) days from receipt of the summons;
 - b. Directing the Provincial Election Supervisors, Provincial Prosecutors, Provincial Treasurers, Election Officers and Municipal and City Treasurers and all other election officials assigned to or serving in the designated contested provinces and areas; all concerned officials of Philippine Embassies/Consular Offices in the countries and cities enumerated in the Resolution where Overseas Absentee Voting was held; and the Commission on Elections sitting as the National Board of Canvassers to safeguard and preserve the integrity of all ballot

boxes, their contents and keys, lists of voters with voting records, books of voters and other documents and materials or paraphernalia used or accomplished in connection with the 09 May 2016 elections for the office of Senator of the Philippines, as well as data storage devices containing electronic data evidencing the conduct and the results of election, which are in their keeping and custody, as the case may be; and to hold all such materials/documents subject to further orders and instructions of the Senate Electoral Tribunal;

- c. Requiring the above officials to submit to the Tribunal the corresponding report of compliance with the Resolution within ten (10) days from receipt thereof; and
- d. Providing that the mailing cost of the Resolution shall be charged against the cash deposit of Protestant Francis N. Tolentino.

2. **CONFIRM** Resolution No. 16-02 of the Executive Committee dated 27 July 2016, granting the request of the Honorable Adolfo V. Encomienda, Presiding Judge of the Regional Trial Court (RTC), Fourth Judicial Region, Branch 57, Lucena City to take temporary prior custody of the ballot boxes, election documents and election paraphernalia as well as the Vote Counting Machines together with the electronic data storage devices used during the 09 May 2016 elections in the contested precincts in Lukban, Quezon, in Election Protest Case No. 2016-02 (Villaseñor vs. Dator); and enjoining the Honorable Judge to ensure that the subject election materials are ready for transfer to the Tribunal when the need for them arises.

3. **CONFIRM** Resolution No. 16-03 of the Executive Committee dated 28 July 2016, requiring the parties to **COMMENT**, within a non-extendible period of five (5) days from receipt of the Resolution, on the letter of the Commission on Elections thru Commissioner Christian Robert S. Lim dated 22 July 2016, which, among others, seeks clarification on whether or not the phrase "other materials and paraphernalia" in the Precautionary Order contained in Resolution No. 16-01 covers the materials and paraphernalia enumerated in its letter, which were used during the 09 May 2016 elections, but which do not contain any election data; and which letter

involved in the instant protest case currently in the embassies and consular offices, which costs may be charged to Protestant Tolentino.

4. **CONFIRM** Resolution No. 16-04 of the Executive Committee dated 28 July 2016:

- a) Granting the Motion for Leave to File Amended Election Protest;
- b) Admitting the Amended Election Protest of Protestant Tolentino; and
- c) Directing Protestee De Lima to file her ANSWER to the Amended Election Protest within ten (10) days from service of a copy of the amended pleading and the resolution admitting the same.

5. **CONFIRM** Resolution No. 16-05 of the Executive Committee dated 16 August 2016, authorizing Election Officer IV Gerard M. Aquino, Office of the Election Officer, Commission on Elections, Bocaue, Bulacan to open the Audio-Visual Room located at the 3rd floor of the Bocaue Municipal Building for the purpose of conducting, in connection with the forthcoming 31 October 2016 Barangay and Sangguniang Barangay elections, an inventory of the yellow metal ballot boxes used in the previous barangay elections with instructions that he shall strictly observe and implement such safeguards and measures as may be necessary to preserve and protect the integrity of the Plastic Translucent Ballot Boxes used in the 09 May 2016 National and Local Elections, which are involved in the instant case and stored in the same storage room.

6. **CONFIRM** Resolution No. 16-06 of the Executive Committee dated 15 August 2016:

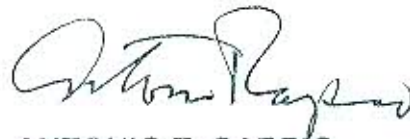
- a. Noting the respective COMMENTS of the parties in compliance with Resolution No. 16-03 dated 28 July 2016;

- b. Modifying the Precautionary Order contained in Resolution No. 16-01 dated 07 July 2016 by: 1) excluding therefrom the ballot boxes, their contents and keys, pertaining to the fourteen (14) foreign posts included in the electoral protest; and 2) excluding from the phrase "other materials and paraphernalia" all the items included in the list contained in the letter of Commissioner Lim, "SAVE for the VCM and its electric power supply and adaptor, the CCS Laptop itself, and all items which are necessary to subject the said VCM (pertaining to all of Protestant Tolentino's contested precincts) and CCS Laptop to a forensic audit;"
- c. Authorizing the Commission on Elections and Smartmatic-TIM, Inc. to conduct the 2016 Automated Election System (AES) Project closure/stripping activities for all the VCM and CCS Kits except as stated in the immediately preceding paragraph;
- d. Confirming all closure/stripping activities undertaken on the BGANs prior to the receipt of SET Resolution No. 16-01;
- e. Authorizing the Election Records and Statistics Department, Commission on Elections, to back up the contents of the VCM SD Cards and CCS laptops of the cities and municipalities covered by SET Resolution No. 16-01; provided that proper measures are undertaken to ensure the preservation of the integrity of the electronic data contained in the said data storage devices and that the original VCM SD Cards, including the back-up SD Cards, are kept or maintained by the Commission; and
- f. Requesting the Commission on Elections to inform the Tribunal within a period of ten (10) days of the cost of the VCM pertaining to the protested precincts of Protestant Francis N. Tolentino and the CCS Laptop, which amount Protestant Tolentino may be required to pay in the event that the said equipment are still in the possession of the

Commission by 01 December 2016 by reason of the instant electoral protest.

SO ORDERED.

08 September 2016.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member

ARTURO D. BRION
Associate Justice
Member

Cynthia A. Villar
CYNTHIA A. VILLAR
Senator
Member

Grace L. Poe
GRACE L. POE
Senator
Member

Ma. Lourdes "Nancy" S. Binay
MA. LOURDES "NANCY" S. BINAY
Senator
Member

Richard J. Gordon
RICHARD J. GORDON
Senator
Member

Franklin M. Drilon
FRANKLIN M. DRILON
Senator
Member

ANTONIO "SONNY" F. TRILLANES IV
Senator
Member