



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.

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RESOLUTION NO. 16-11

The Tribunal resolves to **CONFIRM** the following resolutions issued by the Executive Committee:

1. **Resolution No. 16-09** dated 29 September 2016, which **GRANTED** the request of the Commission on Elections First Division to take prior temporary custody of the ballots boxes and their contents, recount of ballots, other election documents and paraphernalia, including the lists of voters such as the Election Day Computerized Voter's List (EDCVL), Voter's Registration Record (VRR) and Book of Voters (BOV), as well as the data storage devices used in the 09 May 2016 election for the position of Mayor of Marawi City in the protested and counter-protested precincts in EPC No. 2016-31 (Omar "Solitario" M. Ali versus Majul U. Gandamra); and **REQUIRED** the Commission on Elections First Division to ensure that the Books of Voters are ready for transfer to the Tribunal once the need for them arises.

2. **Resolution No. 16-10** dated 29 September 2016, which:

a. **GRANTED** the *Clarificatory Motion* of Protestee de Lima, by stating that 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. **DENIED** Protestee de Lima's *Motion to Dismiss* for being a prohibited motion under Rule 28 of the 2013 Rules of the Tribunal;
- c. **DIRECTED** 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. **DENIED** the *Motion to Expunge Protestee's Verified Answer to the Amended Election Protest* of Protestant Tolentino, 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. **DENIED** 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; and **REMINDED** the parties 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.

06 October 2016



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

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

Arturo D. Brion
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
ANTONIO "SONNY" F. TRILLANES IV
 Senator
 Member