



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. 16-18

Before the Tribunal is the *Urgent Clarificatory Manifestation and Motion* filed by Protestant Tolentino on 28 November 2016, stating that he received a copy of Resolution No. 16-17 on 24 November 2016, which directed, among others:

- a) The Commission on Elections (COMELEC) to retain custody and possession of, and to safeguard and preserve the (i) 6 CCS Laptops and 45 Vote Counting Machines (VCMs) enumerated in Protestant's *Manifestation* dated 18 November 2016, and the (ii) 106 VCMs and 106 SD Cards enumerated in Protestant's *Motion* dated 18 November 2016; and
- b) Protestant to deposit with the Tribunal, not later than 29 November 2016, the amount of Three Million Three Hundred Fifteen Thousand Seven Hundred Eighty Five and 36/100 Pesos (Php3,315,785.36), representing the cost of said machines and equipment computed as follows:

6 CCS Laptops at P29,909.16 each	=	₱ 179,454.96
45 VCMs at P20,770.40 each	=	934,668.00
106 VCMs at P20,770.40 each	=	<u>2,201,662.40</u>
TOTAL	=	₱3,315,785.36 =====

Protestant admits that when he informed the Tribunal of his intention for the COMELEC to retain custody and possession of the 45 VCMs and 6 CCS Laptops enumerated in his *Manifestation*, he failed to consider the effect of such *Manifestation* on his *Motion*, i.e., that by conveying to the Tribunal his intention that the COMELEC retain custody and possession of only the 45 VCMs and 6 CCS Laptops, he was likewise foregoing the inclusion of the 106 VCMs in the Precautionary Order.

By way of clarification, Protestant states that he is foregoing the inclusion in the Precautionary Order of only the 106 VCMs referred to in Resolution No. 16-17, but not the 106 SD Cards enumerated in his *Motion*, in addition to all the SD Cards that were already included in the Precautionary Order prior to the issuance of Resolution No. 16-17.

Protestant therefore moves that the Tribunal direct the COMELEC to retain custody and possession of, and to safeguard and preserve, only the 106 SD Cards found in the 106 VCMs enumerated in Protestant's *Motion*, in addition to the 6 CCS Laptops and 45 VCMs enumerated in Protestant's *Manifestation*.

Protestant undertakes to deposit with the Tribunal, not later than 01 December 2016, the amount of only One Million One Hundred Fourteen Thousand One Hundred Twenty Two and 96/100 Pesos (Php1,114,122.96), instead of the amount of Three Million Three Hundred Fifteen Thousand Seven Hundred Eighty Five and 36/100 Pesos (Php3,315,785.36), representing the cost of the following:

6 CCS Laptops at P29,909.16 each	=	₱ 179,454.96
45 VCMs at P20,770.40 each	=	<u>934,668.00</u>
TOTAL	=	₱1,114,122.96 =====

ACTING ON THE FOREGOING, the Executive Committee of the Tribunal Resolves to **GRANT** Protestant Tolentino's motion. Resolution No. 16-17 is hereby **MODIFIED**.

The Commission on Elections is **DIRECTED** to retain custody and possession of, and to safeguard and preserve (i) 6 CCS Laptops and the 45 VCMs referred to in Protestant's *Manifestation* dated 18 November 2016, and (ii) the 106 SD Cards and other paraphernalia enumerated in Protestant's *Motion* dated 18 November 2016.

The Executive Committee **NOTES** the undertaking of Protestant Tolentino to deposit with the Tribunal the amount of One Million One Hundred Fourteen Thousand One Hundred Twenty Two and 96/100 Pesos (Php1,114,122.96), representing the cost of said election equipment and paraphernalia not later than 01 December 2016.

SO ORDERED.

29 November 2016.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO

Associate Justice
Member



ARTURO D. BRION

Associate Justice
Member