



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. 16-10**

For consideration of the Tribunal are: (a) *Clarificatory Motion with Motion to Dismiss and/or to Set Case for Preliminary Hearing or Oral Argument on the Special and Affirmative Defenses* of Protestee de Lima dated 15 September 2016; (b) *Motion to Expunge Protestee's Verified Answer to the Amended Election Protest* dated 14 August 2016 of Protestant Tolentino dated 21 September 2016; and (c) *Urgent Motion to Cancel Preliminary Conference and Suspend Period for Filing Preliminary Conference Brief* of Protestant Tolentino dated 22 September 2016.

Acting thereon, the Executive Committee of the Tribunal resolves to:

a. **GRANT** the *Clarificatory Motion* of Protestee de Lima. In consonance with the Letter dated 01 September 2016 of the Commission on Elections, it is the protestant who should shoulder the cost of the Vote Counting Machines (VCMs) and the corresponding Consolidated Canvassing System (CCS) Laptops in the event that the said equipment be still in the possession of the Commission on Elections by 01 December 2016 on account of the instant election protest case;

b. **DENY** Protestee de Lima's *Motion to Dismiss* for being a prohibited motion under Rule 28 of the 2013 Rules of the Tribunal;

c. **DIRECT** Protestee de Lima to include in her Preliminary Conference Brief her intention to set for hearing or oral arguments before the Tribunal the Special and Affirmative Defenses raised in her Answer dated 29 July 2016;

d. **DENY** the *Motion to Expunge Protestee's Verified Answer to the Amended Election Protest*, considering that the said motion is in the nature of a motion to declare Protestee in default, which is a prohibited pleading under the present Tribunal Rules; and

e. **DENY** the *Urgent Motion to Cancel Preliminary Conference and to Suspend Period for Filing Preliminary Conference Brief* of Protestant Tolentino as a motion for postponement is likewise a prohibited pleading under Rule 28 of the 2013 Rules of the Tribunal.

The parties are reminded that their failure to file the brief or filing a brief which does not comply with the required contents shall have the same effect as failure to appear at the preliminary conference.

**SO ORDERED.**

**29 September 2016.**

  
TERESITA J. LEONARDO-DE CASTRO

Associate Justice  
Acting Chairperson

  
ARTURO D. BRION

Associate Justice  
Member



CYNTHIA A. VILLAR

Senator  
Member