



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. 16-47

In a letter dated 22 April 2017, the Commission on Elections (Second Division) requests authority for the temporary prior custody of the ballot boxes and the contents therein, other election documents or paraphernalia, including the list of voters such as the Election Day Computerized Voter's List (EDCVL), Voter's Registration Records (VRR), and Book of Voters (BOV), as well as the data storage devices used in the 09 May 2016 Elections, and for the recount of ballots pertaining to two hundred (200) clustered precincts involved in EPC No. 2016-37 (*Abdusakur M. Tan vs. Mujiv S. Hataman*), an electoral protest for the position of Regional Governor, Autonomous Region of Muslim Mindanao (ARMM).

Records show that, of the 200 clustered precincts listed in the letter-request, the following clustered precincts are included in the Pilot Precincts of Protestant Tolentino, to wit:

Municipality of AKBAR, BASILAN			
	Barangay	Precinct ID Nos.	Clustered Precinct Nos.
1	Upper Sinagkapan	07080003	50A, 50B, 50C
2	Mangalut	07080011	69A, 70A, 70B

Municipality of SUMISIP, BASILAN			
	Barangay	Precinct ID Nos.	Clustered Precinct Nos.
1	Sumisip Central	07050001	1A, 2A, 2B
2	Sumisip Central	07050002	3A, 4A
3	Sahaya Bohe Bato	07050005	10A, 11A
4	Limbocondis	07050010	23A, 23B, 24A
5	Benembengan Lower	07050012	28A, 28B
6	Lukketon	07050017	38A, 39A, 40A, 41A, 41B, 41C
7	Marang	07050030	69A, 70A, 71A
8	Manaul	07050032	74A, 75A, 76A, 77A, 77B

Municipality of TUBURAN, BASILAN			
	Barangay	Precinct ID Nos.	Clustered Precinct Nos.
1	Calut	07070008	46A, 47A

Municipality of TABUAN-LASA, BASILAN			
	Barangay	Precinct ID Nos.	Clustered Precinct Nos.
1	Balanting	07130013	23A, 23B, 24A, 25A, 25B
2	Pisak-Pisak	07130019	35A, 35B, 36A

Municipality of BARIRA, MAGUINDANAO			
	Barangay	Precinct ID Nos.	Clustered Precinct Nos.
1	Minabay	38180017	40A, 41A, 42A, 43A

Municipality of DATU ODIN SINSUAT (DINAIG), MAGUINDANAO			
	Barangay	Precinct ID Nos.	Clustered Precinct Nos.
1	Ambolodto	38070009	32A, 32B, 33A
2	Ambolodto	38070010	33B, 34A
3	Bagoenged	38070024	70A, 70B, 71A
4	Bagoenged	38070025	72A, 73A, 73B

While the Senate Electoral Tribunal (SET), under COMELEC Resolution No. 2812, dated 17 October 1995, enjoys preference over the COMELEC, in the custody and revision of ballots and election documents, SET had, in the past, allowed the other adjudicatory bodies like the COMELEC, the House of Representatives Electoral Tribunal (HRET), and the Regional Trial Courts, subject to certain conditions, to take prior custody of the ballot boxes and election documents for revision and appreciation purposes in the protests pending before them considering that the term of office being contested is limited to three (3) years.

Per SET timetable, revision of the ballots in the above-enumerated clustered precincts will be undertaken in August 2017. Such being the case, allowing the COMELEC (Second Division) temporary prior custody of the requested ballot boxes and other election documents or paraphernalia, including the list of voters as well as the data storage devices used in the 09 May 2016 Elections, and to recount the ballots subject of the protest pending before it, will not cause any delay in the resolution of the instant electoral protest, *provided, however*, that said ballot boxes must be made available for transfer to the Tribunal not later than 01 August 2017; *provided, further*, that no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest.

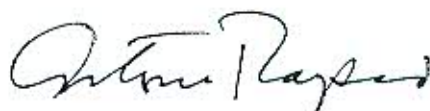
WHEREFORE, the Executive Committee of the Tribunal resolves to **GRANT** the request of the Commission on Elections (Second Division) for temporary prior custody of the above-enumerated ballot boxes and the contents therein, other election documents or paraphernalia, including the list of voters such as the Election Day Computerized Voter's List (EDCVL), Voter's Registration Records (VRR), and Book of Voters (BOV), as well as the data storage devices used in the 09 May 2016 Elections for its use in connection with EPC No. 2016-37 (*Abdusakur M. Tan vs. Mujiv S. Hataman*). However, no revision of the ballots shall be conducted without prior notice to the parties in the instant election protest.

The COMELEC (Second Division) shall take such measures to safeguard and preserve the integrity of the subject ballots and election documents and materials and

shall further ensure that the same are ready for transfer to the Tribunal on 01 August 2017.

SO ORDERED.

09 May 2017.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Member



LUCAS P. BERSAMIN
Associate Justice
Member